

HB1067



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1067

Introduced 1/9/2025, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

See Index

Repeals the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes. Effective immediately.

LRB104 06020 BDA 16053 b

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 3. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do
16 not require the holding of a closed meeting to discuss a
17 subject included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees, specific individuals who serve as independent
23 contractors in a park, recreational, or educational

1 setting, or specific volunteers of the public body or
2 legal counsel for the public body, including hearing
3 testimony on a complaint lodged against an employee, a
4 specific individual who serves as an independent
5 contractor in a park, recreational, or educational
6 setting, or a volunteer of the public body or against
7 legal counsel for the public body to determine its
8 validity. However, a meeting to consider an increase in
9 compensation to a specific employee of a public body that
10 is subject to the Local Government Wage Increase
11 Transparency Act may not be closed and shall be open to the
12 public and posted and held in accordance with this Act.

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

17 (3) The selection of a person to fill a public office,
18 as defined in this Act, including a vacancy in a public
19 office, when the public body is given power to appoint
20 under law or ordinance, or the discipline, performance or
21 removal of the occupant of a public office, when the
22 public body is given power to remove the occupant under
23 law or ordinance.

24 (4) Evidence or testimony presented in open hearing,
25 or in closed hearing where specifically authorized by law,
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for
2 public inspection a written decision setting forth its
3 determinative reasoning.

4 (4.5) Evidence or testimony presented to a school
5 board regarding denial of admission to school events or
6 property pursuant to Section 24-24 of the School Code,
7 provided that the school board prepares and makes
8 available for public inspection a written decision setting
9 forth its determinative reasoning.

10 (5) The purchase or lease of real property for the use
11 of the public body, including meetings held for the
12 purpose of discussing whether a particular parcel should
13 be acquired.

14 (6) The setting of a price for sale or lease of
15 property owned by the public body.

16 (7) The sale or purchase of securities, investments,
17 or investment contracts. This exception shall not apply to
18 the investment of assets or income of funds deposited into
19 the Illinois Prepaid Tuition Trust Fund.

20 (8) Security procedures, school building safety and
21 security, and the use of personnel and equipment to
22 respond to an actual, a threatened, or a reasonably
23 potential danger to the safety of employees, students,
24 staff, the public, or public property.

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to
2 individual students.

3 (11) Litigation, when an action against, affecting or
4 on behalf of the particular public body has been filed and
5 is pending before a court or administrative tribunal, or
6 when the public body finds that an action is probable or
7 imminent, in which case the basis for the finding shall be
8 recorded and entered into the minutes of the closed
9 meeting.

10 (12) The establishment of reserves or settlement of
11 claims as provided in the Local Governmental and
12 Governmental Employees Tort Immunity Act, if otherwise the
13 disposition of a claim or potential claim might be
14 prejudiced, or the review or discussion of claims, loss or
15 risk management information, records, data, advice or
16 communications from or with respect to any insurer of the
17 public body or any intergovernmental risk management
18 association or self insurance pool of which the public
19 body is a member.

20 (13) Conciliation of complaints of discrimination in
21 the sale or rental of housing, when closed meetings are
22 authorized by the law or ordinance prescribing fair
23 housing practices and creating a commission or
24 administrative agency for their enforcement.

25 (14) Informant sources, the hiring or assignment of
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public
2 body with criminal investigatory responsibilities.

3 (15) Professional ethics or performance when
4 considered by an advisory body appointed to advise a
5 licensing or regulatory agency on matters germane to the
6 advisory body's field of competence.

7 (16) Self evaluation, practices and procedures or
8 professional ethics, when meeting with a representative of
9 a statewide association of which the public body is a
10 member.

11 (17) The recruitment, credentialing, discipline or
12 formal peer review of physicians or other health care
13 professionals, or for the discussion of matters protected
14 under the federal Patient Safety and Quality Improvement
15 Act of 2005, and the regulations promulgated thereunder,
16 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
17 Health Insurance Portability and Accountability Act of
18 1996, and the regulations promulgated thereunder,
19 including 45 C.F.R. Parts 160, 162, and 164, by a
20 hospital, or other institution providing medical care,
21 that is operated by the public body.

22 (18) Deliberations for decisions of the Prisoner
23 Review Board.

24 (19) Review or discussion of applications received
25 under the Experimental Organ Transplantation Procedures
26 Act.

1 (20) The classification and discussion of matters
2 classified as confidential or continued confidential by
3 the State Government Suggestion Award Board.

4 (21) Discussion of minutes of meetings lawfully closed
5 under this Act, whether for purposes of approval by the
6 body of the minutes or semi-annual review of the minutes
7 as mandated by Section 2.06.

8 (22) Deliberations for decisions of the State
9 Emergency Medical Services Disciplinary Review Board.

10 (23) The operation by a municipality of a municipal
11 utility or the operation of a municipal power agency or
12 municipal natural gas agency when the discussion involves
13 (i) contracts relating to the purchase, sale, or delivery
14 of electricity or natural gas or (ii) the results or
15 conclusions of load forecast studies.

16 (24) Meetings of a residential health care facility
17 resident sexual assault and death review team or the
18 Executive Council under the Abuse Prevention Review Team
19 Act.

20 (25) Meetings of an independent team of experts under
21 Brian's Law.

22 (26) Meetings of a mortality review team appointed
23 under the Department of Juvenile Justice Mortality Review
24 Team Act.

25 (27) (Blank).

26 (28) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid
2 Code or (ii) that pertain to appeals under Section 11-8 of
3 the Illinois Public Aid Code.

4 (29) Meetings between internal or external auditors
5 and governmental audit committees, finance committees, and
6 their equivalents, when the discussion involves internal
7 control weaknesses, identification of potential fraud risk
8 areas, known or suspected frauds, and fraud interviews
9 conducted in accordance with generally accepted auditing
10 standards of the United States of America.

11 (30) (Blank).

12 (31) Meetings and deliberations for decisions of the
13 Concealed Carry Licensing Review Board under the Firearm
14 Concealed Carry Act.

15 (32) Meetings between the Regional Transportation
16 Authority Board and its Service Boards when the discussion
17 involves review by the Regional Transportation Authority
18 Board of employment contracts under Section 28d of the
19 Metropolitan Transit Authority Act and Sections 3A.18 and
20 3B.26 of the Regional Transportation Authority Act.

21 (33) Those meetings or portions of meetings of the
22 advisory committee and peer review subcommittee created
23 under Section 320 of the Illinois Controlled Substances
24 Act during which specific controlled substance prescriber,
25 dispenser, or patient information is discussed.

26 (34) Meetings of the Tax Increment Financing Reform

1 Task Force under Section 2505-800 of the Department of
2 Revenue Law of the Civil Administrative Code of Illinois.

3 (35) Meetings of the group established to discuss
4 Medicaid capitation rates under Section 5-30.8 of the
5 Illinois Public Aid Code.

6 (36) Those deliberations or portions of deliberations
7 for decisions of the Illinois Gaming Board in which there
8 is discussed any of the following: (i) personal,
9 commercial, financial, or other information obtained from
10 any source that is privileged, proprietary, confidential,
11 or a trade secret; or (ii) information specifically
12 exempted from the disclosure by federal or State law.

13 (37) Deliberations for decisions of the Illinois Law
14 Enforcement Training Standards Board, the Certification
15 Review Panel, and the Illinois State Police Merit Board
16 regarding certification and decertification.

17 (38) Meetings of the Ad Hoc Statewide Domestic
18 Violence Fatality Review Committee of the Illinois
19 Criminal Justice Information Authority Board that occur in
20 closed executive session under subsection (d) of Section
21 35 of the Domestic Violence Fatality Review Act.

22 (39) Meetings of the regional review teams under
23 subsection (a) of Section 75 of the Domestic Violence
24 Fatality Review Act.

25 (40) Meetings of the Firearm Owner's Identification
26 Card Review Board under Section 10 of the Firearm Owners

1 Identification Card Act before the effective date of this
2 amendatory Act of the 104th General Assembly.

3 (d) Definitions. For purposes of this Section:

4 "Employee" means a person employed by a public body whose
5 relationship with the public body constitutes an
6 employer-employee relationship under the usual common law
7 rules, and who is not an independent contractor.

8 "Public office" means a position created by or under the
9 Constitution or laws of this State, the occupant of which is
10 charged with the exercise of some portion of the sovereign
11 power of this State. The term "public office" shall include
12 members of the public body, but it shall not include
13 organizational positions filled by members thereof, whether
14 established by law or by a public body itself, that exist to
15 assist the body in the conduct of its business.

16 "Quasi-adjudicative body" means an administrative body
17 charged by law or ordinance with the responsibility to conduct
18 hearings, receive evidence or testimony and make
19 determinations based thereon, but does not include local
20 electoral boards when such bodies are considering petition
21 challenges.

22 (e) Final action. No final action may be taken at a closed
23 meeting. Final action shall be preceded by a public recital of
24 the nature of the matter being considered and other
25 information that will inform the public of the business being
26 conducted.

1 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
2 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
3 7-28-23; 103-626, eff. 1-1-25.)

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be
9 exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other
19 records prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating
24 to known or suspected cases of sexually transmitted

1 infection or any information the disclosure of which is
2 restricted under the Illinois Sexually Transmitted
3 Infection Control Act.

4 (e) Information the disclosure of which is exempted
5 under Section 30 of the Radon Industry Licensing Act.

6 (f) Firm performance evaluations under Section 55 of
7 the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act.

9 (g) Information the disclosure of which is restricted
10 and exempted under Section 50 of the Illinois Prepaid
11 Tuition Act.

12 (h) Information the disclosure of which is exempted
13 under the State Officials and Employees Ethics Act, and
14 records of any lawfully created State or local inspector
15 general's office that would be exempt if created or
16 obtained by an Executive Inspector General's office under
17 that Act.

18 (i) Information contained in a local emergency energy
19 plan submitted to a municipality in accordance with a
20 local emergency energy plan ordinance that is adopted
21 under Section 11-21.5-5 of the Illinois Municipal Code.

22 (j) Information and data concerning the distribution
23 of surcharge moneys collected and remitted by carriers
24 under the Emergency Telephone System Act.

25 (k) Law enforcement officer identification information
26 or driver identification information compiled by a law

1 enforcement agency or the Department of Transportation
2 under Section 11-212 of the Illinois Vehicle Code.

3 (l) Records and information provided to a residential
4 health care facility resident sexual assault and death
5 review team or the Executive Council under the Abuse
6 Prevention Review Team Act.

7 (m) Information provided to the predatory lending
8 database created pursuant to Article 3 of the Residential
9 Real Property Disclosure Act, except to the extent
10 authorized under that Article.

11 (n) Defense budgets and petitions for certification of
12 compensation and expenses for court appointed trial
13 counsel as provided under Sections 10 and 15 of the
14 Capital Crimes Litigation Act (repealed). This subsection
15 (n) shall apply until the conclusion of the trial of the
16 case, even if the prosecution chooses not to pursue the
17 death penalty prior to trial or sentencing.

18 (o) Information that is prohibited from being
19 disclosed under Section 4 of the Illinois Health and
20 Hazardous Substances Registry Act.

21 (p) Security portions of system safety program plans,
22 investigation reports, surveys, schedules, lists, data, or
23 information compiled, collected, or prepared by or for the
24 Department of Transportation under Sections 2705-300 and
25 2705-616 of the Department of Transportation Law of the
26 Civil Administrative Code of Illinois, the Regional

1 Transportation Authority under Section 2.11 of the
2 Regional Transportation Authority Act, or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act (repealed).

5 (q) Information prohibited from being disclosed by the
6 Personnel Record Review Act.

7 (r) Information prohibited from being disclosed by the
8 Illinois School Student Records Act.

9 (s) Information the disclosure of which is restricted
10 under Section 5-108 of the Public Utilities Act.

11 (t) (Blank).

12 (u) Records and information provided to an independent
13 team of experts under the Developmental Disability and
14 Mental Health Safety Act (also known as Brian's Law).

15 (v) Names and information of people who have applied
16 for or received Firearm Owner's Identification Cards under
17 the Firearm Owners Identification Card Act before the
18 effective date of this amendatory Act of the 104th General
19 Assembly or applied for or received a concealed carry
20 license under the Firearm Concealed Carry Act, unless
21 otherwise authorized by the Firearm Concealed Carry Act;
22 and databases under the Firearm Concealed Carry Act,
23 records of the Concealed Carry Licensing Review Board
24 under the Firearm Concealed Carry Act, and law enforcement
25 agency objections under the Firearm Concealed Carry Act.

26 (v-5) Records of the Firearm Owner's Identification

1 Card Review Board that were ~~are~~ exempted from disclosure
2 under Section 10 of the Firearm Owners Identification Card
3 Act before the effective date of this amendatory Act of
4 the 104th General Assembly.

5 (w) Personally identifiable information which is
6 exempted from disclosure under subsection (g) of Section
7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure
9 under Section 5-1014.3 of the Counties Code or Section
10 8-11-21 of the Illinois Municipal Code.

11 (y) Confidential information under the Adult
12 Protective Services Act and its predecessor enabling
13 statute, the Elder Abuse and Neglect Act, including
14 information about the identity and administrative finding
15 against any caregiver of a verified and substantiated
16 decision of abuse, neglect, or financial exploitation of
17 an eligible adult maintained in the Registry established
18 under Section 7.5 of the Adult Protective Services Act.

19 (z) Records and information provided to a fatality
20 review team or the Illinois Fatality Review Team Advisory
21 Council under Section 15 of the Adult Protective Services
22 Act.

23 (aa) Information which is exempted from disclosure
24 under Section 2.37 of the Wildlife Code.

25 (bb) Information which is or was prohibited from
26 disclosure by the Juvenile Court Act of 1987.

1 (cc) Recordings made under the Law Enforcement
2 Officer-Worn Body Camera Act, except to the extent
3 authorized under that Act.

4 (dd) Information that is prohibited from being
5 disclosed under Section 45 of the Condominium and Common
6 Interest Community Ombudsperson Act.

7 (ee) Information that is exempted from disclosure
8 under Section 30.1 of the Pharmacy Practice Act.

9 (ff) Information that is exempted from disclosure
10 under the Revised Uniform Unclaimed Property Act.

11 (gg) Information that is prohibited from being
12 disclosed under Section 7-603.5 of the Illinois Vehicle
13 Code.

14 (hh) Records that are exempt from disclosure under
15 Section 1A-16.7 of the Election Code.

16 (ii) Information which is exempted from disclosure
17 under Section 2505-800 of the Department of Revenue Law of
18 the Civil Administrative Code of Illinois.

19 (jj) Information and reports that are required to be
20 submitted to the Department of Labor by registering day
21 and temporary labor service agencies but are exempt from
22 disclosure under subsection (a-1) of Section 45 of the Day
23 and Temporary Labor Services Act.

24 (kk) Information prohibited from disclosure under the
25 Seizure and Forfeiture Reporting Act.

26 (ll) Information the disclosure of which is restricted

1 and exempted under Section 5-30.8 of the Illinois Public
2 Aid Code.

3 (mm) Records that are exempt from disclosure under
4 Section 4.2 of the Crime Victims Compensation Act.

5 (nn) Information that is exempt from disclosure under
6 Section 70 of the Higher Education Student Assistance Act.

7 (oo) Communications, notes, records, and reports
8 arising out of a peer support counseling session
9 prohibited from disclosure under the First Responders
10 Suicide Prevention Act.

11 (pp) Names and all identifying information relating to
12 an employee of an emergency services provider or law
13 enforcement agency under the First Responders Suicide
14 Prevention Act.

15 (qq) Information and records held by the Department of
16 Public Health and its authorized representatives collected
17 under the Reproductive Health Act.

18 (rr) Information that is exempt from disclosure under
19 the Cannabis Regulation and Tax Act.

20 (ss) Data reported by an employer to the Department of
21 Human Rights pursuant to Section 2-108 of the Illinois
22 Human Rights Act.

23 (tt) Recordings made under the Children's Advocacy
24 Center Act, except to the extent authorized under that
25 Act.

26 (uu) Information that is exempt from disclosure under

1 Section 50 of the Sexual Assault Evidence Submission Act.

2 (vv) Information that is exempt from disclosure under
3 subsections (f) and (j) of Section 5-36 of the Illinois
4 Public Aid Code.

5 (ww) Information that is exempt from disclosure under
6 Section 16.8 of the State Treasurer Act.

7 (xx) Information that is exempt from disclosure or
8 information that shall not be made public under the
9 Illinois Insurance Code.

10 (yy) Information prohibited from being disclosed under
11 the Illinois Educational Labor Relations Act.

12 (zz) Information prohibited from being disclosed under
13 the Illinois Public Labor Relations Act.

14 (aaa) Information prohibited from being disclosed
15 under Section 1-167 of the Illinois Pension Code.

16 (bbb) Information that is prohibited from disclosure
17 by the Illinois Police Training Act and the Illinois State
18 Police Act.

19 (ccc) Records exempt from disclosure under Section
20 2605-304 of the Illinois State Police Law of the Civil
21 Administrative Code of Illinois.

22 (ddd) Information prohibited from being disclosed
23 under Section 35 of the Address Confidentiality for
24 Victims of Domestic Violence, Sexual Assault, Human
25 Trafficking, or Stalking Act.

26 (eee) Information prohibited from being disclosed

1 under subsection (b) of Section 75 of the Domestic
2 Violence Fatality Review Act.

3 (fff) Images from cameras under the Expressway Camera
4 Act. This subsection (fff) is inoperative on and after
5 July 1, 2025.

6 (ggg) Information prohibited from disclosure under
7 paragraph (3) of subsection (a) of Section 14 of the Nurse
8 Agency Licensing Act.

9 (hhh) Information submitted to the Illinois State
10 Police in an affidavit or application for an assault
11 weapon endorsement, assault weapon attachment endorsement,
12 .50 caliber rifle endorsement, or .50 caliber cartridge
13 endorsement ~~under the Firearm Owners Identification Card~~
14 ~~Act.~~

15 (iii) Data exempt from disclosure under Section 50 of
16 the School Safety Drill Act.

17 (jjj) Information exempt from disclosure under Section
18 30 of the Insurance Data Security Law.

19 (kkk) Confidential business information prohibited
20 from disclosure under Section 45 of the Paint Stewardship
21 Act.

22 (lll) Data exempt from disclosure under Section
23 2-3.196 of the School Code.

24 (mmm) Information prohibited from being disclosed
25 under subsection (e) of Section 1-129 of the Illinois
26 Power Agency Act.

1 (nnn) Materials received by the Department of Commerce
2 and Economic Opportunity that are confidential under the
3 Music and Musicians Tax Credit and Jobs Act.

4 (ooo) ~~(nnn)~~ Data or information provided pursuant to
5 Section 20 of the Statewide Recycling Needs and Assessment
6 Act.

7 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
8 under Section 28-11 of the Lawful Health Care Activity
9 Act.

10 (qqq) ~~(nnn)~~ Information that is exempt from disclosure
11 under Section 7-101 of the Illinois Human Rights Act.

12 (rrr) ~~(nnn)~~ Information prohibited from being
13 disclosed under Section 4-2 of the Uniform Money
14 Transmission Modernization Act.

15 (sss) ~~(nnn)~~ Information exempt from disclosure under
16 Section 40 of the Student-Athlete Endorsement Rights Act.

17 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
18 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
19 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
20 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
21 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
22 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
23 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
24 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
25 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;
26 103-1049, eff. 8-9-24; revised 11-26-24.)

1 Section 5.5. The Illinois TRUST Act is amended by changing
2 Section 15 as follows:

3 (5 ILCS 805/15)

4 Sec. 15. Prohibition on enforcing federal civil
5 immigration laws.

6 (a) A law enforcement agency or law enforcement official
7 shall not detain or continue to detain any individual solely
8 on the basis of any immigration detainer or civil immigration
9 warrant or otherwise comply with an immigration detainer or
10 civil immigration warrant.

11 (b) A law enforcement agency or law enforcement official
12 shall not stop, arrest, search, detain, or continue to detain
13 a person solely based on an individual's citizenship or
14 immigration status.

15 (c) (Blank).

16 (d) A law enforcement agency or law enforcement official
17 acting in good faith in compliance with this Section who
18 releases a person subject to an immigration detainer or civil
19 immigration warrant shall have immunity from any civil or
20 criminal liability that might otherwise occur as a result of
21 making the release, with the exception of willful or wanton
22 misconduct.

23 (e) A law enforcement agency or law enforcement official
24 may not inquire about or investigate the citizenship or

1 immigration status or place of birth of any individual in the
2 agency or official's custody or who has otherwise been stopped
3 or detained by the agency or official. Nothing in this
4 subsection shall be construed to limit the ability of a law
5 enforcement agency or law enforcement official, pursuant to
6 State or federal law, to notify a person in the law enforcement
7 agency's custody about that person's right to communicate with
8 consular officers from that person's country of nationality,
9 or facilitate such communication, in accordance with the
10 Vienna Convention on Consular Relations or other bilateral
11 agreements. Nothing in this subsection shall be construed to
12 limit the ability of a law enforcement agency or law
13 enforcement official to request evidence of citizenship or
14 immigration status pursuant to ~~the Firearm Owners~~
15 ~~Identification Card Act,~~ the Firearm Concealed Carry Act,
16 Article 24 of the Criminal Code of 2012, or 18 United States
17 Code Sections 921 through 931.

