

AN ACT concerning safety.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 3. The Illinois State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-625 as follows:

(20 ILCS 2605/2605-625 new)

Sec. 2605-625. Analysis and report of cumulative data concerning stolen firearms or firearms with obliterated serial numbers that were used or alleged to have been used in the commission of offenses. The Illinois State Police shall conduct an analysis of the cumulative data regarding the disposition of cases involving a stolen firearm or a firearm with an obliterated serial number that was used or alleged to have been used in the commission of an offense and make that information available on the Illinois State Police publicly accessible databases. The Illinois State Police shall publish the results of its analysis in a report to the General Assembly, Governor, and Attorney General and shall make the report available on its website.

Section 4. The Criminal Identification Act is amended by changing Section 2.1 as follows:

(20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

Sec. 2.1. For the purpose of maintaining complete and accurate criminal records of the Illinois State Police, it is necessary for all policing bodies of this State, the clerk of the circuit court, the Illinois Department of Corrections, the sheriff of each county, and State's Attorney of each county to submit certain criminal arrest, charge, and disposition information to the Illinois State Police for filing at the earliest time possible. Unless otherwise noted herein, it shall be the duty of all policing bodies of this State, the clerk of the circuit court, the Illinois Department of Corrections, the sheriff of each county, and the State's Attorney of each county to report such information as provided in this Section, both in the form and manner required by the Illinois State Police and within 30 days of the criminal history event. Specifically:

(a) Arrest Information. All agencies making arrests for offenses which are required by statute to be collected, maintained or disseminated by the Illinois State Police shall be responsible for furnishing daily to the Illinois State Police fingerprints, charges and descriptions of all persons who are arrested for such offenses. All such agencies shall also notify the Illinois State Police of all decisions by the arresting agency not to refer such arrests for prosecution. With approval of

the Illinois State Police, an agency making such arrests may enter into arrangements with other agencies for the purpose of furnishing daily such fingerprints, charges and descriptions to the Illinois State Police upon its behalf.

(b) Charge Information. The State's Attorney of each county shall notify the Illinois State Police of all charges filed and all petitions filed alleging that a minor is delinquent, including all those added subsequent to the filing of a case, and whether charges were not filed in cases for which the Illinois State Police has received information required to be reported pursuant to paragraph (a) of this Section. With approval of the Illinois State Police, the State's Attorney may enter into arrangements with other agencies for the purpose of furnishing the information required by this subsection (b) to the Illinois State Police upon the State's Attorney's behalf.

(c) Disposition Information. The clerk of the circuit court of each county shall furnish the Illinois State Police, in the form and manner required by the Supreme Court, with all final dispositions of cases for which the Illinois State Police has received information required to be reported pursuant to paragraph (a) or (d) of this Section. Such information shall include, for each charge, all (1) judgments of not guilty, judgments of guilty including the sentence pronounced by the court with statutory citations to the relevant sentencing provision,

findings that a minor is delinquent and any sentence made based on those findings, discharges and dismissals in the court; (2) reviewing court orders filed with the clerk of the circuit court which reverse or remand a reported conviction or findings that a minor is delinquent or that vacate or modify a sentence or sentence made following a trial that a minor is delinquent; (3) continuances to a date certain in furtherance of an order of supervision granted under Section 5-6-1 of the Unified Code of Corrections or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Substance Use Disorder Act, Section 10 of the Steroid Control Act, or Section 5-615 of the Juvenile Court Act of 1987; ~~and~~ (4) judgments or court orders terminating or revoking a sentence to or juvenile disposition of probation, supervision or conditional discharge and any resentencing or new court orders entered by a juvenile court relating to the disposition of a minor's case involving delinquency after such revocation; and (5) in any case in which a firearm is alleged to have been used in the commission of

an offense, the serial number of any firearm involved in the case, or if the serial number was obliterated, as provided by the State's Attorney to the clerk of the circuit court at the time of disposition.

(d) Fingerprints After Sentencing.

(1) After the court pronounces sentence, sentences a minor following a trial in which a minor was found to be delinquent or issues an order of supervision or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Substance Use Disorder Act, Section 10 of the Steroid Control Act, or Section 5-615 of the Juvenile Court Act of 1987 for any offense which is required by statute to be collected, maintained, or disseminated by the Illinois State Police, the State's Attorney of each county shall ask the court to order a law enforcement agency to fingerprint immediately all persons appearing before the court who have not previously been fingerprinted for the same case. The court shall so order the requested fingerprinting, if

it determines that any such person has not previously been fingerprinted for the same case. The law enforcement agency shall submit such fingerprints to the Illinois State Police daily.

(2) After the court pronounces sentence or makes a disposition of a case following a finding of delinquency for any offense which is not required by statute to be collected, maintained, or disseminated by the Illinois State Police, the prosecuting attorney may ask the court to order a law enforcement agency to fingerprint immediately all persons appearing before the court who have not previously been fingerprinted for the same case. The court may so order the requested fingerprinting, if it determines that any so sentenced person has not previously been fingerprinted for the same case. The law enforcement agency may retain such fingerprints in its files.

(e) Corrections Information. The Illinois Department of Corrections and the sheriff of each county shall furnish the Illinois State Police with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency or discharge of an individual who has been sentenced or committed to the agency's custody for any offenses which are mandated by statute to be collected, maintained or disseminated by the Illinois

State Police. For an individual who has been charged with any such offense and who escapes from custody or dies while in custody, all information concerning the receipt and escape or death, whichever is appropriate, shall also be so furnished to the Illinois State Police.

(Source: P.A. 102-538, eff. 8-20-21.)

Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 8.1, 10, and 11 and by adding Section 15c as follows:

(430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

Sec. 8.1. Notifications to the Illinois State Police.

(a) The Circuit Clerk shall, in the form and manner required by the Supreme Court, notify the Illinois State Police of all final dispositions of cases for which the Department has received information reported to it under Sections 2.1 and 2.2 of the Criminal Identification Act.

(b) Upon adjudication of any individual as a person with a mental disability as defined in Section 1.1 of this Act or a finding that a person has been involuntarily admitted, the court shall direct the circuit court clerk to immediately notify the Illinois State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

(b-1) Beginning July 1, 2016, and each July 1 and December

30 of every year thereafter, the circuit court clerk shall, in the form and manner prescribed by the Illinois State Police, notify the Illinois State Police, Firearm Owner's Identification (FOID) department if the court has not directed the circuit court clerk to notify the Illinois State Police, Firearm Owner's Identification (FOID) department under subsection (b) of this Section, within the preceding 6 months, because no person has been adjudicated as a person with a mental disability by the court as defined in Section 1.1 of this Act or if no person has been involuntarily admitted. The Supreme Court may adopt any orders or rules necessary to identify the persons who shall be reported to the Illinois State Police under subsection (b), or any other orders or rules necessary to implement the requirements of this Act.

(c) The Department of Human Services shall, in the form and manner prescribed by the Illinois State Police, report all information collected under subsection (b) of Section 12 of the Mental Health and Developmental Disabilities Confidentiality Act for the purpose of determining whether a person who may be or may have been a patient in a mental health facility is disqualified under State or federal law from receiving or retaining a Firearm Owner's Identification Card, or purchasing a weapon.

(d) If a person is determined to pose a clear and present danger to himself, herself, or to others:

(1) by a physician, clinical psychologist, or

qualified examiner, or is determined to have a developmental disability by a physician, clinical psychologist, or qualified examiner, whether employed by the State or privately, then the physician, clinical psychologist, or qualified examiner shall, within 24 hours of making the determination, notify the Department of Human Services that the person poses a clear and present danger or has a developmental disability; or

(2) by a law enforcement official or school administrator, then the law enforcement official or school administrator shall, within 24 hours of making the determination, notify the Illinois State Police that the person poses a clear and present danger.