18 (f) Unless otherwise limited by federal law, a law
19 enforcement agency or law enforcement official may not deny
20 services, benefits, privileges, or opportunities to an
21 individual in custody or under probation status, including,
22 but not limited to, eligibility for or placement in a lower
23 custody classification, educational, rehabilitative, or
24 diversionary programs, on the basis of the individual's
25 citizenship or immigration status, the issuance of an
26 immigration detainer or civil immigration warrant against the

1 individual, or the individual being in immigration removal
2 proceedings.

3 (g) (1) No law enforcement agency, law enforcement
4 official, or any unit of State or local government may enter
5 into or renew any contract, intergovernmental service
6 agreement, or any other agreement to house or detain
7 individuals for federal civil immigration violations.

8 (2) Any law enforcement agency, law enforcement official,
9 or unit of State or local government with an existing
10 contract, intergovernmental agreement, or other agreement,
11 whether in whole or in part, that is utilized to house or
12 detain individuals for civil immigration violations shall
13 exercise the termination provision in the agreement as applied
14 to housing or detaining individuals for civil immigration
15 violations no later than January 1, 2022.

16 (h) Unless presented with a federal criminal warrant, or
17 otherwise required by federal law, a law enforcement agency or
18 official may not:

19 (1) participate, support, or assist in any capacity
20 with an immigration agent's enforcement operations,
21 including any collateral assistance such as coordinating
22 an arrest in a courthouse or other public facility,
23 providing use of any equipment, transporting any
24 individuals, or establishing a security or traffic
25 perimeter surrounding such operations, or any other
26 on-site support;

1 (2) give any immigration agent access, including by
2 telephone, to any individual who is in that agency's
3 custody;

4 (3) transfer any person into an immigration agent's
5 custody;

6 (4) permit immigration agents use of agency facilities
7 or equipment, including any agency electronic databases
8 not available to the public, for investigative interviews
9 or other investigative or immigration enforcement purpose;

10 (5) enter into or maintain any agreement regarding
11 direct access to any electronic database or other
12 data-sharing platform maintained by any law enforcement
13 agency, or otherwise provide such direct access to the
14 U.S. Immigration and Customs Enforcement, United States
15 Customs and Border Protection or any other federal entity
16 enforcing civil immigration violations;

17 (6) provide information in response to any immigration
18 agent's inquiry or request for information regarding any
19 individual in the agency's custody; or

20 (7) provide to any immigration agent information not
21 otherwise available to the public relating to an
22 individual's release or contact information, or otherwise
23 facilitate for an immigration agent to apprehend or
24 question an individual for immigration enforcement.

25 (i) Nothing in this Section shall preclude a law
26 enforcement official from otherwise executing that official's

1 duties in investigating violations of criminal law and
2 cooperating in such investigations with federal and other law
3 enforcement agencies (including criminal investigations
4 conducted by federal Homeland Security Investigations (HSI))
5 in order to ensure public safety.

6 (Source: P.A. 102-234, eff. 8-2-21; 103-154, eff. 6-30-23.)

7 Section 6. The Gun Trafficking Information Act is amended
8 by changing Section 10-5 as follows:

9 (5 ILCS 830/10-5)

10 Sec. 10-5. Gun trafficking information.

11 (a) The Illinois State Police shall use all reasonable
12 efforts, as allowed by State law and regulations, federal law
13 and regulations, and executed Memoranda of Understanding
14 between Illinois law enforcement agencies and the U.S. Bureau
15 of Alcohol, Tobacco, Firearms and Explosives, in making
16 publicly available, on a regular and ongoing basis, key
17 information related to firearms used in the commission of
18 crimes in this State, including, but not limited to: reports
19 on crimes committed with firearms, locations where the crimes
20 occurred, the number of persons killed or injured in the
21 commission of the crimes, the state where the firearms used
22 originated, the Federal Firearms Licensee that sold the
23 firearm, the type of firearms used, if known, ~~annual~~
24 ~~statistical information concerning Firearm Owner's~~

1 ~~Identification Card~~ and concealed carry license applications,
2 ~~revocations, and compliance with Section 9.5 of the Firearm~~
3 ~~Owners Identification Card Act,~~ the information required in
4 the report or on the Illinois State Police's website under
5 Section 85 of the Firearms Restraining Order Act, and firearm
6 dealer license certification inspections. The Illinois State
7 Police shall make the information available on its website,
8 which may be presented in a dashboard format, in addition to
9 electronically filing a report with the Governor and the
10 General Assembly. The report to the General Assembly shall be
11 filed with the Clerk of the House of Representatives and the
12 Secretary of the Senate in electronic form only, in the manner
13 that the Clerk and the Secretary shall direct.

14 (b) (Blank). ~~The Illinois State Police shall study, on a~~
15 ~~regular and ongoing basis, and compile reports on the number~~
16 ~~of Firearm Owner's Identification Card checks to determine~~
17 ~~firearms trafficking or straw purchase patterns. The Illinois~~
18 ~~State Police shall, to the extent not inconsistent with law,~~
19 ~~share such reports and underlying data with academic centers,~~
20 ~~foundations, and law enforcement agencies studying firearms~~
21 ~~trafficking, provided that personally identifying information~~
22 ~~is protected. For purposes of this subsection (b), a Firearm~~
23 ~~Owner's Identification Card number is not personally~~
24 ~~identifying information, provided that no other personal~~
25 ~~information of the card holder is attached to the record. The~~
26 ~~Illinois State Police may create and attach an alternate~~

1 ~~unique identifying number to each Firearm Owner's~~
2 ~~Identification Card number, instead of releasing the Firearm~~
3 ~~Owner's Identification Card number itself.~~

4 (c) Each department, office, division, and agency of this
5 State shall, to the extent not inconsistent with law,
6 cooperate fully with the Illinois State Police and furnish the
7 Illinois State Police with all relevant information and
8 assistance on a timely basis as is necessary to accomplish the
9 purpose of this Act. The Illinois Criminal Justice Information
10 Authority shall submit the information required in subsection
11 (a) of this Section to the Illinois State Police, and any other
12 information as the Illinois State Police may request, to
13 assist the Illinois State Police in carrying out its duties
14 under this Act.

15 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
16 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

17 Section 7. The First Responders Suicide Prevention Act is
18 amended by changing Section 40 as follows:

19 (5 ILCS 840/40)

20 Sec. 40. Task Force recommendations.

21 (a) Task Force members shall recommend that agencies and
22 organizations guarantee access to mental health and wellness
23 services, including, but not limited to, peer support programs
24 and providing ongoing education related to the ever-evolving

1 concept of mental health wellness. These recommendations could
2 be accomplished by:

3 (1) Revising agencies' and organizations' employee
4 assistance programs (EAPs).

5 (2) Urging health care providers to replace outdated
6 healthcare plans and include more progressive options
7 catering to the needs and disproportionate risks
8 shouldered by our first responders.

9 (3) Allocating funding or resources for public service
10 announcements (PSA) and messaging campaigns aimed at
11 raising awareness of available assistance options.

12 (4) Encouraging agencies and organizations to attach
13 lists of all available resources to training manuals and
14 continuing education requirements.

15 (b) Task Force members shall recommend agencies and
16 organizations sponsor or facilitate first responders with
17 specialized training in the areas of psychological fitness,
18 depressive disorders, early detection, and mitigation best
19 practices. Such trainings could be accomplished by:

20 (1) Assigning, appointing, or designating one member
21 of an agency or organization to attend specialized
22 training(s) sponsored by an accredited agency,
23 association, or organization recognized in their fields of
24 study.

25 (2) Seeking sponsorships or conducting fund-raisers,
26 to host annual or semiannual on-site visits from qualified

1 clinicians or physicians to provide early detection
2 training techniques, or to provide regular access to
3 mental health professionals.

4 (3) Requiring a minimum number of hours of disorders
5 and wellness training be incorporated into reoccurring,
6 annual or biannual training standards, examinations, and
7 curriculums, taking into close consideration respective
8 agency or organization size, frequency, and number of all
9 current federal and state mandatory examinations and
10 trainings expected respectively.

11 (4) Not underestimating the crucial importance of a
12 balanced diet, sleep, mindfulness-based stress reduction
13 techniques, moderate and vigorous intensity activities,
14 and recreational hobbies, which have been scientifically
15 proven to play a major role in brain health and mental
16 wellness.

17 (c) Task Force members shall recommend that administrators
18 and leadership personnel solicit training services from
19 evidence-based, data driven organizations. Organizations with
20 personnel trained on the analytical review and interpretation
21 of specific fields related to the nature of first responders'
22 exploits, such as PTSD, substance abuse, and chronic state of
23 duress. Task Force members shall further recommend funding for
24 expansion and messaging campaigns of preliminary
25 self-diagnosing technologies like the one described above.
26 These objectives could be met by:

1 (1) Contacting an accredited agency, association, or
2 organization recognized in the field or fields of specific
3 study. Unbeknownst to the majority, many of the agencies
4 and organizations listed above receive grants and
5 allocations to assist communities with the very issues
6 being discussed in this Section.

7 (2) Normalizing help-seeking behaviors for both first
8 responders and their families through regular messaging
9 and peer support outreach, beginning with academy
10 curricula and continuing education throughout individuals'
11 careers.

12 (3) Funding and implementing PSA campaigns that
13 provide clear and concise calls to action about mental
14 health and wellness, resiliency, help-seeking, treatment,
15 and recovery.

16 (4) Promoting and raising awareness of not-for-profit
17 organizations currently available to assist individuals in
18 search of care and treatment. Organizations have intuitive
19 user-friendly sites, most of which have mobile
20 applications, so first responders can access at a moment's
21 notice. However, because of limited funds, these
22 organizations have a challenging time of getting the word
23 out there about their existence.

24 (5) Expanding Family and Medical Leave Act protections
25 for individuals voluntarily seeking preventative
26 treatment.

1 (6) Promoting and ensuring complete patient
2 confidentiality protections.

3 (d) Task Force members shall recommend that agencies and
4 organizations incorporate the following training components
5 into already existing modules and educational curriculums.
6 Doing so could be done by:

7 (1) Bolstering academy and school curricula by
8 requiring depressive disorder training catered to PTSD,
9 substance abuse, and early detection techniques training,
10 taking into close consideration respective agency or
11 organization size, and the frequency and number of all
12 current federal and state mandatory examinations and
13 trainings expected respectively.

14 (2) Continuing to allocate or match federal and state
15 funds to maintain Mobile Training Units (MTUs).

16 (3) Incorporating a state certificate for peer support
17 training into already existing statewide curriculums and
18 mandatory examinations, annual State Fire Marshal
19 examinations, and physical fitness examinations. The
20 subject matter of the certificate should have an emphasis
21 on mental health and wellness, as well as familiarization
22 with topics ranging from clinical social work, clinical
23 psychology, clinical behaviorist, and clinical psychiatry.

24 (4) Incorporating and performing statewide mental
25 health check-ins during the same times as already mandated
26 trainings. These checks are not to be compared or used as

1 measures of fitness for duty evaluations or structured
2 psychological examinations.

3 (5) Recommending comprehensive and evidence-based
4 training on the importance of preventative measures on the
5 topics of sleep, nutrition, mindfulness, and physical
6 movement.

7 (6) (Blank). ~~Law enforcement agencies should provide~~
8 ~~training on the Firearm Owner's Identification Card Act,~~
9 ~~including seeking relief from the Illinois State Police~~
10 ~~under Section 10 of the Firearm Owners Identification Card~~
11 ~~Act and a FOID card being a continued condition of~~
12 ~~employment under Section 7.2 of the Uniform Peace~~
13 ~~Officers' Disciplinary Act.~~

14 (Source: P.A. 102-352, eff. 6-1-22; 103-154, eff. 6-30-23;
15 103-605, eff. 7-1-24; revised 10-23-24.)

16 Section 8. The Department of Natural Resources
17 (Conservation) Law of the Civil Administrative Code of
18 Illinois is amended by changing Section 805-538 as follows:

19 (20 ILCS 805/805-538)

20 Sec. 805-538. Retiring officer; purchase of service
21 firearm and police badge. The Director of Natural Resources
22 shall establish a program to allow a Conservation Police
23 Officer who is honorably retiring in good standing to purchase
24 either one or both of the following: (1) any Department of

1 Natural Resources police badge previously issued to that
2 officer; or (2) ~~if the officer has a currently valid Firearm~~
3 ~~Owner's Identification Card,~~ the service firearm issued or
4 previously issued to the officer by the Department of Natural
5 Resources. The cost of the firearm shall be the replacement
6 value of the firearm and not the firearm's fair market value.
7 (Source: P.A. 100-931, eff. 8-17-18.)

8 Section 9. The Department of Revenue Law of the Civil
9 Administrative Code of Illinois is amended by changing Section
10 2505-306 as follows:

11 (20 ILCS 2505/2505-306)

12 Sec. 2505-306. Retiring investigators; purchase of service
13 firearm and badge. The Director shall establish a program to
14 allow a Department investigator who is honorably retiring in
15 good standing to purchase either one or both of the following:
16 (1) any badge previously issued to the investigator by the
17 Department; or (2) ~~if the investigator has a currently valid~~
18 ~~Firearm Owner's Identification Card,~~ the service firearm
19 issued or previously issued to the investigator by the
20 Department. The cost of the firearm shall be the replacement
21 value of the firearm and not the firearm's fair market value.
22 (Source: P.A. 102-719, eff. 5-6-22.)

23 Section 10. The Illinois State Police Law of the Civil

1 Administrative Code of Illinois is amended by changing
2 Sections 2605-10, 2605-45, 2605-200, and 2605-595 as follows:

3 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-10. Powers and duties, generally.

5 (a) The Illinois State Police shall exercise the rights,
6 powers, and duties that have been vested in the Illinois State
7 Police by the following:

8 The Illinois State Police Act.

9 The Illinois State Police Radio Act.

10 The Criminal Identification Act.

11 The Illinois Vehicle Code.

12 ~~The Firearm Owners Identification Card Act.~~

13 The Firearm Concealed Carry Act.

14 The Firearm Dealer License Certification Act.

15 The Intergovernmental Missing Child Recovery Act of
16 1984.

17 The Intergovernmental Drug Laws Enforcement Act.

18 The Narcotic Control Division Abolition Act.

19 The Illinois Uniform Conviction Information Act.

20 The Murderer and Violent Offender Against Youth
21 Registration Act.

22 (b) The Illinois State Police shall have the powers and
23 duties set forth in the following Sections.

24 (c) The Illinois State Police shall exercise the rights,
25 powers, and duties vested in the Illinois State Police to

1 implement the following protective service functions for State
2 facilities, State officials, and State employees serving in
3 their official capacity:

4 (1) Utilize subject matter expertise and law
5 enforcement authority to strengthen the protection of
6 State government facilities, State employees, State
7 officials, and State critical infrastructure.

8 (2) Coordinate State, federal, and local law
9 enforcement activities involving the protection of State
10 facilities, officials, and employees.

11 (3) Conduct investigations of criminal threats to
12 State facilities, State critical infrastructure, State
13 officials, and State employees.

14 (4) Train State officials and employees in personal
15 protection, crime prevention, facility occupant emergency
16 planning, and incident management.

17 (5) Establish standard protocols for prevention and
18 response to criminal threats to State facilities, State
19 officials, State employees, and State critical
20 infrastructure and standard protocols for reporting of
21 suspicious activities.

22 (6) Establish minimum operational standards,
23 qualifications, training, and compliance requirements for
24 State employees and contractors engaged in the protection
25 of State facilities and employees.

26 (7) At the request of departments or agencies of State

1 government, conduct security assessments, including, but
2 not limited to, examination of alarm systems, cameras
3 systems, access points, personnel readiness, and emergency
4 protocols based on risk and need.

5 (8) Oversee the planning and implementation of
6 security and law enforcement activities necessary for the
7 protection of major, multi-jurisdictional events
8 implicating potential criminal threats to State officials,
9 State employees, or State-owned, State-leased, or
10 State-operated critical infrastructure or facilities.

11 (9) Oversee and direct the planning and implementation
12 of security and law enforcement activities by the
13 departments and agencies of the State necessary for the
14 protection of State employees, State officials, and
15 State-owned, State-leased, or State-operated critical
16 infrastructure or facilities from criminal activity.

17 (10) Advise the Governor and Homeland Security Advisor
18 on any matters necessary for the effective protection of
19 State facilities, critical infrastructure, officials, and
20 employees from criminal threats.

21 (11) Utilize intergovernmental agreements and
22 administrative rules as needed for the effective,
23 efficient implementation of law enforcement and support
24 activities necessary for the protection of State
25 facilities, State infrastructure, State employees, and,
26 upon the express written consent of State constitutional

1 officials, State constitutional officials.

2 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24;
3 103-564, eff. 11-17-23.)

4 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

5 Sec. 2605-45. Division of Justice Services. The Division
6 of Justice Services shall provide administrative and technical
7 services and support to the Illinois State Police, criminal
8 justice agencies, and the public and shall exercise the
9 following functions:

10 (1) Operate and maintain the Law Enforcement Agencies
11 Data System (LEADS), a statewide, computerized
12 telecommunications system designed to provide services,
13 information, and capabilities to the law enforcement and
14 criminal justice community in the State of Illinois. The
15 Director is responsible for establishing policy,
16 procedures, and regulations consistent with State and
17 federal rules, policies, and law by which LEADS operates.
18 The Director shall designate a statewide LEADS
19 Administrator for management of the system. The Director
20 may appoint a LEADS Advisory Policy Board to reflect the
21 needs and desires of the law enforcement and criminal
22 justice community and to make recommendations concerning
23 policies and procedures.

24 (2) Pursue research and the publication of studies
25 pertaining to local law enforcement activities.

1 (3) Serve as the State's point of contact for the
2 Federal Bureau of Investigation's Uniform Crime Reporting
3 Program and National Incident-Based Reporting System.

4 (4) Operate an electronic data processing and computer
5 center for the storage and retrieval of data pertaining to
6 criminal activity.

7 (5) Exercise the rights, powers, and duties vested in
8 the Illinois State Police by the Cannabis Regulation and
9 Tax Act and the Compassionate Use of Medical Cannabis
10 Program Act.

11 (6) (Blank).

12 (6.5) Exercise the rights, powers, and duties vested
13 in the Illinois State Police by ~~the Firearm Owners~~
14 ~~Identification Card Act,~~ the Firearm Concealed Carry Act,
15 the Firearm Transfer Inquiry Program, the prohibited
16 persons portal under Section 2605-304, and the Firearm
17 Dealer License Certification Act.

18 (7) Exercise other duties that may be assigned by the
19 Director to fulfill the responsibilities and achieve the
20 purposes of the Illinois State Police.

21 (8) Exercise the rights, powers, and duties vested by
22 law in the Illinois State Police by the Criminal
23 Identification Act and the Illinois Uniform Conviction
24 Information Act.

25 (9) Exercise the powers and perform the duties that
26 have been vested in the Illinois State Police by the

1 Murderer and Violent Offender Against Youth Registration
2 Act, the Sex Offender Registration Act, and the Sex
3 Offender Community Notification Law and adopt reasonable
4 rules necessitated thereby.

5 (10) Serve as the State central repository for
6 criminal history record information.

7 (11) Share all necessary information with the
8 Concealed Carry Licensing Review Board and the Firearms
9 Owner's Identification Card Review Board necessary for the
10 execution of their duties.

11 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24.)

12 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)
13 Sec. 2605-200. Investigations of crime; enforcement of
14 laws; records; crime laboratories; personnel.

15 (a) To do the following:

16 (1) Investigate the origins, activities, personnel,
17 and incidents of crime and the ways and means to redress
18 the victims of crimes; study the impact, if any, of
19 legislation relative to the effusion of crime and growing
20 crime rates; and enforce the criminal laws of this State
21 related thereto.

22 (2) Enforce all laws regulating the production, sale,
23 prescribing, manufacturing, administering, transporting,
24 having in possession, dispensing, delivering,
25 distributing, or use of controlled substances and

1 cannabis.

2 (3) Employ skilled experts, scientists, technicians,
3 investigators, or otherwise specially qualified persons to
4 aid in preventing or detecting crime, apprehending
5 criminals, or preparing and presenting evidence of
6 violations of the criminal laws of the State.

7 (4) Cooperate with the police of cities, villages, and
8 incorporated towns and with the police officers of any
9 county in enforcing the laws of the State and in making
10 arrests and recovering property.

11 (5) Apprehend and deliver up any person charged in
12 this State or any other state of the United States with
13 treason or a felony or other crime who has fled from
14 justice and is found in this State.

15 (6) Conduct other investigations as provided by law.

16 (7) Be a central repository and custodian of criminal
17 statistics for the State.

18 (8) Be a central repository for criminal history
19 record information.

20 (9) Procure and file for record information that is
21 necessary and helpful to plan programs of crime
22 prevention, law enforcement, and criminal justice.

23 (10) Procure and file for record copies of
24 fingerprints that may be required by law.

25 (11) Establish general and field crime laboratories.