The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall under paragraph (1) of subsection (d) of this Section notify the Illinois State Police in a form and manner prescribed by the Illinois State Police. The Illinois State Police shall deny the application or suspend or ~~determine whether to~~ revoke the person's Firearm Owner's Identification Card under Section 8 of this Act. Any information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 and subsection (c-5) or (f) of Section 10 of this Act, nor used for any other purpose. The method of providing

this information shall guarantee that the information is not released beyond what is necessary for the purpose of these Sections. Reports from the Department of Human Services ~~this Section and~~ shall be provided by rule by the Department of Human Services. The identity of the person reporting under paragraph (1) of subsection (d) of this Section shall only not be disclosed to the subject of the report if required by the Board or a court with jurisdiction consistent with proceedings under subsections (c-5) or (f) of Section 10 of this Act.

The law enforcement official or school administrator under paragraph (2) of subsection (d) of this Section shall notify the Illinois State Police in the form and manner prescribed by the Illinois State Police. The Illinois State Police shall determine whether to deny the application or suspend or revoke the person's Firearm Owner's Identification Card under Section 8 of this Act. Any information disclosed under this subsection shall remain confidential and shall not be redisclosed or used for any other purpose except as required under subsection (e) of Section 3.1 and subsection (c-5) or (f) of Section 10 of this Act. The method of providing this information shall guarantee that the information is not released beyond what is necessary for the purpose of these Sections. The identity of the person reporting under paragraph (2) of subsection (d) of this Section shall be disclosed only to the subject of the report if required by the Board or a court with jurisdiction consistent with proceedings under subsection (c-5) or (f) of

Section 10 this Act.

The physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

(e) The Illinois State Police shall adopt rules to implement this Section.

(Source: P.A. 102-538, eff. 8-20-21.)

(430 ILCS 65/10) (from Ch. 38, par. 83-10)

Sec. 10. Appeals; hearing; relief from firearm prohibitions.

(a) Whenever an application for a Firearm Owner's Identification Card is denied or whenever such a Card is suspended or revoked ~~or seized~~ as provided for in Section 8, 8.2, or 8.3 of this Act, upon complying with the requirements of Section 9.5 of the Act, the aggrieved party may (1) file a record challenge with the Director regarding the record upon which the decision to deny or revoke the Firearm Owner's Identification Card was based under subsection (a-5); or (2) appeal to the Director of the Illinois State Police through December 31, 2022, or beginning January 1, 2023, the Firearm Owner's Identification Card Review Board for a hearing seeking relief from such denial, suspension, or revocation unless the

denial, suspension, or revocation was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing seeking relief from such denial or revocation.

(a-5) There is created a Firearm Owner's Identification Card Review Board to consider any appeal under subsection (a) beginning January 1, 2023, other than an appeal directed to the circuit court and except when the applicant is challenging the record upon which the decision to deny or revoke was based as provided in subsection (a-10).

(0.05) In furtherance of the policy of this Act that the Board shall exercise its powers and duties in an independent manner, subject to the provisions of this Act but free from the direction, control, or influence of any other agency or department of State government. All expenses and liabilities incurred by the Board in the performance of its responsibilities hereunder shall be paid from funds which shall be appropriated to the Board

by the General Assembly for the ordinary and contingent expenses of the Board.

(1) The Board shall consist of 7 members appointed by the Governor, with the advice and consent of the Senate, with 3 members residing within the First Judicial District and one member residing within each of the 4 remaining Judicial Districts. No more than 4 members shall be members of the same political party. The Governor shall designate one member as the chairperson. The members shall have actual experience in law, education, social work, behavioral sciences, law enforcement, or community affairs or in a combination of those areas.

(2) The terms of the members initially appointed after January 1, 2022 (the effective date of Public Act 102-237) shall be as follows: one of the initial members shall be appointed for a term of one year, 3 shall be appointed for terms of 2 years, and 3 shall be appointed for terms of 4 years. Thereafter, members shall hold office for 4 years, with terms expiring on the second Monday in January immediately following the expiration of their terms and every 4 years thereafter. Members may be reappointed. Vacancies in the office of member shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. The Governor may remove a member for incompetence, neglect of duty, malfeasance, or inability to serve. Members shall receive compensation in

an amount equal to the compensation of members of the Executive Ethics Commission and, beginning July 1, 2023, shall be compensated from appropriations provided to the Comptroller for this purpose. Members may be reimbursed, from funds appropriated for such a purpose, for reasonable expenses actually incurred in the performance of their Board duties. The Illinois State Police shall designate an employee to serve as Executive Director of the Board and provide logistical and administrative assistance to the Board.

(3) The Board shall meet at least quarterly each year and at the call of the chairperson as often as necessary to consider appeals of decisions made with respect to applications for a Firearm Owner's Identification Card under this Act. If necessary to ensure the participation of a member, the Board shall allow a member to participate in a Board meeting by electronic communication. Any member participating electronically shall be deemed present for purposes of establishing a quorum and voting.

(4) The Board shall adopt rules for the review of appeals and the conduct of hearings. The Board shall maintain a record of its decisions and all materials considered in making its decisions. All Board decisions and voting records shall be kept confidential and all materials considered by the Board shall be exempt from inspection except upon order of a court.

(5) In considering an appeal, the Board shall review the materials received concerning the denial or revocation by the Illinois State Police. By a vote of at least 4 members, the Board may request additional information from the Illinois State Police or the applicant or the testimony of the Illinois State Police or the applicant. The Board may require that the applicant submit electronic fingerprints to the Illinois State Police for an updated background check if the Board determines it lacks sufficient information to determine eligibility. The Board may consider information submitted by the Illinois State Police, a law enforcement agency, or the applicant. The Board shall review each denial or revocation and determine by a majority of members whether an applicant should be granted relief under subsection (c).

(6) The Board shall by order issue summary decisions. The Board shall issue a decision within 45 days of receiving all completed appeal documents from the Illinois State Police and the applicant. However, the Board need not issue a decision within 45 days if:

(A) the Board requests information from the applicant, including, but not limited to, electronic fingerprints to be submitted to the Illinois State Police, in accordance with paragraph (5) of this subsection, in which case the Board shall make a decision within 30 days of receipt of the required

information from the applicant;

(B) the applicant agrees, in writing, to allow the Board additional time to consider an appeal; or

(C) the Board notifies the applicant and the Illinois State Police that the Board needs an additional 30 days to issue a decision. The Board may only issue 2 extensions under this subparagraph (C). The Board's notification to the applicant and the Illinois State Police shall include an explanation for the extension.

(7) If the Board determines that the applicant is eligible for relief under subsection (c), the Board shall notify the applicant and the Illinois State Police that relief has been granted and the Illinois State Police shall issue the Card.

(8) Meetings of the Board shall not be subject to the Open Meetings Act and records of the Board shall not be subject to the Freedom of Information Act.

(9) The Board shall report monthly to the Governor and the General Assembly on the number of appeals received and provide details of the circumstances in which the Board has determined to deny Firearm Owner's Identification Cards under this subsection (a-5). The report shall not contain any identifying information about the applicants.

(a-10) Whenever an applicant or cardholder is not seeking relief from a firearms prohibition under subsection (c) but

rather does not believe the applicant is appropriately denied or revoked and is challenging the record upon which the decision to deny or revoke the Firearm Owner's Identification Card was based, or whenever the Illinois State Police fails to act on an application within 30 days of its receipt, the applicant shall file such challenge with the Director. The Director shall render a decision within 60 business days of receipt of all information supporting the challenge. The Illinois State Police shall adopt rules for the review of a record challenge.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing, the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Illinois State Police to issue a Card. However, the court shall not issue the order if the petitioner is otherwise prohibited from obtaining, possessing, or using a firearm under federal law.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Firearm Owner's Identification Card Review Board or petition the circuit court in the county

where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Board or court may grant such relief if it is established by the applicant to the court's or the Board's satisfaction that:

(0.05) when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

(1) the applicant has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;

(2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety;

(3) granting relief would not be contrary to the public interest; and

(4) granting relief would not be contrary to federal law.