26 (12) (Blank). ~~Register and file for record information~~

1 ~~that may be required by law for the issuance of firearm~~
2 ~~owner's identification cards under the Firearm Owners~~
3 ~~Identification Card Act and concealed carry licenses under~~
4 ~~the Firearm Concealed Carry Act.~~

5 (13) Employ laboratory technicians and other specially
6 qualified persons to aid in the identification of criminal
7 activity and the identification, collection, and recovery
8 of cyber forensics, including, but not limited to, digital
9 evidence, and may employ polygraph operators and forensic
10 anthropologists.

11 (14) Undertake other identification, information,
12 laboratory, statistical, or registration activities that
13 may be required by law.

14 (b) Persons exercising the powers set forth in subsection
15 (a) within the Illinois State Police are conservators of the
16 peace and as such have all the powers possessed by policemen in
17 cities and sheriffs, except that they may exercise those
18 powers anywhere in the State in cooperation with and after
19 contact with the local law enforcement officials. Those
20 persons may use false or fictitious names in the performance
21 of their duties under this Section, upon approval of the
22 Director, and shall not be subject to prosecution under the
23 criminal laws for that use.

24 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24.)

1 Sec. 2605-595. State Police Firearm Services Fund.

2 (a) There is created in the State treasury a special fund
3 known as the State Police Firearm Services Fund. The Fund
4 shall receive revenue under the Firearm Concealed Carry Act
5 and ~~7~~ the Firearm Dealer License Certification Act,~~—and~~
6 ~~Section 5 of the Firearm Owners Identification Card Act.~~ The
7 Fund may also receive revenue from grants, pass-through
8 grants, donations, appropriations, and any other legal source.

9 (a-5) (Blank).

10 (b) The Illinois State Police may use moneys in the Fund to
11 finance any of its lawful purposes, mandates, functions, and
12 duties under ~~the Firearm Owners Identification Card Act,~~ the
13 Firearm Dealer License Certification Act,~~7~~ and the Firearm
14 Concealed Carry Act, including the cost of sending notices of
15 expiration of Firearm Owner's Identification Cards, concealed
16 carry licenses, the prompt and efficient processing of
17 applications under ~~the Firearm Owners Identification Card Act~~
18 ~~and~~ the Firearm Concealed Carry Act, the improved efficiency
19 and reporting of the LEADS and federal NICS law enforcement
20 data systems, and support for investigations required under
21 these Acts and law. Any surplus funds beyond what is needed to
22 comply with the aforementioned purposes shall be used by the
23 Illinois State Police to improve the Law Enforcement Agencies
24 Data System (LEADS) and criminal history background check
25 system.

26 (c) Investment income that is attributable to the

1 investment of moneys in the Fund shall be retained in the Fund
2 for the uses specified in this Section.

3 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21;
4 103-363, eff. 7-28-23.)

5 (20 ILCS 2605/2605-120 rep.)

6 (20 ILCS 2605/2605-304 rep.)

7 Section 15. The Department of State Police Law of the
8 Civil Administrative Code of Illinois is amended by repealing
9 Sections 2605-120 and 2605-304.

10 Section 16. The Illinois State Police Act is amended by
11 changing Section 17b as follows:

12 (20 ILCS 2610/17b)

13 Sec. 17b. Retiring officer; purchase of service firearm
14 and police badge. The Director of the Illinois State Police
15 shall establish a policy to allow a State Police officer who is
16 honorably retiring or separating in good standing to purchase
17 either one or both of the following: (i) any State Police badge
18 previously issued to that officer; or (ii) ~~if the officer has a~~
19 ~~currently valid Firearm Owner's Identification Card,~~ the
20 service firearm issued or previously issued to the officer by
21 the Illinois State Police. The cost of the firearm purchased
22 shall be the replacement value of the firearm and not the
23 firearm's fair market value.

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

2 Section 20. The Criminal Identification Act is amended by
3 changing Section 2.2 as follows:

4 (20 ILCS 2630/2.2)

5 Sec. 2.2. Notification to the Illinois State Police. Upon
6 judgment of conviction of a violation of Section 12-1, 12-2,
7 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or
8 the Criminal Code of 2012 when the defendant has been
9 determined, pursuant to Section 112A-11.1 of the Code of
10 Criminal Procedure of 1963, to be subject to the prohibitions
11 of 18 U.S.C. 922(g)(9), the circuit court clerk shall include
12 notification and a copy of the written determination in a
13 report of the conviction to the Illinois State Police ~~Firearm~~
14 ~~Owner's Identification Card Office~~ to enable the Illinois
15 State Police ~~office~~ to perform its duties under the Firearm
16 Concealed Carry Act and Sections 4 and 8 of the Firearm Owners
17 ~~Identification Card Act and to report that determination to~~
18 ~~the Federal Bureau of Investigation~~ to assist the Federal
19 Bureau of Investigation in identifying persons prohibited from
20 purchasing and possessing a firearm pursuant to the provisions
21 of 18 U.S.C. 922. The written determination described in this
22 Section shall be included in the defendant's record of arrest
23 and conviction in the manner and form prescribed by the
24 Illinois State Police.

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

2 Section 21. The Peace Officer Fire Investigation Act is
3 amended by changing Section 1 as follows:

4 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

5 Sec. 1. Peace officer status.

6 (a) Any person who is a sworn member of any organized and
7 paid fire department of a political subdivision of this State
8 and is authorized to investigate fires or explosions for such
9 political subdivision and to determine the cause, origin and
10 circumstances of fires or explosions that are suspected to be
11 arson or arson-related crimes, may be classified as a peace
12 officer by the political subdivision or agency employing such
13 person. A person so classified shall possess the same powers
14 of arrest, search and seizure and the securing and service of
15 warrants as sheriffs of counties, and police officers within
16 the jurisdiction of their political subdivision. While in the
17 actual investigation and matters incident thereto, such person
18 may carry weapons as may be necessary, but only if that person
19 has satisfactorily completed (1) a training program offered or
20 approved by the Illinois Law Enforcement Training Standards
21 Board which substantially conforms to standards promulgated
22 pursuant to the Illinois Police Training Act and the Peace
23 Officer and Probation Officer Firearm Training Act; and (2) a
24 course in fire and arson investigation approved by the Office

1 of the State Fire Marshal pursuant to the Illinois Fire
2 Protection Training Act. Such training need not include
3 exposure to vehicle and traffic law, traffic control and crash
4 investigation, or first aid, but shall include training in the
5 law relating to the rights of persons suspected of involvement
6 in criminal activities.

7 Any person granted the powers enumerated in this
8 subsection (a) may exercise such powers only during the actual
9 investigation of the cause, origin and circumstances of such
10 fires or explosions that are suspected to be arson or
11 arson-related crimes.

12 (b) Persons employed by the Office of the State Fire
13 Marshal to conduct arson investigations shall be designated
14 State Fire Marshal Arson Investigator Special Agents and shall
15 be peace officers with all of the powers of peace officers in
16 cities and sheriffs in counties, except that they may exercise
17 those powers throughout the State. These Special Agents may
18 exercise these powers only when engaging in official duties
19 during the actual investigation of the cause, origin, and
20 circumstances of such fires or explosions that are suspected
21 to be arson or arson-related crimes and may carry weapons at
22 all times, but only if they have satisfactorily completed (1)
23 a training course approved by the Illinois Law Enforcement
24 Training Standards Board that substantially conforms to the
25 standards promulgated pursuant to the Peace Officer and
26 Probation Officer Firearm Training Act and (2) a course in

1 fire and arson investigation approved by the Office of the
2 State Fire Marshal pursuant to the Illinois Fire Protection
3 Training Act. Such training need not include exposure to
4 vehicle and traffic law, traffic control and crash
5 investigation, or first aid, but shall include training in the
6 law relating to the rights of persons suspected of involvement
7 in criminal activities.

8 For purposes of this subsection (b), a "State Fire Marshal
9 Arson Investigator Special Agent" does not include any fire
10 investigator, fireman, police officer, or other employee of
11 the federal government; any fire investigator, fireman, police
12 officer, or other employee of any unit of local government; or
13 any fire investigator, fireman, police officer, or other
14 employee of the State of Illinois other than an employee of the
15 Office of the State Fire Marshal assigned to investigate
16 arson.

17 The State Fire Marshal must authorize to each employee of
18 the Office of the State Fire Marshal who is exercising the
19 powers of a peace officer a distinct badge that, on its face,
20 (i) clearly states that the badge is authorized by the Office
21 of the State Fire Marshal and (ii) contains a unique
22 identifying number. No other badge shall be authorized by the
23 Office of the State Fire Marshal, except that a badge,
24 different from the badge issued to peace officers, may be
25 authorized by the Office of the State Fire Marshal for the use
26 of fire prevention inspectors employed by that Office. Nothing

1 in this subsection prohibits the State Fire Marshal from
2 issuing shields or other distinctive identification to
3 employees not exercising the powers of a peace officer if the
4 State Fire Marshal determines that a shield or distinctive
5 identification is needed by the employee to carry out his or
6 her responsibilities.

7 (c) The Office of the State Fire Marshal shall establish a
8 policy to allow a State Fire Marshal Arson Investigator
9 Special Agent who is honorably retiring or separating in good
10 standing to purchase either one or both of the following: (i)
11 any badge previously issued to that State Fire Marshal Arson
12 Investigator Special Agent; or (ii) ~~if the State Fire Marshal~~
13 ~~Arson Investigator Special Agent has a currently valid Firearm~~
14 ~~Owner's Identification Card,~~ the service firearm issued or
15 previously issued to the State Fire Marshal Arson Investigator
16 Special Agent by the Office of the State Fire Marshal. The cost
17 of the firearm purchased shall be the replacement value of the
18 firearm and not the firearm's fair market value. All funds
19 received by the agency under this program shall be deposited
20 into the Fire Prevention Fund.

21 (Source: P.A. 102-982, eff. 7-1-23.)

22 Section 22. The Illinois Criminal Justice Information Act
23 is amended by changing Section 7.9 as follows:

24 (20 ILCS 3930/7.9)

1 (Section scheduled to be repealed on July 1, 2027)

2 Sec. 7.9. Firearm Prohibitors and Records Improvement Task
3 Force.

4 (a) As used in this Section, "firearms prohibitor" means
5 any factor listed in ~~Section 4 of the Firearm Owners~~
6 ~~Identification Card Act~~ or Section 24-3 or 24-3.1 of the
7 Criminal Code of 2012 that prohibits a person from
8 transferring or possessing a firearm, firearm ammunition,
9 ~~Firearm Owner's Identification Card~~, or concealed carry
10 license.

11 (b) The Firearm Prohibitors and Records Improvement Task
12 Force is created to identify and research all available
13 grants, resources, and revenue that may be applied for and
14 used by all entities responsible for reporting federal and
15 State firearm prohibitors to the Illinois State Police and the
16 National Instant Criminal Background Check System. These ~~Under~~
17 ~~the Firearm Owners Identification Card Act~~, these reporting
18 entities include, but are not limited to, hospitals, courts,
19 law enforcement and corrections. The Task Force shall identify
20 weaknesses in reporting and recommend a strategy to direct
21 resources and revenue to ensuring reporting is reliable,
22 accurate, and timely. The Task Force shall inventory all
23 statutorily mandated firearm and gun violence related data
24 collection and reporting requirements, along with the agency
25 responsible for collecting that data, and identify gaps in
26 those requirements. The Task Force shall submit a coordinated

1 application with and through the Illinois Criminal Justice
2 Information Authority for federal funds from the National
3 Criminal History Improvement Program and the NICS Acts Record
4 Improvement Program. The Firearm Prohibitors and Records
5 Improvement Task Force shall be comprised of the following
6 members, all of whom shall serve without compensation:

7 (1) the Executive Director of the Illinois Criminal
8 Justice Information Authority, who shall serve as Chair;

9 (2) the Director of the Illinois State Police, or his
10 or her designee;

11 (3) the Secretary of Human Services, or his or her
12 designee;

13 (4) the Director of Corrections, or his or her
14 designee;

15 (5) the Attorney General, or his or her designee;

16 (6) the Director of the Administrative Office of the
17 Illinois Courts, or his or her designee;

18 (7) a representative of an association representing
19 circuit clerks appointed by the President of the Senate;

20 (8) a representative of an association representing
21 sheriffs appointed by the House Minority Leader;

22 (9) a representative of an association representing
23 State's Attorneys appointed by the House Minority Leader;

24 (10) a representative of an association representing
25 chiefs of police appointed by the Senate Minority Leader;

26 (11) a representative of an association representing

1 hospitals appointed by the Speaker of the House of
2 Representatives;

3 (12) a representative of an association representing
4 counties appointed by the President of the Senate; and

5 (13) a representative of an association representing
6 municipalities appointed by the Speaker of the House of
7 Representatives.

8 (c) The Illinois Criminal Justice Information Authority
9 shall provide administrative and other support to the Task
10 Force. The Illinois State Police Division of Justice Services
11 shall also provide support to the Illinois Criminal Justice
12 Information Authority and the Task Force.

13 (d) The Task Force may meet in person or virtually and
14 shall issue a written report of its findings and
15 recommendations to General Assembly on or before July 1, 2022.
16 The Task Force shall issue an annual report, which shall
17 include information on the state of FOID data, including a
18 review of previous activity by the Task Force to close
19 previously identified gaps; identifying known (or new) gaps; a
20 proposal of policy and practice recommendations to close those
21 gaps; and a preview of expected activities of the Task Force
22 for the coming year.

23 (e) Within 60 days of the effective date of this
24 amendatory Act of the 102nd General Assembly, the Chair shall
25 establish the Task Force.

26 (f) This Section is repealed on July 1, 2027.

1 (Source: P.A. 102-237, eff. 1-1-22.)

2 Section 25. The State Finance Act is amended by changing
3 Sections 6z-99 and 6z-127 as follows:

4 (30 ILCS 105/6z-99)

5 Sec. 6z-99. The Mental Health Reporting Fund.

6 (a) There is created in the State treasury a special fund
7 known as the Mental Health Reporting Fund. The Fund shall
8 receive revenue under the Firearm Concealed Carry Act. The
9 Fund may also receive revenue from grants, pass-through
10 grants, donations, appropriations, and any other legal source.

11 (b) The Illinois State Police and Department of Human
12 Services shall coordinate to use moneys in the Fund to finance
13 their respective duties of collecting and reporting data on
14 mental health records and ensuring that mental health firearm
15 possession prohibitors are enforced as set forth under the
16 Firearm Concealed Carry Act ~~and the Firearm Owners~~
17 ~~Identification Card Act~~. Any surplus in the Fund beyond what
18 is necessary to ensure compliance with mental health reporting
19 under that Act ~~these Acts~~ shall be used by the Department of
20 Human Services for mental health treatment programs as
21 follows: (1) 50% shall be used to fund community-based mental
22 health programs aimed at reducing gun violence, community
23 integration and education, or mental health awareness and
24 prevention, including administrative costs; and (2) 50% shall

1 be used to award grants that use and promote the National
2 School Mental Health Curriculum model for school-based mental
3 health support, integration, and services.

4 (c) Investment income that is attributable to the
5 investment of moneys in the Fund shall be retained in the Fund
6 for the uses specified in this Section.

7 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
8 102-813, eff. 5-13-22.)

9 (30 ILCS 105/6z-127)

10 Sec. 6z-127. State Police Firearm Enforcement Fund.

11 (a) The State Police Firearm Enforcement Fund is
12 established as a special fund in the State treasury. This Fund
13 is established to receive moneys from ~~the Firearm Owners~~
14 ~~Identification Card Act~~ to enforce ~~that Act,~~ the Firearm
15 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
16 and other firearm offenses. The Fund may also receive revenue
17 from grants, donations, appropriations, and any other legal
18 source.

19 (b) The Illinois State Police may use moneys from the Fund
20 to establish task forces and, if necessary, include other law
21 enforcement agencies, under intergovernmental contracts
22 written and executed in conformity with the Intergovernmental
23 Cooperation Act.

24 (c) The Illinois State Police may use moneys in the Fund to
25 hire and train State Police officers and for the prevention of

1 violent crime.

2 (d) The State Police Firearm Enforcement Fund is not
3 subject to administrative chargebacks.

4 (e) (Blank). ~~Law enforcement agencies that participate in~~
5 ~~Firearm Owner's Identification Card revocation enforcement in~~
6 ~~the Violent Crime Intelligence Task Force may apply for grants~~
7 ~~from the Illinois State Police.~~

8 (f) Any surplus in the Fund beyond what is necessary to
9 ensure compliance with subsections (a) through (e) or moneys
10 that are specifically appropriated for those purposes shall be
11 used by the Illinois State Police to award grants to assist
12 with the data reporting requirements of the Gun Trafficking
13 Information Act.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22;
15 103-34, eff. 6-9-23; 103-609, eff. 7-1-24.)

16 Section 25.5. The Illinois Procurement Code is amended by
17 changing Section 1-10 as follows:

18 (30 ILCS 500/1-10)

19 Sec. 1-10. Application.

20 (a) This Code applies only to procurements for which
21 bidders, offerors, potential contractors, or contractors were
22 first solicited on or after July 1, 1998. This Code shall not
23 be construed to affect or impair any contract, or any
24 provision of a contract, entered into based on a solicitation

1 prior to the implementation date of this Code as described in
2 Article 99, including, but not limited to, any covenant
3 entered into with respect to any revenue bonds or similar
4 instruments. All procurements for which contracts are
5 solicited between the effective date of Articles 50 and 99 and
6 July 1, 1998 shall be substantially in accordance with this
7 Code and its intent.

8 (b) This Code shall apply regardless of the source of the
9 funds with which the contracts are paid, including federal
10 assistance moneys. This Code shall not apply to:

11 (1) Contracts between the State and its political
12 subdivisions or other governments, or between State
13 governmental bodies, except as specifically provided in
14 this Code.

15 (2) Grants, except for the filing requirements of
16 Section 20-80.

17 (3) Purchase of care, except as provided in Section
18 5-30.6 of the Illinois Public Aid Code and this Section.

19 (4) Hiring of an individual as an employee and not as
20 an independent contractor, whether pursuant to an
21 employment code or policy or by contract directly with
22 that individual.

23 (5) Collective bargaining contracts.

24 (6) Purchase of real estate, except that notice of
25 this type of contract with a value of more than \$25,000
26 must be published in the Procurement Bulletin within 10

1 calendar days after the deed is recorded in the county of
2 jurisdiction. The notice shall identify the real estate
3 purchased, the names of all parties to the contract, the
4 value of the contract, and the effective date of the
5 contract.

6 (7) Contracts necessary to prepare for anticipated
7 litigation, enforcement actions, or investigations,
8 provided that the chief legal counsel to the Governor
9 shall give his or her prior approval when the procuring
10 agency is one subject to the jurisdiction of the Governor,
11 and provided that the chief legal counsel of any other
12 procuring entity subject to this Code shall give his or
13 her prior approval when the procuring entity is not one
14 subject to the jurisdiction of the Governor.

15 (8) (Blank).

16 (9) Procurement expenditures by the Illinois
17 Conservation Foundation when only private funds are used.

18 (10) (Blank).

19 (11) Public-private agreements entered into according
20 to the procurement requirements of Section 20 of the
21 Public-Private Partnerships for Transportation Act and
22 design-build agreements entered into according to the
23 procurement requirements of Section 25 of the
24 Public-Private Partnerships for Transportation Act.

25 (12) (A) Contracts for legal, financial, and other
26 professional and artistic services entered into by the

1 Illinois Finance Authority in which the State of Illinois
2 is not obligated. Such contracts shall be awarded through
3 a competitive process authorized by the members of the
4 Illinois Finance Authority and are subject to Sections
5 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
6 as well as the final approval by the members of the
7 Illinois Finance Authority of the terms of the contract.

8 (B) Contracts for legal and financial services entered
9 into by the Illinois Housing Development Authority in
10 connection with the issuance of bonds in which the State
11 of Illinois is not obligated. Such contracts shall be
12 awarded through a competitive process authorized by the
13 members of the Illinois Housing Development Authority and
14 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
15 and 50-37 of this Code, as well as the final approval by
16 the members of the Illinois Housing Development Authority
17 of the terms of the contract.

18 (13) Contracts for services, commodities, and
19 equipment to support the delivery of timely forensic
20 science services in consultation with and subject to the
21 approval of the Chief Procurement Officer as provided in
22 subsection (d) of Section 5-4-3a of the Unified Code of
23 Corrections, except for the requirements of Sections
24 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
25 Code; however, the Chief Procurement Officer may, in
26 writing with justification, waive any certification

1 required under Article 50 of this Code. For any contracts
2 for services which are currently provided by members of a
3 collective bargaining agreement, the applicable terms of
4 the collective bargaining agreement concerning
5 subcontracting shall be followed.

6 On and after January 1, 2019, this paragraph (13),
7 except for this sentence, is inoperative.

8 (14) Contracts for participation expenditures required
9 by a domestic or international trade show or exhibition of
10 an exhibitor, member, or sponsor.

11 (15) Contracts with a railroad or utility that
12 requires the State to reimburse the railroad or utilities
13 for the relocation of utilities for construction or other
14 public purpose. Contracts included within this paragraph
15 (15) shall include, but not be limited to, those
16 associated with: relocations, crossings, installations,
17 and maintenance. For the purposes of this paragraph (15),
18 "railroad" means any form of non-highway ground
19 transportation that runs on rails or electromagnetic
20 guideways and "utility" means: (1) public utilities as
21 defined in Section 3-105 of the Public Utilities Act, (2)
22 telecommunications carriers as defined in Section 13-202
23 of the Public Utilities Act, (3) electric cooperatives as
24 defined in Section 3.4 of the Electric Supplier Act, (4)
25 telephone or telecommunications cooperatives as defined in
26 Section 13-212 of the Public Utilities Act, (5) rural

1 water or waste water systems with 10,000 connections or
2 less, (6) a holder as defined in Section 21-201 of the
3 Public Utilities Act, and (7) municipalities owning or
4 operating utility systems consisting of public utilities
5 as that term is defined in Section 11-117-2 of the
6 Illinois Municipal Code.

7 (16) Procurement expenditures necessary for the
8 Department of Public Health to provide the delivery of
9 timely newborn screening services in accordance with the
10 Newborn Metabolic Screening Act.

11 (17) Procurement expenditures necessary for the
12 Department of Agriculture, the Department of Financial and
13 Professional Regulation, the Department of Human Services,
14 and the Department of Public Health to implement the
15 Compassionate Use of Medical Cannabis Program and Opioid
16 Alternative Pilot Program requirements and ensure access
17 to medical cannabis for patients with debilitating medical
18 conditions in accordance with the Compassionate Use of
19 Medical Cannabis Program Act.

20 (18) This Code does not apply to any procurements
21 necessary for the Department of Agriculture, the
22 Department of Financial and Professional Regulation, the
23 Department of Human Services, the Department of Commerce
24 and Economic Opportunity, and the Department of Public
25 Health to implement the Cannabis Regulation and Tax Act if
26 the applicable agency has made a good faith determination

1 that it is necessary and appropriate for the expenditure
2 to fall within this exemption and if the process is
3 conducted in a manner substantially in accordance with the
4 requirements of Sections 20-160, 25-60, 30-22, 50-5,
5 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
6 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
7 Section 50-35, compliance applies only to contracts or
8 subcontracts over \$100,000. Notice of each contract
9 entered into under this paragraph (18) that is related to
10 the procurement of goods and services identified in
11 paragraph (1) through (9) of this subsection shall be
12 published in the Procurement Bulletin within 14 calendar
13 days after contract execution. The Chief Procurement
14 Officer shall prescribe the form and content of the
15 notice. Each agency shall provide the Chief Procurement
16 Officer, on a monthly basis, in the form and content
17 prescribed by the Chief Procurement Officer, a report of
18 contracts that are related to the procurement of goods and
19 services identified in this subsection. At a minimum, this
20 report shall include the name of the contractor, a
21 description of the supply or service provided, the total
22 amount of the contract, the term of the contract, and the
23 exception to this Code utilized. A copy of any or all of
24 these contracts shall be made available to the Chief
25 Procurement Officer immediately upon request. The Chief
26 Procurement Officer shall submit a report to the Governor

1 and General Assembly no later than November 1 of each year
2 that includes, at a minimum, an annual summary of the
3 monthly information reported to the Chief Procurement
4 Officer. This exemption becomes inoperative 5 years after
5 June 25, 2019 (the effective date of Public Act 101-27).

6 (19) Acquisition of modifications or adjustments,
7 limited to assistive technology devices and assistive
8 technology services, adaptive equipment, repairs, and
9 replacement parts to provide reasonable accommodations (i)
10 that enable a qualified applicant with a disability to
11 complete the job application process and be considered for
12 the position such qualified applicant desires, (ii) that
13 modify or adjust the work environment to enable a
14 qualified current employee with a disability to perform
15 the essential functions of the position held by that
16 employee, (iii) to enable a qualified current employee
17 with a disability to enjoy equal benefits and privileges
18 of employment as are enjoyed by other similarly situated
19 employees without disabilities, and (iv) that allow a
20 customer, client, claimant, or member of the public
21 seeking State services full use and enjoyment of and
22 access to its programs, services, or benefits.

23 For purposes of this paragraph (19):

24 "Assistive technology devices" means any item, piece
25 of equipment, or product system, whether acquired
26 commercially off the shelf, modified, or customized, that

1 is used to increase, maintain, or improve functional
2 capabilities of individuals with disabilities.

3 "Assistive technology services" means any service that
4 directly assists an individual with a disability in
5 selection, acquisition, or use of an assistive technology
6 device.

7 "Qualified" has the same meaning and use as provided
8 under the federal Americans with Disabilities Act when
9 describing an individual with a disability.

10 (20) Procurement expenditures necessary for the
11 Illinois Commerce Commission to hire third-party
12 facilitators pursuant to Sections 16-105.17 and 16-108.18
13 of the Public Utilities Act or an ombudsman pursuant to
14 Section 16-107.5 of the Public Utilities Act, a
15 facilitator pursuant to Section 16-105.17 of the Public
16 Utilities Act, or a grid auditor pursuant to Section
17 16-105.10 of the Public Utilities Act.

18 (21) Procurement expenditures for the purchase,
19 renewal, and expansion of software, software licenses, or
20 software maintenance agreements that support the efforts
21 of the Illinois State Police to enforce, regulate, and
22 administer ~~the Firearm Owners Identification Card Act,~~ the
23 Firearm Concealed Carry Act, the Firearms Restraining
24 Order Act, the Firearm Dealer License Certification Act,
25 the Law Enforcement Agencies Data System (LEADS), the
26 Uniform Crime Reporting Act, the Criminal Identification

1 Act, the Illinois Uniform Conviction Information Act, and
2 the Gun Trafficking Information Act, or establish or
3 maintain record management systems necessary to conduct
4 human trafficking investigations or gun trafficking or
5 other stolen firearm investigations. This paragraph (21)
6 applies to contracts entered into on or after January 10,
7 2023 (the effective date of Public Act 102-1116) and the
8 renewal of contracts that are in effect on January 10,
9 2023 (the effective date of Public Act 102-1116).

10 (22) Contracts for project management services and
11 system integration services required for the completion of
12 the State's enterprise resource planning project. This
13 exemption becomes inoperative 5 years after June 7, 2023
14 (the effective date of the changes made to this Section by
15 Public Act 103-8). This paragraph (22) applies to
16 contracts entered into on or after June 7, 2023 (the
17 effective date of the changes made to this Section by
18 Public Act 103-8) and the renewal of contracts that are in
19 effect on June 7, 2023 (the effective date of the changes
20 made to this Section by Public Act 103-8).

21 (23) Procurements necessary for the Department of
22 Insurance to implement the Illinois Health Benefits
23 Exchange Law if the Department of Insurance has made a
24 good faith determination that it is necessary and
25 appropriate for the expenditure to fall within this
26 exemption. The procurement process shall be conducted in a

1 manner substantially in accordance with the requirements
2 of Sections 20-160 and 25-60 and Article 50 of this Code. A
3 copy of these contracts shall be made available to the
4 Chief Procurement Officer immediately upon request. This
5 paragraph is inoperative 5 years after June 27, 2023 (the
6 effective date of Public Act 103-103).

7 (24) Contracts for public education programming,
8 noncommercial sustaining announcements, public service
9 announcements, and public awareness and education
10 messaging with the nonprofit trade associations of the
11 providers of those services that inform the public on
12 immediate and ongoing health and safety risks and hazards.

13 (25) Procurements necessary for the Department of
14 Early Childhood to implement the Department of Early
15 Childhood Act if the Department has made a good faith
16 determination that it is necessary and appropriate for the
17 expenditure to fall within this exemption. This exemption
18 shall only be used for products and services procured
19 solely for use by the Department of Early Childhood. The
20 procurements may include those necessary to design and
21 build integrated, operational systems of programs and
22 services. The procurements may include, but are not
23 limited to, those necessary to align and update program
24 standards, integrate funding systems, design and establish
25 data and reporting systems, align and update models for
26 technical assistance and professional development, design

1 systems to manage grants and ensure compliance, design and
2 implement management and operational structures, and
3 establish new means of engaging with families, educators,
4 providers, and stakeholders. The procurement processes
5 shall be conducted in a manner substantially in accordance
6 with the requirements of Article 50 (ethics) and Sections
7 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
8 and Inclusion), 20-80 (contract files), 20-120
9 (subcontractors), 20-155 (paperwork), 20-160
10 (ethics/campaign contribution prohibitions), 25-60
11 (prevailing wage), and 25-90 (prohibited and authorized
12 cybersecurity) of this Code. Beginning January 1, 2025,
13 the Department of Early Childhood shall provide a
14 quarterly report to the General Assembly detailing a list
15 of expenditures and contracts for which the Department
16 uses this exemption. This paragraph is inoperative on and
17 after July 1, 2027.

18 (26) ~~(25)~~ Procurements that are necessary for
19 increasing the recruitment and retention of State
20 employees, particularly minority candidates for
21 employment, including:

22 (A) procurements related to registration fees for
23 job fairs and other outreach and recruitment events;

24 (B) production of recruitment materials; and

25 (C) other services related to recruitment and
26 retention of State employees.

1 The exemption under this paragraph (26) ~~(25)~~ applies
2 only if the State agency has made a good faith
3 determination that it is necessary and appropriate for the
4 expenditure to fall within this paragraph (26) ~~(25)~~. The
5 procurement process under this paragraph (26) ~~(25)~~ shall
6 be conducted in a manner substantially in accordance with
7 the requirements of Sections 20-160 and 25-60 and Article
8 50 of this Code. A copy of these contracts shall be made
9 available to the Chief Procurement Officer immediately
10 upon request. Nothing in this paragraph (26) ~~(25)~~
11 authorizes the replacement or diminishment of State
12 responsibilities in hiring or the positions that
13 effectuate that hiring. This paragraph (26) ~~(25)~~ is
14 inoperative on and after June 30, 2029.

15 Notwithstanding any other provision of law, for contracts
16 with an annual value of more than \$100,000 entered into on or
17 after October 1, 2017 under an exemption provided in any
18 paragraph of this subsection (b), except paragraph (1), (2),
19 or (5), each State agency shall post to the appropriate
20 procurement bulletin the name of the contractor, a description
21 of the supply or service provided, the total amount of the
22 contract, the term of the contract, and the exception to the
23 Code utilized. The chief procurement officer shall submit a
24 report to the Governor and General Assembly no later than
25 November 1 of each year that shall include, at a minimum, an
26 annual summary of the monthly information reported to the

1 chief procurement officer.

2 (c) This Code does not apply to the electric power
3 procurement process provided for under Section 1-75 of the
4 Illinois Power Agency Act and Section 16-111.5 of the Public
5 Utilities Act. This Code does not apply to the procurement of
6 technical and policy experts pursuant to Section 1-129 of the
7 Illinois Power Agency Act.

8 (d) Except for Section 20-160 and Article 50 of this Code,
9 and as expressly required by Section 9.1 of the Illinois
10 Lottery Law, the provisions of this Code do not apply to the
11 procurement process provided for under Section 9.1 of the
12 Illinois Lottery Law.

13 (e) This Code does not apply to the process used by the
14 Capital Development Board to retain a person or entity to
15 assist the Capital Development Board with its duties related
16 to the determination of costs of a clean coal SNG brownfield
17 facility, as defined by Section 1-10 of the Illinois Power
18 Agency Act, as required in subsection (h-3) of Section 9-220
19 of the Public Utilities Act, including calculating the range
20 of capital costs, the range of operating and maintenance
21 costs, or the sequestration costs or monitoring the
22 construction of clean coal SNG brownfield facility for the
23 full duration of construction.

24 (f) (Blank).

25 (g) (Blank).

26 (h) This Code does not apply to the process to procure or

1 contracts entered into in accordance with Sections 11-5.2 and
2 11-5.3 of the Illinois Public Aid Code.

3 (i) Each chief procurement officer may access records
4 necessary to review whether a contract, purchase, or other
5 expenditure is or is not subject to the provisions of this
6 Code, unless such records would be subject to attorney-client
7 privilege.

8 (j) This Code does not apply to the process used by the
9 Capital Development Board to retain an artist or work or works
10 of art as required in Section 14 of the Capital Development
11 Board Act.

12 (k) This Code does not apply to the process to procure
13 contracts, or contracts entered into, by the State Board of
14 Elections or the State Electoral Board for hearing officers
15 appointed pursuant to the Election Code.

16 (l) This Code does not apply to the processes used by the
17 Illinois Student Assistance Commission to procure supplies and
18 services paid for from the private funds of the Illinois
19 Prepaid Tuition Fund. As used in this subsection (l), "private
20 funds" means funds derived from deposits paid into the
21 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

22 (m) This Code shall apply regardless of the source of
23 funds with which contracts are paid, including federal
24 assistance moneys. Except as specifically provided in this
25 Code, this Code shall not apply to procurement expenditures
26 necessary for the Department of Public Health to conduct the

1 Healthy Illinois Survey in accordance with Section 2310-431 of
2 the Department of Public Health Powers and Duties Law of the
3 Civil Administrative Code of Illinois.

4 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
5 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
6 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
7 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
8 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594,
9 eff. 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25;
10 revised 11-26-24.)

11 Section 26. The Intergovernmental Drug Laws Enforcement
12 Act is amended by changing Section 3 as follows:

13 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

14 Sec. 3. A Metropolitan Enforcement Group which meets the
15 minimum criteria established in this Section is eligible to
16 receive State grants to help defray the costs of operation. To
17 be eligible a MEG must:

18 (1) Be established and operating pursuant to
19 intergovernmental contracts written and executed in
20 conformity with the Intergovernmental Cooperation Act, and
21 involve 2 or more units of local government.

22 (2) Establish a MEG Policy Board composed of an
23 elected official, or his designee, and the chief law
24 enforcement officer, or his designee, from each

1 participating unit of local government to oversee the
2 operations of the MEG and make such reports to the
3 Illinois State Police as the Illinois State Police may
4 require.

5 (3) Designate a single appropriate elected official of
6 a participating unit of local government to act as the
7 financial officer of the MEG for all participating units
8 of local government and to receive funds for the operation
9 of the MEG.

10 (4) Limit its operations to enforcement of drug laws;
11 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,
12 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3,
13 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8,
14 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 of the Criminal Code
15 of 2012; ~~Sections 2, 3, 6.1, 9.5, and 14 of the Firearm~~
16 ~~Owners Identification Card Act;~~ and the investigation of
17 streetgang related offenses.

18 (5) Cooperate with the Illinois State Police in order
19 to assure compliance with this Act and to enable the
20 Illinois State Police to fulfill its duties under this
21 Act, and supply the Illinois State Police with all
22 information the Illinois State Police deems necessary
23 therefor.

24 (6) Receive funding of at least 50% of the total
25 operating budget of the MEG from the participating units
26 of local government.

1 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
2 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

3 Section 30. The Peace Officer Firearm Training Act is
4 amended by changing Section 1 as follows:

5 (50 ILCS 710/1) (from Ch. 85, par. 515)

6 Sec. 1. Definitions. As used in this Act:

7 (a) "Peace officer" means (i) any person who by virtue of
8 his office or public employment is vested by law with a primary
9 duty to maintain public order or to make arrests for offenses,
10 whether that duty extends to all offenses or is limited to
11 specific offenses, and who is employed in such capacity by any
12 county or municipality or (ii) any retired law enforcement
13 officers qualified under federal law to carry a concealed
14 weapon.

15 (a-5) "Probation officer" means a county probation officer
16 authorized by the Chief Judge of the Circuit Court to carry a
17 firearm as part of his or her duties under Section 12 of the
18 Probation and Probation Officers Act and Section 24-2 of the
19 Criminal Code of 2012.

20 (b) "Firearms" means any weapon or device defined as a
21 firearm in Section 2-7.5 of the Criminal Code of 2012 ~~1.1 of~~
22 ~~"An Act relating to the acquisition, possession and transfer~~
23 ~~of firearms and firearm ammunition, to provide a penalty for~~
24 ~~the violation thereof and to make an appropriation in~~

1 ~~connection therewith", approved August 3, 1967, as amended.~~

2 (Source: P.A. 98-725, eff. 1-1-15.)

3 Section 31. The Counties Code is amended by changing
4 Section 3-6042 as follows:

5 (55 ILCS 5/3-6042)

6 Sec. 3-6042. Retiring employee; purchase of service
7 firearm and badge. Each Sheriff shall establish a program to
8 allow an employee of the Sheriff's Department who is honorably
9 retiring in good standing to purchase either one or both of the
10 following: (1) any badge previously issued to the employee by
11 the Sheriff's Department; or (2) ~~if the employee has a~~
12 ~~currently valid Firearm Owner's Identification Card,~~ the
13 service firearm issued or previously issued to the employee by
14 the Sheriff's Department. The badge must be permanently and
15 conspicuously marked in such a manner that the individual who
16 possesses the badge is not mistaken for an actively serving
17 law enforcement officer. The cost of the firearm shall be the
18 replacement value of the firearm and not the firearm's fair
19 market value.

20 (Source: P.A. 102-719, eff. 5-6-22.)

21 Section 35. The School Code is amended by changing
22 Sections 10-22.6, 10-27.1A and 34-8.05 as follows:

1 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

2 (Text of Section before amendment by P.A. 102-466)

3 Sec. 10-22.6. Suspension or expulsion of students; school
4 searches.

5 (a) To expel students guilty of gross disobedience or
6 misconduct, including gross disobedience or misconduct
7 perpetuated by electronic means, pursuant to subsection (b-20)
8 of this Section, and no action shall lie against them for such
9 expulsion. Expulsion shall take place only after the parents
10 have been requested to appear at a meeting of the board, or
11 with a hearing officer appointed by it, to discuss their
12 child's behavior. Such request shall be made by registered or
13 certified mail and shall state the time, place and purpose of
14 the meeting. The board, or a hearing officer appointed by it,
15 at such meeting shall state the reasons for dismissal and the
16 date on which the expulsion is to become effective. If a
17 hearing officer is appointed by the board, the hearing officer
18 shall report to the board a written summary of the evidence
19 heard at the meeting and the board may take such action thereon
20 as it finds appropriate. If the board acts to expel a student,
21 the written expulsion decision shall detail the specific
22 reasons why removing the student from the learning environment
23 is in the best interest of the school. The expulsion decision
24 shall also include a rationale as to the specific duration of
25 the expulsion. An expelled student may be immediately
26 transferred to an alternative program in the manner provided

1 in Article 13A or 13B of this Code. A student must not be
2 denied transfer because of the expulsion, except in cases in
3 which such transfer is deemed to cause a threat to the safety
4 of students or staff in the alternative program.

5 (b) To suspend or by policy to authorize the
6 superintendent of the district or the principal, assistant
7 principal, or dean of students of any school to suspend
8 students guilty of gross disobedience or misconduct, or to
9 suspend students guilty of gross disobedience or misconduct on
10 the school bus from riding the school bus, pursuant to
11 subsections (b-15) and (b-20) of this Section, and no action
12 shall lie against them for such suspension. The board may by
13 policy authorize the superintendent of the district or the
14 principal, assistant principal, or dean of students of any
15 school to suspend students guilty of such acts for a period not
16 to exceed 10 school days. If a student is suspended due to
17 gross disobedience or misconduct on a school bus, the board
18 may suspend the student in excess of 10 school days for safety
19 reasons.

20 Any suspension shall be reported immediately to the
21 parents or guardian of a student along with a full statement of
22 the reasons for such suspension and a notice of their right to
23 a review. The school board must be given a summary of the
24 notice, including the reason for the suspension and the
25 suspension length. Upon request of the parents or guardian,
26 the school board or a hearing officer appointed by it shall

1 review such action of the superintendent or principal,
2 assistant principal, or dean of students. At such review, the
3 parents or guardian of the student may appear and discuss the
4 suspension with the board or its hearing officer. If a hearing
5 officer is appointed by the board, he shall report to the board
6 a written summary of the evidence heard at the meeting. After
7 its hearing or upon receipt of the written report of its
8 hearing officer, the board may take such action as it finds
9 appropriate. If a student is suspended pursuant to this
10 subsection (b), the board shall, in the written suspension
11 decision, detail the specific act of gross disobedience or
12 misconduct resulting in the decision to suspend. The
13 suspension decision shall also include a rationale as to the
14 specific duration of the suspension.

15 (b-5) Among the many possible disciplinary interventions
16 and consequences available to school officials, school
17 exclusions, such as out-of-school suspensions and expulsions,
18 are the most serious. School officials shall limit the number
19 and duration of expulsions and suspensions to the greatest
20 extent practicable, and it is recommended that they use them
21 only for legitimate educational purposes. To ensure that
22 students are not excluded from school unnecessarily, it is
23 recommended that school officials consider forms of
24 non-exclusionary discipline prior to using out-of-school
25 suspensions or expulsions.

26 (b-10) Unless otherwise required by federal law or this

1 Code, school boards may not institute zero-tolerance policies
2 by which school administrators are required to suspend or
3 expel students for particular behaviors.