(c-5) (1) An active law enforcement officer employed by a

unit of government or a Department of Corrections employee authorized to possess firearms who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of Section 8 of this Act may apply to the Firearm Owner's Identification Card Review Board requesting relief if the officer or employee did not act in a manner threatening to the officer or employee, another person, or the public as determined by the treating clinical psychologist or physician, and as a result of his or her work is referred by the employer for or voluntarily seeks mental health evaluation or treatment by a licensed clinical psychologist, psychiatrist, or qualified examiner, and:

(A) the officer or employee has not received treatment involuntarily at a mental health facility, regardless of the length of admission; or has not been voluntarily admitted to a mental health facility for more than 30 days and not for more than one incident within the past 5 years; and

(B) the officer or employee has not left the mental institution against medical advice.

(2) The Firearm Owner's Identification Card Review Board shall grant expedited relief to active law enforcement officers and employees described in paragraph (1) of this subsection (c-5) upon a determination by the Board that the officer's or employee's possession of a firearm does not present a threat to themselves, others, or public safety. The

Board shall act on the request for relief within 30 business days of receipt of:

(A) a notarized statement from the officer or employee in the form prescribed by the Board detailing the circumstances that led to the hospitalization;

(B) all documentation regarding the admission, evaluation, treatment and discharge from the treating licensed clinical psychologist or psychiatrist of the officer;

(C) a psychological fitness for duty evaluation of the person completed after the time of discharge; and

(D) written confirmation in the form prescribed by the Board from the treating licensed clinical psychologist or psychiatrist that the provisions set forth in paragraph (1) of this subsection (c-5) have been met, the person successfully completed treatment, and their professional opinion regarding the person's ability to possess firearms.

(3) Officers and employees eligible for the expedited relief in paragraph (2) of this subsection (c-5) have the burden of proof on eligibility and must provide all information required. The Board may not consider granting expedited relief until the proof and information is received.

(4) "Clinical psychologist", "psychiatrist", and "qualified examiner" shall have the same meaning as provided in Chapter I of the Mental Health and Developmental

Disabilities Code.

(5) No later than January 1, 2026, the Firearm Owner's Identification Card Review Board shall establish a process by which any person who is subject to the provisions of subsection (f) of Section 8 of this Act may request expedited review from the Firearm Owner's Identification Card Review Board.

(A) The Board shall disclose to an individual requesting an expedited review any information relating to the individual that was provided by the Department under subsection (d) of Section 8.1, subject to redactions.

(B) The individual requesting expedited review may submit to the Firearm Owner's Identification Card Review Board an objection to any redaction made pursuant to subparagraph (A) of paragraph (5) of subsection (c-5) of this Section. The objection must specify the basis for the individual's belief that the redacted information is necessary for a full and fair review.

(C) In determining whether information should be unredacted, the Board may consider any relevant factor, including, but not limited to, (i) the extent to which the disclosure of such information is necessary to provide the individual with a meaningful opportunity to understand, respond to, or rebut evidence for the basis for the denial or revocation and (ii) the safety and well-being of any person who, directly or indirectly, is the source or

reporter of such information.

(D) The Board, Illinois State Police, or the employees and agents of the Board and Illinois State Police participating in this process under this Act shall not be held liable for damages in any civil action arising from the disclosure or non-disclosure of the information released to an individual as part of this process.

(c-10) (1) An applicant, who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of Section 8 of this Act based upon a determination of a developmental disability or an intellectual disability may apply to the Firearm Owner's Identification Card Review Board requesting relief.