4 (b-15) Out-of-school suspensions of 3 days or less may be
5 used only if the student's continuing presence in school would
6 pose a threat to school safety or a disruption to other
7 students' learning opportunities. For purposes of this
8 subsection (b-15), "threat to school safety or a disruption to
9 other students' learning opportunities" shall be determined on
10 a case-by-case basis by the school board or its designee.
11 School officials shall make all reasonable efforts to resolve
12 such threats, address such disruptions, and minimize the
13 length of suspensions to the greatest extent practicable.

14 (b-20) Unless otherwise required by this Code,
15 out-of-school suspensions of longer than 3 days, expulsions,
16 and disciplinary removals to alternative schools may be used
17 only if other appropriate and available behavioral and
18 disciplinary interventions have been exhausted and the
19 student's continuing presence in school would either (i) pose
20 a threat to the safety of other students, staff, or members of
21 the school community or (ii) substantially disrupt, impede, or
22 interfere with the operation of the school. For purposes of
23 this subsection (b-20), "threat to the safety of other
24 students, staff, or members of the school community" and
25 "substantially disrupt, impede, or interfere with the
26 operation of the school" shall be determined on a case-by-case

1 basis by school officials. For purposes of this subsection
2 (b-20), the determination of whether "appropriate and
3 available behavioral and disciplinary interventions have been
4 exhausted" shall be made by school officials. School officials
5 shall make all reasonable efforts to resolve such threats,
6 address such disruptions, and minimize the length of student
7 exclusions to the greatest extent practicable. Within the
8 suspension decision described in subsection (b) of this
9 Section or the expulsion decision described in subsection (a)
10 of this Section, it shall be documented whether other
11 interventions were attempted or whether it was determined that
12 there were no other appropriate and available interventions.

13 (b-25) Students who are suspended out-of-school for longer
14 than 3 school days shall be provided appropriate and available
15 support services during the period of their suspension. For
16 purposes of this subsection (b-25), "appropriate and available
17 support services" shall be determined by school authorities.
18 Within the suspension decision described in subsection (b) of
19 this Section, it shall be documented whether such services are
20 to be provided or whether it was determined that there are no
21 such appropriate and available services.

22 A school district may refer students who are expelled to
23 appropriate and available support services.

24 A school district shall create a policy to facilitate the
25 re-engagement of students who are suspended out-of-school,
26 expelled, or returning from an alternative school setting. In

1 consultation with stakeholders deemed appropriate by the State
2 Board of Education, the State Board of Education shall draft
3 and publish guidance for the re-engagement of students who are
4 suspended out-of-school, expelled, or returning from an
5 alternative school setting in accordance with this Section and
6 Section 13A-4 on or before July 1, 2025.

7 (b-30) A school district shall create a policy by which
8 suspended students, including those students suspended from
9 the school bus who do not have alternate transportation to
10 school, shall have the opportunity to make up work for
11 equivalent academic credit. It shall be the responsibility of
12 a student's parent or guardian to notify school officials that
13 a student suspended from the school bus does not have
14 alternate transportation to school.

15 (c) A school board must invite a representative from a
16 local mental health agency to consult with the board at the
17 meeting whenever there is evidence that mental illness may be
18 the cause of a student's expulsion or suspension.

19 (c-5) School districts shall make reasonable efforts to
20 provide ongoing professional development to all school
21 personnel, school board members, and school resource officers,
22 on the requirements of this Section and Section 10-20.14, the
23 adverse consequences of school exclusion and justice-system
24 involvement, effective classroom management strategies,
25 culturally responsive discipline, trauma-responsive learning
26 environments, as defined in subsection (b) of Section 3-11,

1 the appropriate and available supportive services for the
2 promotion of student attendance and engagement, and
3 developmentally appropriate disciplinary methods that promote
4 positive and healthy school climates.

5 (d) The board may expel a student for a definite period of
6 time not to exceed 2 calendar years, as determined on a
7 case-by-case basis. A student who is determined to have
8 brought one of the following objects to school, any
9 school-sponsored activity or event, or any activity or event
10 that bears a reasonable relationship to school shall be
11 expelled for a period of not less than one year:

12 (1) A firearm. For the purposes of this Section,
13 "firearm" means any gun, rifle, shotgun, weapon as defined
14 by Section 921 of Title 18 of the United States Code,
15 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~
16 ~~Owners Identification Card Act, or firearm as defined in~~
17 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion
18 period under this subdivision (1) may be modified by the
19 superintendent, and the superintendent's determination may
20 be modified by the board on a case-by-case basis.

21 (2) A knife, brass knuckles or other knuckle weapon
22 regardless of its composition, a billy club, or any other
23 object if used or attempted to be used to cause bodily
24 harm, including "look alike" of any firearm as defined in
25 subdivision (1) of this subsection (d). The expulsion
26 requirement under this subdivision (2) may be modified by

1 the superintendent, and the superintendent's determination
2 may be modified by the board on a case-by-case basis.

3 Expulsion or suspension shall be construed in a manner
4 consistent with the federal Individuals with Disabilities
5 Education Act. A student who is subject to suspension or
6 expulsion as provided in this Section may be eligible for a
7 transfer to an alternative school program in accordance with
8 Article 13A of the School Code.

9 (d-5) The board may suspend or by regulation authorize the
10 superintendent of the district or the principal, assistant
11 principal, or dean of students of any school to suspend a
12 student for a period not to exceed 10 school days or may expel
13 a student for a definite period of time not to exceed 2
14 calendar years, as determined on a case-by-case basis, if (i)
15 that student has been determined to have made an explicit
16 threat on an Internet website against a school employee, a
17 student, or any school-related personnel, (ii) the Internet
18 website through which the threat was made is a site that was
19 accessible within the school at the time the threat was made or
20 was available to third parties who worked or studied within
21 the school grounds at the time the threat was made, and (iii)
22 the threat could be reasonably interpreted as threatening to
23 the safety and security of the threatened individual because
24 of the individual's duties or employment status or status as a
25 student inside the school.

26 (e) To maintain order and security in the schools, school

1 authorities may inspect and search places and areas such as
2 lockers, desks, parking lots, and other school property and
3 equipment owned or controlled by the school, as well as
4 personal effects left in those places and areas by students,
5 without notice to or the consent of the student, and without a
6 search warrant. As a matter of public policy, the General
7 Assembly finds that students have no reasonable expectation of
8 privacy in these places and areas or in their personal effects
9 left in these places and areas. School authorities may request
10 the assistance of law enforcement officials for the purpose of
11 conducting inspections and searches of lockers, desks, parking
12 lots, and other school property and equipment owned or
13 controlled by the school for illegal drugs, weapons, or other
14 illegal or dangerous substances or materials, including
15 searches conducted through the use of specially trained dogs.
16 If a search conducted in accordance with this Section produces
17 evidence that the student has violated or is violating either
18 the law, local ordinance, or the school's policies or rules,
19 such evidence may be seized by school authorities, and
20 disciplinary action may be taken. School authorities may also
21 turn over such evidence to law enforcement authorities.

22 (f) Suspension or expulsion may include suspension or
23 expulsion from school and all school activities and a
24 prohibition from being present on school grounds.

25 (g) A school district may adopt a policy providing that if
26 a student is suspended or expelled for any reason from any

1 public or private school in this or any other state, the
2 student must complete the entire term of the suspension or
3 expulsion in an alternative school program under Article 13A
4 of this Code or an alternative learning opportunities program
5 under Article 13B of this Code before being admitted into the
6 school district if there is no threat to the safety of students
7 or staff in the alternative program.

8 (h) School officials shall not advise or encourage
9 students to drop out voluntarily due to behavioral or academic
10 difficulties.

11 (i) A student may not be issued a monetary fine or fee as a
12 disciplinary consequence, though this shall not preclude
13 requiring a student to provide restitution for lost, stolen,
14 or damaged property.

15 (j) Subsections (a) through (i) of this Section shall
16 apply to elementary and secondary schools, charter schools,
17 special charter districts, and school districts organized
18 under Article 34 of this Code.

19 (k) The expulsion of students enrolled in programs funded
20 under Section 1C-2 of this Code is subject to the requirements
21 under paragraph (7) of subsection (a) of Section 2-3.71 of
22 this Code.

23 (l) An in-school suspension program provided by a school
24 district for any students in kindergarten through grade 12 may
25 focus on promoting non-violent conflict resolution and
26 positive interaction with other students and school personnel.

1 A school district may employ a school social worker or a
2 licensed mental health professional to oversee an in-school
3 suspension program in kindergarten through grade 12.

4 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22;
5 103-594, eff. 6-25-24; 103-896, eff. 8-9-24; revised 9-25-24.)

6 (Text of Section after amendment by P.A. 102-466)

7 Sec. 10-22.6. Suspension or expulsion of students; school
8 searches.

9 (a) To expel students guilty of gross disobedience or
10 misconduct, including gross disobedience or misconduct
11 perpetuated by electronic means, pursuant to subsection (b-20)
12 of this Section, and no action shall lie against them for such
13 expulsion. Expulsion shall take place only after the parents
14 or guardians have been requested to appear at a meeting of the
15 board, or with a hearing officer appointed by it, to discuss
16 their child's behavior. Such request shall be made by
17 registered or certified mail and shall state the time, place
18 and purpose of the meeting. The board, or a hearing officer
19 appointed by it, at such meeting shall state the reasons for
20 dismissal and the date on which the expulsion is to become
21 effective. If a hearing officer is appointed by the board, the
22 hearing officer shall report to the board a written summary of
23 the evidence heard at the meeting and the board may take such
24 action thereon as it finds appropriate. If the board acts to
25 expel a student, the written expulsion decision shall detail

1 the specific reasons why removing the student from the
2 learning environment is in the best interest of the school.
3 The expulsion decision shall also include a rationale as to
4 the specific duration of the expulsion. An expelled student
5 may be immediately transferred to an alternative program in
6 the manner provided in Article 13A or 13B of this Code. A
7 student must not be denied transfer because of the expulsion,
8 except in cases in which such transfer is deemed to cause a
9 threat to the safety of students or staff in the alternative
10 program.

11 (b) To suspend or by policy to authorize the
12 superintendent of the district or the principal, assistant
13 principal, or dean of students of any school to suspend
14 students guilty of gross disobedience or misconduct, or to
15 suspend students guilty of gross disobedience or misconduct on
16 the school bus from riding the school bus, pursuant to
17 subsections (b-15) and (b-20) of this Section, and no action
18 shall lie against them for such suspension. The board may by
19 policy authorize the superintendent of the district or the
20 principal, assistant principal, or dean of students of any
21 school to suspend students guilty of such acts for a period not
22 to exceed 10 school days. If a student is suspended due to
23 gross disobedience or misconduct on a school bus, the board
24 may suspend the student in excess of 10 school days for safety
25 reasons.

26 Any suspension shall be reported immediately to the

1 parents or guardians of a student along with a full statement
2 of the reasons for such suspension and a notice of their right
3 to a review. The school board must be given a summary of the
4 notice, including the reason for the suspension and the
5 suspension length. Upon request of the parents or guardians,
6 the school board or a hearing officer appointed by it shall
7 review such action of the superintendent or principal,
8 assistant principal, or dean of students. At such review, the
9 parents or guardians of the student may appear and discuss the
10 suspension with the board or its hearing officer. If a hearing
11 officer is appointed by the board, he shall report to the board
12 a written summary of the evidence heard at the meeting. After
13 its hearing or upon receipt of the written report of its
14 hearing officer, the board may take such action as it finds
15 appropriate. If a student is suspended pursuant to this
16 subsection (b), the board shall, in the written suspension
17 decision, detail the specific act of gross disobedience or
18 misconduct resulting in the decision to suspend. The
19 suspension decision shall also include a rationale as to the
20 specific duration of the suspension.

21 (b-5) Among the many possible disciplinary interventions
22 and consequences available to school officials, school
23 exclusions, such as out-of-school suspensions and expulsions,
24 are the most serious. School officials shall limit the number
25 and duration of expulsions and suspensions to the greatest
26 extent practicable, and it is recommended that they use them

1 only for legitimate educational purposes. To ensure that
2 students are not excluded from school unnecessarily, it is
3 recommended that school officials consider forms of
4 non-exclusionary discipline prior to using out-of-school
5 suspensions or expulsions.

6 (b-10) Unless otherwise required by federal law or this
7 Code, school boards may not institute zero-tolerance policies
8 by which school administrators are required to suspend or
9 expel students for particular behaviors.

10 (b-15) Out-of-school suspensions of 3 days or less may be
11 used only if the student's continuing presence in school would
12 pose a threat to school safety or a disruption to other
13 students' learning opportunities. For purposes of this
14 subsection (b-15), "threat to school safety or a disruption to
15 other students' learning opportunities" shall be determined on
16 a case-by-case basis by the school board or its designee.
17 School officials shall make all reasonable efforts to resolve
18 such threats, address such disruptions, and minimize the
19 length of suspensions to the greatest extent practicable.

20 (b-20) Unless otherwise required by this Code,
21 out-of-school suspensions of longer than 3 days, expulsions,
22 and disciplinary removals to alternative schools may be used
23 only if other appropriate and available behavioral and
24 disciplinary interventions have been exhausted and the
25 student's continuing presence in school would either (i) pose
26 a threat to the safety of other students, staff, or members of

1 the school community or (ii) substantially disrupt, impede, or
2 interfere with the operation of the school. For purposes of
3 this subsection (b-20), "threat to the safety of other
4 students, staff, or members of the school community" and
5 "substantially disrupt, impede, or interfere with the
6 operation of the school" shall be determined on a case-by-case
7 basis by school officials. For purposes of this subsection
8 (b-20), the determination of whether "appropriate and
9 available behavioral and disciplinary interventions have been
10 exhausted" shall be made by school officials. School officials
11 shall make all reasonable efforts to resolve such threats,
12 address such disruptions, and minimize the length of student
13 exclusions to the greatest extent practicable. Within the
14 suspension decision described in subsection (b) of this
15 Section or the expulsion decision described in subsection (a)
16 of this Section, it shall be documented whether other
17 interventions were attempted or whether it was determined that
18 there were no other appropriate and available interventions.

19 (b-25) Students who are suspended out-of-school for longer
20 than 3 school days shall be provided appropriate and available
21 support services during the period of their suspension. For
22 purposes of this subsection (b-25), "appropriate and available
23 support services" shall be determined by school authorities.
24 Within the suspension decision described in subsection (b) of
25 this Section, it shall be documented whether such services are
26 to be provided or whether it was determined that there are no

1 such appropriate and available services.

2 A school district may refer students who are expelled to
3 appropriate and available support services.

4 A school district shall create a policy to facilitate the
5 re-engagement of students who are suspended out-of-school,
6 expelled, or returning from an alternative school setting. In
7 consultation with stakeholders deemed appropriate by the State
8 Board of Education, the State Board of Education shall draft
9 and publish guidance for the re-engagement of students who are
10 suspended out-of-school, expelled, or returning from an
11 alternative school setting in accordance with this Section and
12 Section 13A-4 on or before July 1, 2025.

13 (b-30) A school district shall create a policy by which
14 suspended students, including those students suspended from
15 the school bus who do not have alternate transportation to
16 school, shall have the opportunity to make up work for
17 equivalent academic credit. It shall be the responsibility of
18 a student's parents or guardians to notify school officials
19 that a student suspended from the school bus does not have
20 alternate transportation to school.

21 (b-35) In all suspension review hearings conducted under
22 subsection (b) or expulsion hearings conducted under
23 subsection (a), a student may disclose any factor to be
24 considered in mitigation, including his or her status as a
25 parent, expectant parent, or victim of domestic or sexual
26 violence, as defined in Article 26A. A representative of the

1 parent's or guardian's choice, or of the student's choice if
2 emancipated, must be permitted to represent the student
3 throughout the proceedings and to address the school board or
4 its appointed hearing officer. With the approval of the
5 student's parent or guardian, or of the student if
6 emancipated, a support person must be permitted to accompany
7 the student to any disciplinary hearings or proceedings. The
8 representative or support person must comply with any rules of
9 the school district's hearing process. If the representative
10 or support person violates the rules or engages in behavior or
11 advocacy that harasses, abuses, or intimidates either party, a
12 witness, or anyone else in attendance at the hearing, the
13 representative or support person may be prohibited from
14 further participation in the hearing or proceeding. A
15 suspension or expulsion proceeding under this subsection
16 (b-35) must be conducted independently from any ongoing
17 criminal investigation or proceeding, and an absence of
18 pending or possible criminal charges, criminal investigations,
19 or proceedings may not be a factor in school disciplinary
20 decisions.

21 (b-40) During a suspension review hearing conducted under
22 subsection (b) or an expulsion hearing conducted under
23 subsection (a) that involves allegations of sexual violence by
24 the student who is subject to discipline, neither the student
25 nor his or her representative shall directly question nor have
26 direct contact with the alleged victim. The student who is

1 subject to discipline or his or her representative may, at the
2 discretion and direction of the school board or its appointed
3 hearing officer, suggest questions to be posed by the school
4 board or its appointed hearing officer to the alleged victim.

5 (c) A school board must invite a representative from a
6 local mental health agency to consult with the board at the
7 meeting whenever there is evidence that mental illness may be
8 the cause of a student's expulsion or suspension.

9 (c-5) School districts shall make reasonable efforts to
10 provide ongoing professional development to all school
11 personnel, school board members, and school resource officers
12 on the requirements of this Section and Section 10-20.14, the
13 adverse consequences of school exclusion and justice-system
14 involvement, effective classroom management strategies,
15 culturally responsive discipline, trauma-responsive learning
16 environments, as defined in subsection (b) of Section 3-11,
17 the appropriate and available supportive services for the
18 promotion of student attendance and engagement, and
19 developmentally appropriate disciplinary methods that promote
20 positive and healthy school climates.

21 (d) The board may expel a student for a definite period of
22 time not to exceed 2 calendar years, as determined on a
23 case-by-case basis. A student who is determined to have
24 brought one of the following objects to school, any
25 school-sponsored activity or event, or any activity or event
26 that bears a reasonable relationship to school shall be

1 expelled for a period of not less than one year:

2 (1) A firearm. For the purposes of this Section,
3 "firearm" means any gun, rifle, shotgun, weapon as defined
4 by Section 921 of Title 18 of the United States Code,
5 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~
6 ~~Owners Identification Card Act, or firearm as defined in~~
7 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion
8 period under this subdivision (1) may be modified by the
9 superintendent, and the superintendent's determination may
10 be modified by the board on a case-by-case basis.

11 (2) A knife, brass knuckles or other knuckle weapon
12 regardless of its composition, a billy club, or any other
13 object if used or attempted to be used to cause bodily
14 harm, including "look alike" of any firearm as defined in
15 subdivision (1) of this subsection (d). The expulsion
16 requirement under this subdivision (2) may be modified by
17 the superintendent, and the superintendent's determination
18 may be modified by the board on a case-by-case basis.

19 Expulsion or suspension shall be construed in a manner
20 consistent with the federal Individuals with Disabilities
21 Education Act. A student who is subject to suspension or
22 expulsion as provided in this Section may be eligible for a
23 transfer to an alternative school program in accordance with
24 Article 13A of the School Code.

25 (d-5) The board may suspend or by regulation authorize the
26 superintendent of the district or the principal, assistant

1 principal, or dean of students of any school to suspend a
2 student for a period not to exceed 10 school days or may expel
3 a student for a definite period of time not to exceed 2
4 calendar years, as determined on a case-by-case basis, if (i)
5 that student has been determined to have made an explicit
6 threat on an Internet website against a school employee, a
7 student, or any school-related personnel, (ii) the Internet
8 website through which the threat was made is a site that was
9 accessible within the school at the time the threat was made or
10 was available to third parties who worked or studied within
11 the school grounds at the time the threat was made, and (iii)
12 the threat could be reasonably interpreted as threatening to
13 the safety and security of the threatened individual because
14 of the individual's duties or employment status or status as a
15 student inside the school.

16 (e) To maintain order and security in the schools, school
17 authorities may inspect and search places and areas such as
18 lockers, desks, parking lots, and other school property and
19 equipment owned or controlled by the school, as well as
20 personal effects left in those places and areas by students,
21 without notice to or the consent of the student, and without a
22 search warrant. As a matter of public policy, the General
23 Assembly finds that students have no reasonable expectation of
24 privacy in these places and areas or in their personal effects
25 left in these places and areas. School authorities may request
26 the assistance of law enforcement officials for the purpose of

1 conducting inspections and searches of lockers, desks, parking
2 lots, and other school property and equipment owned or
3 controlled by the school for illegal drugs, weapons, or other
4 illegal or dangerous substances or materials, including
5 searches conducted through the use of specially trained dogs.
6 If a search conducted in accordance with this Section produces
7 evidence that the student has violated or is violating either
8 the law, local ordinance, or the school's policies or rules,
9 such evidence may be seized by school authorities, and
10 disciplinary action may be taken. School authorities may also
11 turn over such evidence to law enforcement authorities.

12 (f) Suspension or expulsion may include suspension or
13 expulsion from school and all school activities and a
14 prohibition from being present on school grounds.

15 (g) A school district may adopt a policy providing that if
16 a student is suspended or expelled for any reason from any
17 public or private school in this or any other state, the
18 student must complete the entire term of the suspension or
19 expulsion in an alternative school program under Article 13A
20 of this Code or an alternative learning opportunities program
21 under Article 13B of this Code before being admitted into the
22 school district if there is no threat to the safety of students
23 or staff in the alternative program. A school district that
24 adopts a policy under this subsection (g) must include a
25 provision allowing for consideration of any mitigating
26 factors, including, but not limited to, a student's status as

1 a parent, expectant parent, or victim of domestic or sexual
2 violence, as defined in Article 26A.

3 (h) School officials shall not advise or encourage
4 students to drop out voluntarily due to behavioral or academic
5 difficulties.

6 (i) A student may not be issued a monetary fine or fee as a
7 disciplinary consequence, though this shall not preclude
8 requiring a student to provide restitution for lost, stolen,
9 or damaged property.

10 (j) Subsections (a) through (i) of this Section shall
11 apply to elementary and secondary schools, charter schools,
12 special charter districts, and school districts organized
13 under Article 34 of this Code.

14 (k) Through June 30, 2026, the expulsion of students
15 enrolled in programs funded under Section 1C-2 of this Code is
16 subject to the requirements under paragraph (7) of subsection
17 (a) of Section 2-3.71 of this Code.

18 (k-5) On and after July 1, 2026, the expulsion of children
19 enrolled in programs funded under Section 15-25 of the
20 Department of Early Childhood Act is subject to the
21 requirements of paragraph (7) of subsection (a) of Section
22 15-30 of the Department of Early Childhood Act.

23 (l) An in-school suspension program provided by a school
24 district for any students in kindergarten through grade 12 may
25 focus on promoting non-violent conflict resolution and
26 positive interaction with other students and school personnel.

1 A school district may employ a school social worker or a
2 licensed mental health professional to oversee an in-school
3 suspension program in kindergarten through grade 12.

4 (Source: P.A. 102-466, eff. 7-1-25; 102-539, eff. 8-20-21;
5 102-813, eff. 5-13-22; 103-594, eff. 6-25-24; 103-896, eff.
6 8-9-24; revised 9-25-24.)

7 (105 ILCS 5/10-27.1A)

8 (Text of Section from P.A. 103-609)

9 Sec. 10-27.1A. Firearms in schools.

10 (a) All school officials, including teachers, school
11 counselors, and support staff, shall immediately notify the
12 office of the principal in the event that they observe any
13 person in possession of a firearm on school grounds; provided
14 that taking such immediate action to notify the office of the
15 principal would not immediately endanger the health, safety,
16 or welfare of students who are under the direct supervision of
17 the school official or the school official. If the health,
18 safety, or welfare of students under the direct supervision of
19 the school official or of the school official is immediately
20 endangered, the school official shall notify the office of the
21 principal as soon as the students under his or her supervision
22 and he or she are no longer under immediate danger. A report is
23 not required by this Section when the school official knows
24 that the person in possession of the firearm is a law
25 enforcement official engaged in the conduct of his or her

1 official duties. Any school official acting in good faith who
2 makes such a report under this Section shall have immunity
3 from any civil or criminal liability that might otherwise be
4 incurred as a result of making the report. The identity of the
5 school official making such report shall not be disclosed
6 except as expressly and specifically authorized by law.
7 Knowingly and willfully failing to comply with this Section is
8 a petty offense. A second or subsequent offense is a Class C
9 misdemeanor.

10 (b) Upon receiving a report from any school official
11 pursuant to this Section, or from any other person, the
12 principal or his or her designee shall immediately notify a
13 local law enforcement agency. If the person found to be in
14 possession of a firearm on school grounds is a student, the
15 principal or his or her designee shall also immediately notify
16 that student's parent or guardian. Any principal or his or her
17 designee acting in good faith who makes such reports under
18 this Section shall have immunity from any civil or criminal
19 liability that might otherwise be incurred or imposed as a
20 result of making the reports. Knowingly and willfully failing
21 to comply with this Section is a petty offense. A second or
22 subsequent offense is a Class C misdemeanor. If the person
23 found to be in possession of the firearm on school grounds is a
24 minor, the law enforcement agency shall detain that minor
25 until such time as the agency makes a determination pursuant
26 to clause (a) of subsection (1) of Section 5-401 of the

1 Juvenile Court Act of 1987, as to whether the agency
2 reasonably believes that the minor is delinquent. If the law
3 enforcement agency determines that probable cause exists to
4 believe that the minor committed a violation of item (4) of
5 subsection (a) of Section 24-1 of the Criminal Code of 2012
6 while on school grounds, the agency shall detain the minor for
7 processing pursuant to Section 5-407 of the Juvenile Court Act
8 of 1987.

9 (c) Upon receipt of any written, electronic, or verbal
10 report from any school personnel regarding a verified incident
11 involving a firearm in a school or on school owned or leased
12 property, including any conveyance owned, leased, or used by
13 the school for the transport of students or school personnel,
14 the superintendent or his or her designee shall report all
15 such firearm-related incidents occurring in a school or on
16 school property to the local law enforcement authorities
17 immediately.

18 (c-5) Schools shall report any written, electronic, or
19 verbal report of a verified incident involving a firearm made
20 under subsection (c) to the State Board of Education through
21 existing school incident reporting systems as they occur
22 during the year by no later than August 1 of each year. The
23 State Board of Education shall report data by school district,
24 as collected from school districts, and make it available to
25 the public via its website. The local law enforcement
26 authority shall, by March 1 of each year, report the required

1 data from the previous year to the Illinois State Police's
2 Illinois Uniform Crime Reporting Program, which shall be
3 included in its annual Crime in Illinois report.

4 (d) As used in this Section, the term "firearm" shall have
5 the meaning ascribed to it in Section 2-7.5 of the Criminal
6 Code of 2012 ~~1.1 of the Firearm Owners Identification Card~~
7 ~~Act.~~

8 As used in this Section, the term "school" means any
9 public or private elementary or secondary school.

10 As used in this Section, the term "school grounds"
11 includes the real property comprising any school, any
12 conveyance owned, leased, or contracted by a school to
13 transport students to or from school or a school-related
14 activity, or any public way within 1,000 feet of the real
15 property comprising any school.

16 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
17 102-813, eff. 5-13-22; 103-34, eff. 6-9-23; 103-609, eff.
18 7-1-24.)

19 (Text of Section from P.A. 103-780)

20 Sec. 10-27.1A. Firearms in schools.

21 (a) All school officials, including teachers, school
22 counselors, and support staff, shall immediately notify the
23 office of the principal in the event that they observe any
24 person in possession of a firearm on school grounds; provided
25 that taking such immediate action to notify the office of the

1 principal would not immediately endanger the health, safety,
2 or welfare of students who are under the direct supervision of
3 the school official or the school official. If the health,
4 safety, or welfare of students under the direct supervision of
5 the school official or of the school official is immediately
6 endangered, the school official shall notify the office of the
7 principal as soon as the students under his or her supervision
8 and he or she are no longer under immediate danger. A report is
9 not required by this Section when the school official knows
10 that the person in possession of the firearm is a law
11 enforcement official engaged in the conduct of his or her
12 official duties. Any school official acting in good faith who
13 makes such a report under this Section shall have immunity
14 from any civil or criminal liability that might otherwise be
15 incurred as a result of making the report. The identity of the
16 school official making such report shall not be disclosed
17 except as expressly and specifically authorized by law.
18 Knowingly and willfully failing to comply with this Section is
19 a petty offense. A second or subsequent offense is a Class C
20 misdemeanor.

21 (b) Upon receiving a report from any school official
22 pursuant to this Section, or from any other person, the
23 principal or his or her designee shall immediately notify a
24 local law enforcement agency. If the person found to be in
25 possession of a firearm on school grounds is a student, the
26 principal or his or her designee shall also immediately notify

1 that student's parent or guardian. Any principal or his or her
2 designee acting in good faith who makes such reports under
3 this Section shall have immunity from any civil or criminal
4 liability that might otherwise be incurred or imposed as a
5 result of making the reports. Knowingly and willfully failing
6 to comply with this Section is a petty offense. A second or
7 subsequent offense is a Class C misdemeanor. If the person
8 found to be in possession of the firearm on school grounds is a
9 minor, the law enforcement agency shall detain that minor
10 until such time as the agency makes a determination pursuant
11 to clause (a) of subsection (1) of Section 5-401 of the
12 Juvenile Court Act of 1987, as to whether the agency
13 reasonably believes that the minor is delinquent. If the law
14 enforcement agency determines that probable cause exists to
15 believe that the minor committed a violation of item (4) of
16 subsection (a) of Section 24-1 of the Criminal Code of 2012
17 while on school grounds, the agency shall detain the minor for
18 processing pursuant to Section 5-407 of the Juvenile Court Act
19 of 1987.

20 (c) Upon receipt of any written, electronic, or verbal
21 report from any school personnel regarding a verified incident
22 involving a firearm in a school or on school owned or leased
23 property, including any conveyance owned, leased, or used by
24 the school for the transport of students or school personnel,
25 the superintendent or his or her designee shall report all
26 such firearm-related incidents occurring in a school or on

1 school property to the local law enforcement authorities
2 immediately.

3 (c-5) Schools shall report any written, electronic, or
4 verbal report of a verified incident involving a firearm made
5 under subsection (c) to the State Board of Education through
6 existing school incident reporting systems as they occur
7 during the year by no later than July 31 for the previous
8 school year. The State Board of Education shall report data by
9 school district, as collected from school districts, and make
10 it available to the public via its website. The local law
11 enforcement authority shall, by March 1 of each year, report
12 the required data from the previous year to the Illinois State
13 Police's Illinois Uniform Crime Reporting Program, which shall
14 be included in its annual Crime in Illinois report.

15 (d) As used in this Section, the term "firearm" shall have
16 the meaning ascribed to it in Section 2-7.5 of the Criminal
17 Code of 2012 ~~1.1 of the Firearm Owners Identification Card~~
18 ~~Act.~~

19 As used in this Section, the term "school" means any
20 public or private elementary or secondary school.

21 As used in this Section, the term "school grounds"
22 includes the real property comprising any school, any
23 conveyance owned, leased, or contracted by a school to
24 transport students to or from school or a school-related
25 activity, or any public way within 1,000 feet of the real
26 property comprising any school.

1 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
2 102-813, eff. 5-13-22; 103-34, eff. 6-9-23; 103-780, eff.
3 8-2-24.)

4 (105 ILCS 5/34-8.05)

5 Sec. 34-8.05. Reporting firearms in schools. On or after
6 January 1, 1997, upon receipt of any written, electronic, or
7 verbal report from any school personnel regarding a verified
8 incident involving a firearm in a school or on school owned or
9 leased property, including any conveyance owned, leased, or
10 used by the school for the transport of students or school
11 personnel, the general superintendent or his or her designee
12 shall report all such firearm-related incidents occurring in a
13 school or on school property to the local law enforcement
14 authorities no later than 24 hours after the occurrence of the
15 incident.

16 The general superintendent or the general superintendent's
17 designee shall report any written, electronic, or verbal
18 report of a verified incident involving a firearm to the State
19 Board of Education through existing school incident reporting
20 systems as they occur during the year by no later than July 31
21 for the previous school year. The State Board of Education
22 shall report the data and make it available to the public via
23 its website. The local law enforcement authority shall, by
24 March 1 of each year, report the required data from the
25 previous year to the Illinois State Police's Illinois Uniform

1 Crime Reporting Program, which shall be included in its annual
2 Crime in Illinois report.

3 As used in this Section, the term "firearm" shall have the
4 meaning ascribed to it in Section 2-7.5 of the Criminal Code of
5 2012 ~~1.1 of the Firearm Owners Identification Card Act.~~

6 (Source: P.A. 102-538, eff. 8-20-21; 103-780, eff. 8-2-24.)

7 Section 40. The Illinois Explosives Act is amended by
8 changing Section 2005 as follows:

9 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

10 Sec. 2005. Qualifications for licensure.

11 (a) No person shall qualify to hold a license who:

12 (1) is under 21 years of age;

13 (2) has been convicted in any court of a crime
14 punishable by imprisonment for a term exceeding one year;

15 (3) is under indictment for a crime punishable by
16 imprisonment for a term exceeding one year;

17 (4) is a fugitive from justice;

18 (5) is an unlawful user of or addicted to any
19 controlled substance as defined in Section 102 of the
20 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
21 seq.);

22 (6) has been adjudicated a person with a mental
23 disability as defined in Section 6-103.1 of the Mental
24 Health and Developmental Disabilities Code ~~1.1 of the~~

1 ~~Firearm Owners Identification Card Act; or~~

2 (7) is not a legal citizen of the United States or
3 lawfully admitted for permanent residence.

4 (b) A person who has been granted a "relief from
5 disabilities" regarding criminal convictions and indictments,
6 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
7 845) may receive a license provided all other qualifications
8 under this Act are met.

9 (Source: P.A. 101-541, eff. 8-23-19.)

10 Section 45. The Private Detective, Private Alarm, Private
11 Security, and Locksmith Act of 2004 is amended by changing
12 Sections 35-30 and 35-35 as follows:

13 (225 ILCS 447/35-30)

14 (Section scheduled to be repealed on January 1, 2029)

15 Sec. 35-30. Employee requirements. All employees of a
16 licensed agency, other than those exempted, shall apply for a
17 permanent employee registration card. The holder of an agency
18 license issued under this Act, known in this Section as
19 "employer", may employ in the conduct of the employer's
20 business employees under the following provisions:

21 (a) No person shall be issued a permanent employee
22 registration card who:

23 (1) Is younger than 18 years of age.

24 (2) Is younger than 21 years of age if the services

1 will include being armed.

2 (3) Has been determined by the Department to be unfit
3 by reason of conviction of an offense in this or another
4 state, including registration as a sex offender, but not
5 including a traffic offense. Persons convicted of felonies
6 involving bodily harm, weapons, violence, or theft within
7 the previous 10 years shall be presumed to be unfit for
8 registration. The Department shall adopt rules for making
9 those determinations that shall afford the applicant due
10 process of law.

11 (4) Has had a license or permanent employee
12 registration card denied, suspended, or revoked under this
13 Act (i) within one year before the date the person's
14 application for permanent employee registration card is
15 received by the Department; and (ii) that refusal, denial,
16 suspension, or revocation was based on any provision of
17 this Act other than Section 40-50, item (6) or (8) of
18 subsection (a) of Section 15-10, subsection (b) of Section
19 15-10, item (6) or (8) of subsection (a) of Section 20-10,
20 subsection (b) of Section 20-10, item (6) or (8) of
21 subsection (a) of Section 25-10, subsection (b) of Section
22 25-10, item (7) of subsection (a) of Section 30-10,
23 subsection (b) of Section 30-10, or Section 10-40.

24 (5) Has been declared incompetent by any court of
25 competent jurisdiction by reason of mental disease or
26 defect and has not been restored.

1 (6) Has been dishonorably discharged from the armed
2 services of the United States.

3 (b) No person may be employed by a private detective
4 agency, private security contractor agency, private alarm
5 contractor agency, fingerprint vendor agency, or locksmith
6 agency under this Section until the person has executed and
7 furnished to the employer, on forms furnished by the
8 Department, a verified statement to be known as "Employee's
9 Statement" setting forth:

10 (1) The person's full name, age, and residence
11 address.

12 (2) The business or occupation engaged in for the 5
13 years immediately before the date of the execution of the
14 statement, the place where the business or occupation was
15 engaged in, and the names of employers, if any.

16 (3) That the person has not had a license or employee
17 registration denied, revoked, or suspended under this Act
18 (i) within one year before the date the person's
19 application for permanent employee registration card is
20 received by the Department; and (ii) that refusal, denial,
21 suspension, or revocation was based on any provision of
22 this Act other than Section 40-50, item (6) or (8) of
23 subsection (a) of Section 15-10, subsection (b) of Section
24 15-10, item (6) or (8) of subsection (a) of Section 20-10,
25 subsection (b) of Section 20-10, item (6) or (8) of
26 subsection (a) of Section 25-10, subsection (b) of Section

1 25-10, item (7) of subsection (a) of Section 30-10,
2 subsection (b) of Section 30-10, or Section 10-40.

3 (4) Any conviction of a felony or misdemeanor.

4 (5) Any declaration of incompetence by a court of
5 competent jurisdiction that has not been restored.

6 (6) Any dishonorable discharge from the armed services
7 of the United States.

8 (7) Any other information as may be required by any
9 rule of the Department to show the good character,
10 competency, and integrity of the person executing the
11 statement.

12 (c) Each applicant for a permanent employee registration
13 card shall have the applicant's fingerprints submitted to the
14 Illinois State Police in an electronic format that complies
15 with the form and manner for requesting and furnishing
16 criminal history record information as prescribed by the
17 Illinois State Police. These fingerprints shall be checked
18 against the Illinois State Police and Federal Bureau of
19 Investigation criminal history record databases now and
20 hereafter filed. The Illinois State Police shall charge
21 applicants a fee for conducting the criminal history records
22 check, which shall be deposited in the State Police Services
23 Fund and shall not exceed the actual cost of the records check.
24 The Illinois State Police shall furnish, pursuant to positive
25 identification, records of Illinois convictions to the
26 Department. The Department may require applicants to pay a

1 separate fingerprinting fee, either to the Department or
2 directly to the vendor. The Department, in its discretion, may
3 allow an applicant who does not have reasonable access to a
4 designated vendor to provide the applicant's fingerprints in
5 an alternative manner. The Department, in its discretion, may
6 also use other procedures in performing or obtaining criminal
7 background checks of applicants. Instead of submitting the
8 applicant's fingerprints, an individual may submit proof that
9 is satisfactory to the Department that an equivalent security
10 clearance has been conducted. Also, an individual who has
11 retired as a peace officer within 12 months of application may
12 submit verification, on forms provided by the Department and
13 signed by the applicant's employer, of the applicant's
14 previous full-time employment as a peace officer.

15 (d) The Department shall issue a permanent employee
16 registration card, in a form the Department prescribes, to all
17 qualified applicants. The holder of a permanent employee
18 registration card shall carry the card at all times while
19 actually engaged in the performance of the duties of the
20 employee's employment. Expiration and requirements for renewal
21 of permanent employee registration cards shall be established
22 by rule of the Department. Possession of a permanent employee
23 registration card does not in any way imply that the holder of
24 the card is employed by an agency unless the permanent
25 employee registration card is accompanied by the employee
26 identification card required by subsection (f) of this

1 Section.

2 (e) Each employer shall maintain a record of each employee
3 that is accessible to the duly authorized representatives of
4 the Department. The record shall contain the following
5 information:

6 (1) A photograph taken within 10 days of the date that
7 the employee begins employment with the employer. The
8 photograph shall be replaced with a current photograph
9 every 3 calendar years.

10 (2) The Employee's Statement specified in subsection
11 (b) of this Section.

12 (3) All correspondence or documents relating to the
13 character and integrity of the employee received by the
14 employer from any official source or law enforcement
15 agency.

16 (4) In the case of former employees, the employee
17 identification card of that person issued under subsection
18 (f) of this Section. Each employee record shall duly note
19 if the employee is employed in an armed capacity. Armed
20 employee files shall contain ~~a copy of an active firearm~~
21 ~~owner's identification card and~~ a copy of an active
22 firearm control card. Each employer shall maintain a
23 record for each armed employee of each instance in which
24 the employee's weapon was discharged during the course of
25 the employee's professional duties or activities. The
26 record shall be maintained on forms provided by the

1 Department, a copy of which must be filed with the
2 Department within 15 days of an instance. The record shall
3 include the date and time of the occurrence, the
4 circumstances involved in the occurrence, and any other
5 information as the Department may require. Failure to
6 provide this information to the Department or failure to
7 maintain the record as a part of each armed employee's
8 permanent file is grounds for disciplinary action. The
9 Department, upon receipt of a report, shall have the
10 authority to make any investigation it considers
11 appropriate into any occurrence in which an employee's
12 weapon was discharged and to take disciplinary action as
13 may be appropriate.

14 (5) A copy of the employee's permanent employee
15 registration card or a copy of the Department's "License
16 Lookup" Webpage showing that the employee has been issued
17 a valid permanent employee registration card by the
18 Department.

19 The Department may, by rule, prescribe further record
20 requirements.

21 (f) Every employer shall furnish an employee
22 identification card to each of the employer's employees. This
23 employee identification card shall contain a recent photograph
24 of the employee, the employee's name, the name and agency
25 license number of the employer, the employee's personal
26 description, the signature of the employer, the signature of

1 that employee, the date of issuance, and an employee
2 identification card number.

3 (g) No employer may issue an employee identification card
4 to any person who is not employed by the employer in accordance
5 with this Section or falsely state or represent that a person
6 is or has been in the employer's employ. It is unlawful for an
7 applicant for registered employment to file with the
8 Department the fingerprints of a person other than himself or
9 herself.

10 (h) Every employer shall obtain the identification card of
11 every employee who terminates employment with the employer.

12 (i) Every employer shall maintain a separate roster of the
13 names of all employees currently working in an armed capacity
14 and submit the roster to the Department on request.

15 (j) No agency may employ any person to perform a licensed
16 activity under this Act unless the person possesses a valid
17 permanent employee registration card or a valid license under
18 this Act, or is exempt pursuant to subsection (n).