(2) The Board shall act on the request for relief within 60 business days of receipt of written certification, in the form prescribed by the Board, from a physician or clinical psychologist, or qualified examiner, that the aggrieved party's developmental disability or intellectual disability condition is determined by a physician, clinical psychologist, or qualified to be mild. If a fact-finding conference is scheduled to obtain additional information concerning the circumstances of the denial or revocation, the 60 business days the Director has to act shall be tolled until the completion of the fact-finding conference.

(3) The Board may grant relief if the aggrieved party's developmental disability or intellectual disability is mild as

determined by a physician, clinical psychologist, or qualified examiner and it is established by the applicant to the Board's satisfaction that:

(A) granting relief would not be contrary to the public interest; and

(B) granting relief would not be contrary to federal law.

(4) The Board may not grant relief if the condition is determined by a physician, clinical psychologist, or qualified examiner to be moderate, severe, or profound.

(5) The changes made to this Section by Public Act 99-29 apply to requests for relief pending on or before July 10, 2015 (the effective date of Public Act 99-29), except that the 60-day period for the Director to act on requests pending before the effective date shall begin on July 10, 2015 (the effective date of Public Act 99-29). All appeals as provided in subsection (a-5) pending on January 1, 2023 shall be considered by the Board.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Illinois State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the

adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Illinois State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is subject to the disabilities of 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 because of an adjudication or commitment that occurred under the laws of this State or who was determined to be subject to the provisions of subsections (e), (f), or (g) of Section 8 of this Act may apply to the Board ~~Illinois State Police~~ requesting relief from that prohibition. The Board shall grant the relief if it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest. In making this determination, the Board shall receive evidence concerning (i) the circumstances regarding the firearms disabilities from which relief is sought; (ii) the petitioner's mental health and criminal history records, if any; (iii) the petitioner's reputation, developed at a minimum through character witness statements, testimony, or other character evidence; and (iv) changes in the petitioner's condition or circumstances since the disqualifying events relevant to the relief sought. Notwithstanding any other provision of this Act or any other

law to the contrary, the Illinois State Police shall provide the Board or any court with jurisdiction with all records relevant to the request for relief under Section 8.1. If relief is granted under this subsection or by order of a court under this Section, the Director shall as soon as practicable but in no case later than 15 business days, update, correct, modify, or remove the person's record in any database that the Illinois State Police makes available to the National Instant Criminal Background Check System and notify the United States Attorney General that the basis for the record being made available no longer applies. The Illinois State Police shall adopt rules for the administration of this Section.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 102-1129, eff. 2-10-23; 103-605, eff. 7-1-24.)

(430 ILCS 65/11) (from Ch. 38, par. 83-11)

Sec. 11. Judicial review of final administrative decisions.

(a) All final administrative decisions of the Firearm Owner's Identification Card Review Board under this Act, including final administrative decisions of the Firearm Owner's Identification Card Review Board made under the expedited review process established under paragraph (5) of subsection (c-5) of Section 10 of this Act, except final administrative decisions of the Firearm Owner's Identification

Card Review Board to deny a person's application for relief under subsection (f) of Section 10 of this Act, shall be subject to judicial review under the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. The Illinois State Police or the individual seeking expedited relief may seek judicial review upon receipt of a final administrative decision under paragraph (5) of subsection (c-5) of Section 10 of this Act.

(b) Any final administrative decision by the Firearm Owner's Identification Card Review Board to deny a person's application for relief under subsection (f) of Section 10 of this Act is subject to de novo judicial review by the circuit court, and any party may offer evidence that is otherwise proper and admissible without regard to whether that evidence is part of the administrative record.

(c) The Firearm Owner's Identification Card Review Board shall submit a report to the General Assembly on March 1 of each year, beginning March 1, 1991, listing all final decisions by a court of this State upholding, reversing, or reversing in part any administrative decision made by the Firearm Owner's Identification Card Review Board ~~Illinois State Police~~.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;

102-813, eff. 5-13-22.)