19 (k) Notwithstanding the provisions of subsection (j), an
20 agency may employ a person in a temporary capacity if all of
21 the following conditions are met:

22 (1) The agency completes in its entirety and submits
23 to the Department an application for a permanent employee
24 registration card, including the required fingerprint
25 receipt and fees.

26 (2) The agency has verification from the Department

1 that the applicant has no record of any criminal
2 conviction pursuant to the criminal history check
3 conducted by the Illinois State Police. The agency shall
4 maintain the verification of the results of the Illinois
5 State Police criminal history check as part of the
6 employee record as required under subsection (e) of this
7 Section.

8 (3) The agency exercises due diligence to ensure that
9 the person is qualified under the requirements of this Act
10 to be issued a permanent employee registration card.

11 (4) The agency maintains a separate roster of the
12 names of all employees whose applications are currently
13 pending with the Department and submits the roster to the
14 Department on a monthly basis. Rosters are to be
15 maintained by the agency for a period of at least 24
16 months.

17 An agency may employ only a permanent employee applicant
18 for which it either submitted a permanent employee application
19 and all required forms and fees or it confirms with the
20 Department that a permanent employee application and all
21 required forms and fees have been submitted by another agency,
22 licensee or the permanent employee and all other requirements
23 of this Section are met.

24 The Department shall have the authority to revoke, without
25 a hearing, the temporary authority of an individual to work
26 upon receipt of Federal Bureau of Investigation fingerprint

1 data or a report of another official authority indicating a
2 criminal conviction. If the Department has not received a
3 temporary employee's Federal Bureau of Investigation
4 fingerprint data within 120 days of the date the Department
5 received the Illinois State Police fingerprint data, the
6 Department may, at its discretion, revoke the employee's
7 temporary authority to work with 15 days written notice to the
8 individual and the employing agency.

9 An agency may not employ a person in a temporary capacity
10 if it knows or reasonably should have known that the person has
11 been convicted of a crime under the laws of this State, has
12 been convicted in another state of any crime that is a crime
13 under the laws of this State, has been convicted of any crime
14 in a federal court, or has been posted as an unapproved
15 applicant by the Department. Notice by the Department to the
16 agency, via certified mail, personal delivery, electronic
17 mail, or posting on the Department's Internet site accessible
18 to the agency that the person has been convicted of a crime
19 shall be deemed constructive knowledge of the conviction on
20 the part of the agency. The Department may adopt rules to
21 implement this subsection (k).

22 (1) No person may be employed under this Section in any
23 capacity if:

24 (1) the person, while so employed, is being paid by
25 the United States or any political subdivision for the
26 time so employed in addition to any payments the person

1 may receive from the employer; or

2 (2) the person wears any portion of the person's
3 official uniform, emblem of authority, or equipment while
4 so employed.

5 (m) If information is discovered affecting the
6 registration of a person whose fingerprints were submitted
7 under this Section, the Department shall so notify the agency
8 that submitted the fingerprints on behalf of that person.

9 (n) Peace officers shall be exempt from the requirements
10 of this Section relating to permanent employee registration
11 cards. The agency shall remain responsible for any peace
12 officer employed under this exemption, regardless of whether
13 the peace officer is compensated as an employee or as an
14 independent contractor and as further defined by rule.

15 (o) Persons who have no access to confidential or security
16 information, who do not go to a client's or prospective
17 client's residence or place of business, and who otherwise do
18 not provide traditional security services are exempt from
19 employee registration. Examples of exempt employees include,
20 but are not limited to, employees working in the capacity of
21 ushers, directors, ticket takers, cashiers, drivers, and
22 reception personnel. Confidential or security information is
23 that which pertains to employee files, scheduling, client
24 contracts, or technical security and alarm data.

25 (p) An applicant who is 21 years of age or older seeking a
26 religious exemption to the photograph requirement of this

1 Section shall furnish with the application an approved copy of
2 United States Department of the Treasury Internal Revenue
3 Service Form 4029. Regardless of age, an applicant seeking a
4 religious exemption to this photograph requirement shall
5 submit fingerprints in a form and manner prescribed by the
6 Department with the applicant's application in lieu of a
7 photograph.

8 (Source: P.A. 102-538, eff. 8-20-21; 103-309, eff. 1-1-24.)

9 (225 ILCS 447/35-35)

10 (Section scheduled to be repealed on January 1, 2029)

11 Sec. 35-35. Requirement of a firearm control card.

12 (a) No person shall perform duties that include the use,
13 carrying, or possession of a firearm in the performance of
14 those duties without complying with the provisions of this
15 Section and having been issued a valid firearm control card by
16 the Department.

17 (b) No employer shall employ any person to perform the
18 duties for which licensure or employee registration is
19 required and allow that person to carry a firearm unless that
20 person has complied with all the firearm training requirements
21 of this Section and has been issued a firearm control card.
22 This Act permits only the following to carry firearms while
23 actually engaged in the performance of their duties or while
24 commuting directly to or from their places of employment:
25 persons licensed as private detectives and their registered

1 employees; persons licensed as private security contractors
2 and their registered employees; persons licensed as private
3 alarm contractors and their registered employees; and
4 employees of a registered armed proprietary security force.

5 (c) Possession of a valid firearm control card allows a
6 licensee or employee to carry a firearm not otherwise
7 prohibited by law while the licensee or employee is engaged in
8 the performance of the licensee's or employee's duties or
9 while the licensee or employee is commuting directly to or
10 from the licensee's or employee's place or places of
11 employment.

12 (d) The Department shall issue a firearm control card to a
13 person who has passed an approved firearm training course, who
14 is currently licensed or employed by an agency licensed by
15 this Act and has met all the requirements of this Act, and who
16 is not prohibited under State or federal law from possessing a
17 firearm ~~possesses a valid firearm owner identification card.~~
18 Application for the firearm control card shall be made by the
19 employer to the Department on forms provided by the
20 Department. The Department shall forward the card to the
21 employer who shall be responsible for its issuance to the
22 licensee or employee. The firearm control card shall be issued
23 by the Department and shall identify the person holding it and
24 the name of the course where the licensee or employee received
25 firearm instruction and shall specify the type of weapon or
26 weapons the person is authorized by the Department to carry

1 and for which the person has been trained.

2 (e) Expiration and requirements for renewal of firearm
3 control cards shall be determined by rule.

4 (f) The Department may, in addition to any other
5 disciplinary action permitted by this Act, refuse to issue,
6 suspend, or revoke a firearm control card if the applicant or
7 holder has been convicted of any felony or crime involving the
8 illegal use, carrying, or possession of a deadly weapon or for
9 a violation of this Act or rules adopted ~~promulgated~~ under
10 this Act. The Department shall refuse to issue or shall revoke
11 a firearm control card if the applicant or holder is
12 prohibited under State or federal law from possessing a
13 firearm ~~fails to possess a valid firearm owners identification~~
14 ~~card without hearing~~. The Secretary shall summarily suspend a
15 firearm control card if the Secretary finds that its continued
16 use would constitute an imminent danger to the public. A
17 hearing shall be held before the Board within 30 days if the
18 Secretary summarily suspends a firearm control card.

19 (g) Notwithstanding any other provision of this Act to the
20 contrary, all requirements relating to firearms control cards
21 do not apply to a peace officer. If an individual ceases to be
22 employed as a peace officer and continues to perform services
23 in an armed capacity under this Act that are licensed
24 activities, then the individual is required to obtain a
25 permanent employee registration card pursuant to Section 35-30
26 of this Act ~~and must possess a valid Firearm Owner's~~

1 ~~Identification Card~~, but is not required to obtain a firearm
2 control card if the individual is otherwise in continuing
3 compliance with the federal Law Enforcement Officers Safety
4 Act of 2004. If an individual elects to carry a firearm
5 pursuant to the federal Law Enforcement Officers Safety Act of
6 2004, then the agency employing the officer shall submit an
7 application to the Department for issuance of a waiver card
8 along with a fee specified by rule.

9 (h) The Department may issue a temporary firearm control
10 card pending issuance of a new firearm control card upon an
11 agency's acquiring of an established armed account. An agency
12 that has acquired armed employees as a result of acquiring an
13 established armed account may, on forms supplied by the
14 Department, request the issuance of a temporary firearm
15 control card for each acquired employee who held a valid
16 firearm control card under the employer's employment with the
17 newly acquired established armed account immediately preceding
18 the acquiring of the account and who continues to meet all of
19 the qualifications for issuance of a firearm control card set
20 forth in this Act and any rules adopted under this Act. The
21 Department shall, by rule, set the fee for issuance of a
22 temporary firearm control card.

23 (i) The Department shall not issue a firearm control card
24 to a licensed fingerprint vendor or a licensed locksmith or
25 employees of a licensed fingerprint vendor agency or a
26 licensed locksmith agency.

1 (Source: P.A. 103-309, eff. 1-1-24.)

2 Section 46. The Illinois Gambling Act is amended by
3 changing Section 5.4 as follows:

4 (230 ILCS 10/5.4)

5 Sec. 5.4. Retiring investigators; purchase of service
6 firearm and badge. The Board shall establish a program to
7 allow an investigator appointed under paragraph (20.6) of
8 subsection (c) of Section 4 who is honorably retiring in good
9 standing to purchase either one or both of the following: (1)
10 any badge previously issued to the investigator by the Board;
11 or (2) ~~if the investigator has a currently valid Firearm~~
12 ~~Owner's Identification Card,~~ the service firearm issued or
13 previously issued to the investigator by the Board. The badge
14 must be permanently and conspicuously marked in such a manner
15 that the individual who possesses the badge is not mistaken
16 for an actively serving law enforcement officer. The cost of
17 the firearm shall be the replacement value of the firearm and
18 not the firearm's fair market value.

19 (Source: P.A. 102-719, eff. 5-6-22.)

20 Section 50. The Mental Health and Developmental
21 Disabilities Code is amended by changing Sections 1-106,
22 1-116, 6-103.1, 6-103.2, and 6-103.3 as follows:

1 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

2 Sec. 1-106. "Developmental disability" means a severe,
3 chronic disability, other than mental illness, found to be
4 closely related to an intellectual disability because this
5 condition results in impairment of general intellectual
6 functioning or adaptive behavior similar to that of persons
7 with ID, and requires services similar to those required for a
8 person with an intellectual disability. In addition, a
9 developmental disability: (1) is manifested before the
10 individual reaches 22 years of age; (2) is likely to continue
11 indefinitely; (3) results in substantial functional
12 limitations in three or more of the following areas of major
13 life activity: self-care, receptive and expressive language,
14 learning, mobility, self-direction, capacity for independent
15 living, or economic self-sufficiency; and (4) reflects the
16 individual's need for a combination and sequence of special
17 interdisciplinary or generic services, individualized
18 supports, or other forms of assistance that are of lifelong or
19 extended duration and are individually planned and
20 coordinated. ~~This definition does not supersede the~~
21 ~~"developmental disability" definition in Section 1.1 of the~~
22 ~~Firearm Owners Identification Card Act which is required to be~~
23 ~~applied under that Act for the purpose of mandatory reporting.~~
24 (Source: P.A. 102-972, eff. 1-1-23.)

25 (405 ILCS 5/1-116) (from Ch. 91 1/2, par. 1-116)

1 Sec. 1-116. Intellectual disability. "Intellectual
2 disability" means a disorder with onset during the
3 developmental period (before the individual reaches age 22),
4 that includes both intellectual and adaptive deficits in
5 conceptual, social and practical domains. The following 3
6 criteria must be met: (1) deficits in intellectual functions
7 such as reasoning, problem solving, planning, abstract
8 thinking, judgment, academic learning, and learning from
9 experience confirmed by both clinical assessment and
10 individualized, standardized intelligence testing (generally
11 indicated with an IQ score of about 70 or below), (2) deficits
12 in adaptive functioning that result in failure to meet
13 developmental and sociocultural standards for personal
14 independence and social responsibility. Without ongoing
15 support, the adaptive deficits limit functioning in one or
16 more activities of daily life, such as communication, social
17 participation, and independent living, across multiple
18 environments, such as home, school, work, and community, and
19 (3) onset of intellectual and adaptive deficits during the
20 developmental period. ~~This definition does not supersede the
21 "intellectual disability" definition in Section 1.1 of the
22 Firearm Owners Identification Card Act which is required to be
23 applied under that Act for the purpose of mandatory reporting.~~
24 (Source: P.A. 102-972, eff. 1-1-23.)

25 (405 ILCS 5/6-103.1)

1 Sec. 6-103.1. Adjudication as a person with a mental
2 disability. When a person has been adjudicated as a person
3 with a mental disability ~~as defined in Section 1.1 of the~~
4 ~~Firearm Owners Identification Card Act,~~ including, but not
5 limited to, an adjudication as a person with a disability as
6 defined in Section 11a-2 of the Probate Act of 1975, the court
7 shall direct the circuit court clerk to notify the Illinois
8 State Police, ~~Firearm Owner's Identification (FOID) Office,~~ in
9 a form and manner prescribed by the Illinois State Police, and
10 shall forward a copy of the court order to the Department no
11 later than 7 days after the entry of the order. Upon receipt of
12 the order, the Illinois State Police shall provide
13 notification to the National Instant Criminal Background Check
14 System. In this Section, "has been adjudicated as a mentally
15 disabled person" means the person is the subject of a
16 determination by a court, board, commission, or other lawful
17 authority that the person, as a result of marked subnormal
18 intelligence, or mental illness, mental impairment,
19 incompetency, condition, or disease:

20 (1) presents a clear and present danger to himself,
21 herself, or to others;

22 (2) lacks the mental capacity to manage his or her own
23 affairs or is adjudicated a disabled person as defined in
24 Section 11a-2 of the Probate Act of 1975;

25 (3) is not guilty in a criminal case by reason of
26 insanity, mental disease or defect;

1 (3.5) is guilty but mentally ill, as provided in
2 Section 5-2-6 of the Unified Code of Corrections;

3 (4) is unfit to stand trial in a criminal case;

4 (5) is not guilty by reason of lack of mental
5 responsibility under Articles 50a and 72b of the Uniform
6 Code of Military Justice, 10 U.S.C. 850a, 876b;

7 (6) is a sexually violent person under subsection (f)
8 of Section 5 of the Sexually Violent Persons Commitment
9 Act;

10 (7) is a sexually dangerous person under the Sexually
11 Dangerous Persons Act;

12 (8) is unfit to stand trial under the Juvenile Court
13 Act of 1987;

14 (9) is not guilty by reason of insanity under the
15 Juvenile Court Act of 1987;

16 (10) is a person subject to involuntary admission on
17 an inpatient basis as defined in Section 1-119 of the
18 Mental Health and Developmental Disabilities Code;

19 (11) is a person subject to involuntary admission on
20 an outpatient basis as defined in Section 1-119.1 of the
21 Mental Health and Developmental Disabilities Code;

22 (12) is subject to judicial admission as set forth in
23 Section 4-500 of the Mental Health and Developmental
24 Disabilities Code; or

25 (13) is subject to the provisions of the Interstate
26 Agreements on Sexually Dangerous Persons Act.

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

2 (405 ILCS 5/6-103.2)

3 Sec. 6-103.2. Developmental disability; notice. If a
4 person 14 years old or older is determined to be a person with
5 a developmental disability by a physician, clinical
6 psychologist, or qualified examiner, the physician, clinical
7 psychologist, or qualified examiner shall notify the
8 Department of Human Services within 7 days of making the
9 determination that the person has a developmental disability.
10 The Department of Human Services shall immediately update its
11 records and information relating to mental health and
12 developmental disabilities, and if appropriate, shall notify
13 the Illinois State Police in a form and manner prescribed by
14 the Illinois State Police. Information disclosed under this
15 Section shall remain privileged and confidential, and shall
16 not be redisclosed, except as required under paragraph (2) of
17 subsection (e) of Section 24-4.5 of the Criminal Code of 2012
18 ~~subsection (c) of Section 3.1 of the Firearm Owners~~
19 ~~Identification Card Act~~, nor used for any other purpose. The
20 method of providing this information shall guarantee that the
21 information is not released beyond that which is necessary for
22 the purpose of this Section and shall be provided by rule by
23 the Department of Human Services. The identity of the person
24 reporting under this Section shall not be disclosed to the
25 subject of the report.

1 The physician, clinical psychologist, or qualified
2 examiner making the determination and his or her employer may
3 not be held criminally, civilly, or professionally liable for
4 making or not making the notification required under this
5 Section, except for willful or wanton misconduct.

6 In this Section, "developmentally disabled" has the
7 meaning ascribed to it in Section 12 of the Mental Health and
8 Developmental Disabilities Confidentiality Act.

9 In ~~For purposes of~~ this Section, "developmental
10 disability" means a disability which is attributable to any
11 other condition which results in impairment similar to that
12 caused by an intellectual disability and which requires
13 services similar to those required by intellectually disabled
14 persons. The disability must originate before the age of 18
15 years, be expected to continue indefinitely, and constitute a
16 substantial disability. This disability results, in the
17 professional opinion of a physician, clinical psychologist, or
18 qualified examiner, in significant functional limitations in 3
19 or more of the following areas of major life activity:

- 20 (i) self-care;
21 (ii) receptive and expressive language;
22 (iii) learning;
23 (iv) mobility; or
24 (v) self-direction.

25 "Determined to be a person with a developmental disability
26 by a physician, clinical psychologist, or qualified examiner"

1 means in the professional opinion of the physician, clinical
2 psychologist, or qualified examiner, a person is diagnosed,
3 assessed, or evaluated as having a developmental disability.

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

5 (405 ILCS 5/6-103.3)

6 Sec. 6-103.3. Clear and present danger; notice. If a
7 person is determined to pose a clear and present danger to
8 himself, herself, or to others by a physician, clinical
9 psychologist, or qualified examiner, whether employed by the
10 State, by any public or private mental health facility or part
11 thereof, or by a law enforcement official or a school
12 administrator, then the physician, clinical psychologist,
13 qualified examiner shall notify the Department of Human
14 Services and a law enforcement official or school
15 administrator shall notify the Illinois State Police, within
16 24 hours of making the determination that the person poses a
17 clear and present danger. The Department of Human Services
18 shall immediately update its records and information relating
19 to mental health and developmental disabilities, and if
20 appropriate, shall notify the Illinois State Police in a form
21 and manner prescribed by the Illinois State Police.
22 Information disclosed under this Section shall remain
23 privileged and confidential, and shall not be redisclosed,
24 except as required under paragraph (2) of subsection (e) of
25 Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~

1 ~~Section 3.1 of the Firearm Owners Identification Card Act~~, nor
2 used for any other purpose. The method of providing this
3 information shall guarantee that the information is not
4 released beyond that which is necessary for the purpose of
5 this Section and shall be provided by rule by the Department of
6 Human Services. The identity of the person reporting under
7 this Section shall not be disclosed to the subject of the
8 report. The physician, clinical psychologist, qualified
9 examiner, law enforcement official, or school administrator
10 making the determination and his or her employer shall not be
11 held criminally, civilly, or professionally liable for making
12 or not making the notification required under this Section,
13 except for willful or wanton misconduct. This Section does not
14 apply to a law enforcement official, if making the
15 notification under this Section will interfere with an ongoing
16 or pending criminal investigation.

17 In ~~For the purposes of~~ this Section:

18 "Clear and present danger" means a person who:

19 (1) communicates a serious threat of physical
20 violence against a reasonably identifiable victim or
21 poses a clear and imminent risk of serious physical
22 injury to himself, herself, or another person as
23 determined by a physician, clinical psychologist, or
24 qualified examiner; or

25 (2) demonstrates threatening physical or verbal
26 behavior, such as violent, suicidal, or assaultive

1 threats, actions, or other behavior, as determined by
2 a physician, clinical psychologist, qualified
3 examiner, school administrator, or law enforcement
4 official.

5 "Physician", "clinical psychologist", and "qualified
6 examiner" have the meanings ascribed to them in the Mental
7 Health and Developmental Disabilities Code ~~has the meaning~~
8 ~~ascribed to it in Section 1.1 of the Firearm Owners~~
9 ~~Identification Card Act.~~

10 "Determined to pose a clear and present danger to
11 himself, herself, or to others by a physician, clinical
12 psychologist, or qualified examiner" means in the
13 professional opinion of the physician, clinical
14 psychologist, or qualified examiner, a person poses a
15 clear and present danger.

16 "School administrator" means the person required to
17 report under the School Administrator Reporting of Mental
18 Health Clear and Present Danger Determinations Law.

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

20 Section 55. The Lead Poisoning Prevention Act is amended
21 by changing Section 2 as follows:

22 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

23 Sec. 2. Definitions. As used in this Act:

24 "Child care facility" means any structure used by a child

1 care provider licensed by the Department of Children and
2 Family Services or public or private school structure
3 frequented by children 6 years of age or younger.

4 "Childhood Lead Risk Questionnaire" means the
5 questionnaire developed by the Department for use by
6 physicians and other health care providers to determine risk
7 factors for children 6 years of age or younger residing in
8 areas designated as low risk for lead exposure.

9 "Delegate agency" means a unit of local government or
10 health department approved by the Department to carry out the
11 provisions of this Act.

12 "Department" means the Department of Public Health.