(430 ILCS 65/15c new)

Sec. 15c. Civil immunity; Board, employees, and agents.
The Board and its employees and agents who participate in the
process established under this Act and the Illinois State
Police and its employees and agents who participate in the
process established under this Act shall not be held liable
for damages in any civil action arising from the alleged
wrongful or improper granting, denying, renewing, revoking,
suspending, or failing to grant, deny, renew, revoke, or
suspend a Firearm Owner's Identification Card.

Section 6. If and only if Senate Bill 8 of the 104th General Assembly becomes law in the form in which it passed the Senate on April 10, 2025, then the Unified Code of Corrections is amended by changing Section 5-4-1 as follows:

(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

Sec. 5-4-1. Sentencing hearing.

(a) After a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional

evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court shall make a specific finding about whether the defendant is eligible for participation in a Department impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an explanation as to why a sentence to impact incarceration is not an appropriate sentence. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:

(1) consider the evidence, if any, received upon the trial;

(2) consider any presentence reports;

(3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;

(4) consider evidence and information offered by the parties in aggravation and mitigation;

(4.5) consider substance abuse treatment, eligibility

screening, and an assessment, if any, of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;

(5) hear arguments as to sentencing alternatives;

(6) afford the defendant the opportunity to make a statement in his own behalf;

(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, the opportunity to present an oral or written statement, as guaranteed by Article I, Section 8.1 of the Illinois Constitution and provided in Section 6 of the Rights of Crime Victims and Witnesses Act. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral or written statement. An oral or written statement includes the victim or a representative of the victim reading the written statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of the Rights of Crime Victims and Witnesses Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. All statements offered under this paragraph (7) shall become part of the record of the court. In this paragraph (7), "victim of a violent crime" means a person who is a victim of a violent

crime for which the defendant has been convicted after a bench or jury trial or a person who is the victim of a violent crime with which the defendant was charged and the defendant has been convicted under a plea agreement of a crime that is not a violent crime as defined in subsection (c) of 3 of the Rights of Crime Victims and Witnesses Act;

(7.5) afford a qualified person affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of Section 55 or Section 65 of the Methamphetamine Control and Community Protection Act; or (ii) a Class 4 felony violation of Section 11-14, 11-14.3 except as described in subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961 or the Criminal Code of 2012, committed by the defendant the opportunity to make a statement concerning the impact on the qualified person and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation shall first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Sworn testimony offered by the qualified person is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7.5) shall become part of the record of the court. In this paragraph (7.5), "qualified person" means any person who: (i) lived

or worked within the territorial jurisdiction where the offense took place when the offense took place; or (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. "Qualified person" includes any peace officer or any member of any duly organized State, county, or municipal peace officer unit assigned to the territorial jurisdiction where the offense took place when the offense took place;

(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements;

(9) in cases involving a felony sex offense as defined under the Sex Offender Management Board Act, consider the results of the sex offender evaluation conducted pursuant to Section 5-3-2 of this Act; and

(10) make a finding of whether a motor vehicle was used in the commission of the offense for which the defendant is being sentenced. ~~and~~

~~(11) make a finding of whether a firearm with a serial number reported as stolen on the Illinois State Police publicly accessible stolen firearms database was used in the commission of the offense for which the defendant is being sentenced.~~

(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and

any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(b-1) In imposing a sentence of imprisonment or periodic imprisonment for a Class 3 or Class 4 felony for which a sentence of probation or conditional discharge is an available sentence, if the defendant has no prior sentence of probation or conditional discharge and no prior conviction for a violent crime, the defendant shall not be sentenced to imprisonment before review and consideration of a presentence report and determination and explanation of why the particular evidence, information, factor in aggravation, factual finding, or other reasons support a sentencing determination that one or more of the factors under subsection (a) of Section 5-6-1 of this Code apply and that probation or conditional discharge is not an appropriate sentence.

(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, or a similar provision of a local

ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall specify on the record the particular evidence, information, factors in mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-1.5) Notwithstanding any other provision of law to the contrary, in imposing a sentence for an offense that requires a mandatory minimum sentence of imprisonment, the court may instead sentence the offender to probation, conditional discharge, or a lesser term of imprisonment it deems appropriate if: (1) the offense involves the use or possession of drugs, retail theft, or driving on a revoked license due to unpaid financial obligations; (2) the court finds that the defendant does not pose a risk to public safety; and (3) the interest of justice requires imposing a term of probation, conditional discharge, or a lesser term of imprisonment. The

court must state on the record its reasons for imposing probation, conditional discharge, or a lesser term of imprisonment.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for sentence credit found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(4) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her sentence credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional earned

sentence credit. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day sentence credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176), and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code

committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is entitled to no more than 4 1/2 days of sentence credit for each month of his or her sentence of imprisonment. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."

When a sentence of imprisonment is imposed for first degree murder and the offense was committed on or after June 19, 1998, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of

prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to sentence credit. Therefore, this defendant will serve 100% of his or her sentence."

When the sentencing order recommends placement in a substance abuse program for any offense that results in incarceration in a Department of Corrections facility and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the judge's statement, in addition to any other judge's statement required under this Section, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant shall receive no earned sentence credit under clause (3) of subsection (a) of Section 3-6-3 until he or she participates in and completes a substance abuse treatment program or receives a waiver from the Director of Corrections pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

(c-4) Before the sentencing hearing and as part of the

presentence investigation under Section 5-3-1, the court shall inquire of the defendant whether the defendant is currently serving in or is a veteran of the Armed Forces of the United States. If the defendant is currently serving in the Armed Forces of the United States or is a veteran of the Armed Forces of the United States and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may:

- (1) order that the officer preparing the presentence report consult with the United States Department of Veterans Affairs, Illinois Department of Veterans' Affairs, or another agency or person with suitable knowledge or experience for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, State, and local programming; and

- (2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence.

For the purposes of this subsection (c-4), "qualified psychiatrist" means a reputable physician licensed in Illinois to practice medicine in all its branches, who has specialized in the diagnosis and treatment of mental and nervous disorders for a period of not less than 5 years.

- (c-6) In imposing a sentence, the trial judge shall

specify, on the record, the particular evidence and other reasons which led to his or her determination that a motor vehicle was used in the commission of the offense.

(c-7) In imposing a sentence for a Class 3 or 4 felony, other than a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, the court shall determine and indicate in the sentencing order whether the defendant has 4 or more or fewer than 4 months remaining on his or her sentence accounting for time served.

(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the defendant is committed, the following:

(1) the sentence imposed;

(2) any statement by the court of the basis for imposing the sentence;

(3) any presentence reports;

(3.3) the person's last known complete street address prior to incarceration or legal residence, the person's race, whether the person is of Hispanic or Latino origin, and whether the person is 18 years of age or older;

(3.5) any sex offender evaluations;

(3.6) any substance abuse treatment eligibility screening and assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;

(4) the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;

(4.1) any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);

(5) all statements filed under subsection (d) of this Section;

(6) any medical or mental health records or summaries

of the defendant;

(7) the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;

(8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and

(9) all additional matters which the court directs the clerk to transmit.

(f) In cases in which the court finds that a motor vehicle was used in the commission of the offense for which the defendant is being sentenced, the clerk of the court shall, within 5 days thereafter, forward a report of such conviction to the Secretary of State.

~~(g) In cases in which the court finds that a firearm with a serial number reported as stolen on the Illinois State Police publicly accessible database was used in the commission of the offense for which the defendant is being sentenced, the clerk of the court shall, within 5 days thereafter, forward a report of such conviction to the Illinois State Police Division of Justice Services.~~

(Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24; 103-51, eff. 1-1-24; 103-605, eff. 7-1-24; 10400SB0008eng.)

Section 99. Effective date. This Act takes effect upon becoming law, except that Sections 3 and 4 take effect on January 1, 2026 and Section 6 takes effect upon becoming law or on the date Senate Bill 8 of the 104th General Assembly takes

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effect, whichever is later.