13 "Director" means the Director of Public Health.

14 "Dwelling unit" means an individual unit within a
15 residential building used as living quarters for one
16 household.

17 "Elevated blood lead level" means a blood lead level in
18 excess of the limits established under State rules.

19 "Exposed surface" means any interior or exterior surface
20 of a regulated facility.

21 "High risk area" means an area in the State determined by
22 the Department to be high risk for lead exposure for children 6
23 years of age or younger. The Department may consider, but is
24 not limited to, the following factors to determine a high risk
25 area: age and condition (using Department of Housing and Urban
26 Development definitions of "slum" and "blighted") of housing,

1 proximity to highway traffic or heavy local traffic or both,
2 percentage of housing determined as rental or vacant,
3 proximity to industry using lead, established incidence of
4 elevated blood lead levels in children, percentage of
5 population living below 200% of federal poverty guidelines,
6 and number of children residing in the area who are 6 years of
7 age or younger.

8 "Lead abatement" means any approved work practices that
9 will permanently eliminate lead exposure or remove the
10 lead-bearing substances in a regulated facility. The
11 Department shall establish by rule which work practices are
12 approved or prohibited for lead abatement.

13 "Lead abatement contractor" means any person or entity
14 licensed by the Department to perform lead abatement and
15 mitigation.

16 "Lead abatement supervisor" means any person employed by a
17 lead abatement contractor and licensed by the Department to
18 perform lead abatement and lead mitigation and to supervise
19 lead workers who perform lead abatement and lead mitigation.

20 "Lead abatement worker" means any person employed by a
21 lead abatement contractor and licensed by the Department to
22 perform lead abatement and mitigation.

23 "Lead activities" means the conduct of any lead services,
24 including, lead inspection, lead risk assessment, lead
25 mitigation, or lead abatement work or supervision in a
26 regulated facility.

1 "Lead-bearing substance" means any item containing or
2 coated with lead such that the lead content is more than
3 six-hundredths of one percent (0.06%) lead by total weight; or
4 any dust on surfaces or in furniture or other nonpermanent
5 elements of the regulated facility; or any paint or other
6 surface coating material containing more than five-tenths of
7 one percent (0.5%) lead by total weight (calculated as lead
8 metal) in the total non-volatile content of liquid paint; or
9 lead-bearing substances containing greater than one milligram
10 per square centimeter or any lower standard for lead content
11 in residential paint as may be established by federal law or
12 rule; or more than 1 milligram per square centimeter in the
13 dried film of paint or previously applied substance; or item
14 or dust on item containing lead in excess of the amount
15 specified in the rules authorized by this Act or a lower
16 standard for lead content as may be established by federal law
17 or rule. "Lead-bearing substance" does not include firearm
18 ammunition or components as defined by Section 2-7.1 of the
19 Criminal Code of 2012 ~~the Firearm Owners Identification Card~~
20 ~~Act.~~

21 "Lead hazard" means a lead-bearing substance that poses an
22 immediate health hazard to humans.

23 "Lead hazard screen" means a lead risk assessment that
24 involves limited dust and paint sampling for lead-bearing
25 substances and lead hazards. This service is used as a
26 screening tool designed to determine if further lead

1 investigative services are required for the regulated
2 facility.

3 "Lead inspection" means a surface-by-surface investigation
4 to determine the presence of lead-based paint.

5 "Lead inspector" means an individual who has been trained
6 by a Department-approved training program and is licensed by
7 the Department to conduct lead inspections; to sample for the
8 presence of lead in paint, dust, soil, and water; and to
9 conduct compliance investigations.

10 "Lead mitigation" means the remediation, in a manner
11 described in Section 9, of a lead hazard so that the
12 lead-bearing substance does not pose an immediate health
13 hazard to humans.

14 "Lead poisoning" means having an elevated blood lead
15 level.

16 "Lead risk assessment" means an on-site investigation to
17 determine the existence, nature, severity, and location of
18 lead hazards. "Lead risk assessment" includes any lead
19 sampling and visual assessment associated with conducting a
20 lead risk assessment and lead hazard screen and all lead
21 sampling associated with compliance investigations.

22 "Lead risk assessor" means an individual who has been
23 trained by a Department-approved training program and is
24 licensed by the Department to conduct lead risk assessments,
25 lead inspections, and lead hazard screens; to sample for the
26 presence of lead in paint, dust, soil, water, and sources for

1 lead-bearing substances; and to conduct compliance
2 investigations.

3 "Lead training program provider" means any person
4 providing Department-approved lead training in Illinois to
5 individuals seeking licensure in accordance with the Act.

6 "Low risk area" means an area in the State determined by
7 the Department to be low risk for lead exposure for children 6
8 years of age or younger. The Department may consider the
9 factors named in "high risk area" to determine low risk areas.

10 "Owner" means any person, who alone, jointly, or severally
11 with others:

12 (a) Has legal title to any regulated facility, with or
13 without actual possession of the regulated facility, or

14 (b) Has charge, care, or control of the regulated
15 facility as owner or agent of the owner, or as executor,
16 administrator, trustee, or guardian of the estate of the
17 owner.

18 "Person" means any individual, partnership, firm, company,
19 limited liability company, corporation, association, joint
20 stock company, trust, estate, political subdivision, State
21 agency, or any other legal entity, or their legal
22 representative, agent, or assign.

23 "Regulated facility" means a residential building or child
24 care facility.

25 "Residential building" means any room, group of rooms, or
26 other interior areas of a structure designed or used for human

1 habitation; common areas accessible by inhabitants; and the
2 surrounding property or structures.

3 (Source: P.A. 100-723, eff. 1-1-19.)

4 (430 ILCS 65/Act rep.)

5 Section 60. The Firearm Owners Identification Card Act is
6 repealed.

7 Section 65. The Firearm Concealed Carry Act is amended by
8 changing Sections 25, 30, 40, 66, 70, 80, and 105 as follows:

9 (430 ILCS 66/25)

10 Sec. 25. Qualifications for a license.

11 The Illinois State Police shall issue a license to an
12 applicant completing an application in accordance with Section
13 30 of this Act if the person:

14 (1) is at least 21 years of age;

15 (2) ~~has a currently valid Firearm Owner's~~
16 ~~Identification Card and at the time of application meets~~
17 ~~the requirements for the issuance of a Firearm Owner's~~
18 ~~Identification Card and~~ is not prohibited under State ~~the~~
19 ~~Firearm Owners Identification Card Act~~ or federal law from
20 possessing or receiving a firearm;

21 (3) has not been convicted or found guilty in this
22 State or in any other state of:

23 (A) a misdemeanor involving the use or threat of

1 physical force or violence to any person within the 5
2 years preceding the date of the license application;
3 or

4 (B) 2 or more violations related to driving while
5 under the influence of alcohol, other drug or drugs,
6 intoxicating compound or compounds, or any combination
7 thereof, within the 5 years preceding the date of the
8 license application;

9 (4) is not the subject of a pending arrest warrant,
10 prosecution, or proceeding for an offense or action that
11 could lead to disqualification to own or possess a
12 firearm;

13 (5) has not been in residential or court-ordered
14 treatment for alcoholism, alcohol detoxification, or drug
15 treatment within the 5 years immediately preceding the
16 date of the license application; and

17 (6) has completed firearms training and any education
18 component required under Section 75 of this Act.

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

20 (430 ILCS 66/30)

21 Sec. 30. Contents of license application.

22 (a) The license application shall be in writing, under
23 penalty of perjury, on a standard form adopted by the Illinois
24 State Police and shall be accompanied by the documentation
25 required in this Section and the applicable fee. Each

1 application form shall include the following statement printed
2 in bold type: "Warning: Entering false information on this
3 form is punishable as perjury under Section 32-2 of the
4 Criminal Code of 2012."

5 (b) The application shall contain the following:

6 (1) the applicant's name, current address, date and
7 year of birth, place of birth, height, weight, hair color,
8 eye color, maiden name or any other name the applicant has
9 used or identified with, and any address where the
10 applicant resided for more than 30 days within the 10
11 years preceding the date of the license application;

12 (2) the applicant's valid driver's license number or
13 valid state identification card number;

14 (3) a waiver of the applicant's privacy and
15 confidentiality rights and privileges under all federal
16 and state laws, including those limiting access to
17 juvenile court, criminal justice, psychological, or
18 psychiatric records or records relating to any
19 institutionalization of the applicant, and an affirmative
20 request that a person having custody of any of these
21 records provide it or information concerning it to the
22 Illinois State Police. The waiver only applies to records
23 sought in connection with determining whether the
24 applicant qualifies for a license to carry a concealed
25 firearm under this Act, ~~or whether the applicant remains~~
26 ~~in compliance with the Firearm Owners Identification Card~~

1 ~~Act;~~

2 (4) an affirmation that the applicant is not
3 prohibited under State or federal law from possessing or
4 receiving a firearm ~~possesses a currently valid Firearm~~
5 ~~Owner's Identification Card and card number if possessed~~
6 ~~or notice the applicant is applying for a Firearm Owner's~~
7 ~~Identification Card in conjunction with the license~~
8 ~~application;~~

9 (5) an affirmation that the applicant has not been
10 convicted or found guilty of:

11 (A) a felony;

12 (B) a misdemeanor involving the use or threat of
13 physical force or violence to any person within the 5
14 years preceding the date of the application; or

15 (C) 2 or more violations related to driving while
16 under the influence of alcohol, other drug or drugs,
17 intoxicating compound or compounds, or any combination
18 thereof, within the 5 years preceding the date of the
19 license application;

20 (6) whether the applicant has failed a drug test for a
21 drug for which the applicant did not have a prescription,
22 within the previous year, and if so, the provider of the
23 test, the specific substance involved, and the date of the
24 test;

25 (7) written consent for the Illinois State Police to
26 review and use the applicant's Illinois digital driver's

1 license or Illinois identification card photograph and
2 signature;

3 (8) ~~unless submitted under subsection (a-25) of~~
4 ~~Section 4 of the Firearm Owners Identification Card Act,~~ a
5 full set of fingerprints submitted to the Illinois State
6 Police in electronic format, provided the Illinois State
7 Police may accept an application submitted without a set
8 of fingerprints, in which case the Illinois State Police
9 shall be granted 30 days in addition to the 90 days
10 provided under subsection (e) of Section 10 of this Act to
11 issue or deny a license;

12 (9) a head and shoulder color photograph in a size
13 specified by the Illinois State Police taken within the 30
14 days preceding the date of the license application; and

15 (10) a photocopy of any certificates or other evidence
16 of compliance with the training requirements under this
17 Act.

18 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
19 102-813, eff. 5-13-22.)

20 (430 ILCS 66/40)

21 Sec. 40. Non-resident license applications.

22 (a) For the purposes of this Section, "non-resident" means
23 a person who has not resided within this State for more than 30
24 days and resides in another state or territory.

25 (b) The Illinois State Police shall by rule allow for

1 non-resident license applications from any state or territory
2 of the United States with laws related to firearm ownership,
3 possession, and carrying, that are substantially similar to
4 the requirements to obtain a license under this Act.

5 (c) A resident of a state or territory approved by the
6 Illinois State Police under subsection (b) of this Section may
7 apply for a non-resident license. The applicant shall apply to
8 the Illinois State Police and must meet all of the
9 qualifications established in Section 25 of this Act, ~~except~~
10 ~~for the Illinois residency requirement in item (xiv) of~~
11 ~~paragraph (2) of subsection (a) of Section 4 of the Firearm~~
12 ~~Owners Identification Card Act.~~ The applicant shall submit:

13 (1) the application and documentation required under
14 Section 30 of this Act and the applicable fee;

15 (2) a notarized document stating that the applicant:

16 (A) is eligible under federal law and the laws of
17 his or her state or territory of residence to own or
18 possess a firearm;

19 (B) if applicable, has a license or permit to
20 carry a firearm or concealed firearm issued by his or
21 her state or territory of residence and attach a copy
22 of the license or permit to the application;

23 (C) understands Illinois laws pertaining to the
24 possession and transport of firearms; and

25 (D) acknowledges that the applicant is subject to
26 the jurisdiction of the Illinois State Police and

1 Illinois courts for any violation of this Act;

2 (3) a photocopy of any certificates or other evidence
3 of compliance with the training requirements under Section
4 75 of this Act; and

5 (4) a head and shoulder color photograph in a size
6 specified by the Illinois State Police taken within the 30
7 days preceding the date of the application.

8 (d) In lieu of an Illinois driver's license or Illinois
9 identification card, a non-resident applicant shall provide
10 similar documentation from his or her state or territory of
11 residence. The applicant shall submit ~~In lieu of a valid~~
12 ~~Firearm Owner's Identification Card, the applicant shall~~
13 ~~submit documentation and information required by the Illinois~~
14 ~~State Police to obtain a Firearm Owner's Identification Card,~~
15 ~~including~~ an affidavit that the non-resident meets the mental
16 health standards to obtain a firearm under Illinois law, and
17 the Illinois State Police shall ensure that the applicant
18 would meet the eligibility criteria under State law to possess
19 a firearm ~~to obtain a Firearm Owner's Identification card~~ if
20 he or she was a resident of this State.

21 (e) Nothing in this Act shall prohibit a non-resident from
22 transporting a concealed firearm within his or her vehicle in
23 Illinois, if the concealed firearm remains within his or her
24 vehicle and the non-resident:

25 (1) is not prohibited from owning or possessing a
26 firearm under federal law;

1 (2) is eligible to carry a firearm in public under the
2 laws of his or her state or territory of residence, as
3 evidenced by the possession of a concealed carry license
4 or permit issued by his or her state of residence, if
5 applicable; and

6 (3) is not in possession of a license under this Act.

7 If the non-resident leaves his or her vehicle unattended,
8 he or she shall store the firearm within a locked vehicle or
9 locked container within the vehicle in accordance with
10 subsection (b) of Section 65 of this Act.

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

12 (430 ILCS 66/66)

13 Sec. 66. Illinois State Police to monitor databases for
14 firearms prohibitors. The Illinois State Police shall
15 continuously monitor relevant State and federal databases for
16 firearms prohibitors and correlate those records with
17 concealed carry license holders to ensure compliance with this
18 Act and any other State and federal laws. As used in this
19 Section, "firearms prohibitor" means any factor listed in
20 ~~Section 8 or Section 8.2 of the Firearm Owners Identification~~
21 ~~Card Act or~~ Section 24-3 or 24-3.1 of the Criminal Code of 2012
22 that prohibits a person from transferring or possessing a
23 firearm, firearm ammunition, ~~Firearm Owner's Identification~~
24 ~~Card~~, or concealed carry license.

25 (Source: P.A. 102-237, eff. 1-1-22.)

1 (430 ILCS 66/70)

2 Sec. 70. Violations.

3 (a) A license issued or renewed under this Act shall be
4 revoked if, at any time, the licensee is found to be ineligible
5 for a license under this Act or the licensee is prohibited from
6 possessing a firearm under State or federal law ~~no longer~~
7 ~~meets the eligibility requirements of the Firearm Owners~~
8 ~~Identification Card Act.~~

9 (b) A license shall be suspended if an order of
10 protection, including an emergency order of protection,
11 plenary order of protection, or interim order of protection
12 under Article 112A of the Code of Criminal Procedure of 1963 or
13 under the Illinois Domestic Violence Act of 1986, or if a
14 firearms restraining order, including an emergency firearms
15 restraining order, under the Firearms Restraining Order Act,
16 is issued against a licensee for the duration of the order, or
17 if the Illinois State Police is made aware of a similar order
18 issued against the licensee in any other jurisdiction. If an
19 order of protection is issued against a licensee, the licensee
20 shall surrender the license, as applicable, to the court at
21 the time the order is entered or to the law enforcement agency
22 or entity serving process at the time the licensee is served
23 the order. The court, law enforcement agency, or entity
24 responsible for serving the order of protection shall notify
25 the Illinois State Police within 7 days and transmit the

1 license to the Illinois State Police.

2 (c) A license is invalid upon expiration of the license,
3 unless the licensee has submitted an application to renew the
4 license, and the applicant is otherwise eligible to possess a
5 license under this Act.

6 (d) A licensee shall not carry a concealed firearm while
7 under the influence of alcohol, other drug or drugs,
8 intoxicating compound or combination of compounds, or any
9 combination thereof, under the standards set forth in
10 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

11 A licensee in violation of this subsection (d) shall be
12 guilty of a Class A misdemeanor for a first or second violation
13 and a Class 4 felony for a third violation. The Illinois State
14 Police may suspend a license for up to 6 months for a second
15 violation and shall permanently revoke a license for a third
16 violation.

17 (e) Except as otherwise provided, a licensee in violation
18 of this Act shall be guilty of a Class B misdemeanor. A second
19 or subsequent violation is a Class A misdemeanor. The Illinois
20 State Police may suspend a license for up to 6 months for a
21 second violation and shall permanently revoke a license for 3
22 or more violations of Section 65 of this Act. Any person
23 convicted of a violation under this Section shall pay a \$150
24 fee to be deposited into the Mental Health Reporting Fund,
25 plus any applicable court costs or fees.

26 (f) A licensee convicted or found guilty of a violation of

1 this Act who has a valid license and is otherwise eligible to
2 carry a concealed firearm shall only be subject to the
3 penalties under this Section and shall not be subject to the
4 penalties under Section 21-6, paragraph (4), (8), or (10) of
5 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
6 of paragraph (3) of subsection (a) of Section 24-1.6 of the
7 Criminal Code of 2012. Except as otherwise provided in this
8 subsection, nothing in this subsection prohibits the licensee
9 from being subjected to penalties for violations other than
10 those specified in this Act.

11 (g) A licensee whose license is revoked, suspended, or
12 denied shall, within 48 hours of receiving notice of the
13 revocation, suspension, or denial, surrender his or her
14 concealed carry license to the local law enforcement agency
15 where the person resides. The local law enforcement agency
16 shall provide the licensee a receipt and transmit the
17 concealed carry license to the Illinois State Police. If the
18 licensee whose concealed carry license has been revoked,
19 suspended, or denied fails to comply with the requirements of
20 this subsection, the law enforcement agency where the person
21 resides may petition the circuit court to issue a warrant to
22 search for and seize the concealed carry license in the
23 possession and under the custody or control of the licensee
24 whose concealed carry license has been revoked, suspended, or
25 denied. The observation of a concealed carry license in the
26 possession of a person whose license has been revoked,

1 suspended, or denied constitutes a sufficient basis for the
2 arrest of that person for violation of this subsection. A
3 violation of this subsection is a Class A misdemeanor.

4 (h) (Blank). ~~Except as otherwise provided in subsection~~
5 ~~(h-5), a license issued or renewed under this Act shall be~~
6 ~~revoked if, at any time, the licensee is found ineligible for a~~
7 ~~Firearm Owner's Identification Card, or the licensee no longer~~
8 ~~possesses a valid Firearm Owner's Identification Card. If the~~
9 ~~Firearm Owner's Identification Card is expired or suspended~~
10 ~~rather than denied or revoked, the license may be suspended~~
11 ~~for a period of up to one year to allow the licensee to~~
12 ~~reinstate his or her Firearm Owner's Identification Card. The~~
13 ~~Illinois State Police shall adopt rules to enforce this~~
14 ~~subsection. A licensee whose license is revoked under this~~
15 ~~subsection (h) shall surrender his or her concealed carry~~
16 ~~license as provided for in subsection (g) of this Section.~~

17 ~~This subsection shall not apply to a person who has filed~~
18 ~~an application with the Illinois State Police for renewal of a~~
19 ~~Firearm Owner's Identification Card and who is not otherwise~~
20 ~~ineligible to obtain a Firearm Owner's Identification Card.~~

21 (h-5) (Blank). ~~If the Firearm Owner's Identification Card~~
22 ~~of a licensee under this Act expires during the term of the~~
23 ~~license issued under this Act, the license and the Firearm~~
24 ~~Owner's Identification Card remain valid, and the Illinois~~
25 ~~State Police may automatically renew the licensee's Firearm~~
26 ~~Owner's Identification Card as provided in subsection (c) of~~

1 ~~Section 5 of the Firearm Owners Identification Card Act.~~

2 (i) A certified firearms instructor who knowingly provides
3 or offers to provide a false certification that an applicant
4 has completed firearms training as required under this Act is
5 guilty of a Class A misdemeanor. A person guilty of a violation
6 of this subsection (i) is not eligible for court supervision.
7 The Illinois State Police shall permanently revoke the
8 firearms instructor certification of a person convicted under
9 this subsection (i).

10 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
11 102-813, eff. 5-13-22.)

12 (430 ILCS 66/80)

13 Sec. 80. Certified firearms instructors.

14 (a) Within 60 days of the effective date of this Act, the
15 Illinois State Police shall begin approval of certified
16 firearms instructors and enter certified firearms instructors
17 into an online registry on the Illinois State Police's
18 website.

19 (b) A person who is not a certified firearms instructor
20 shall not teach applicant training courses or advertise or
21 otherwise represent courses they teach as qualifying their
22 students to meet the requirements to receive a license under
23 this Act. Each violation of this subsection is a business
24 offense with a fine of at least \$1,000 per violation.

25 (c) A person seeking to become a certified firearms

1 instructor shall:

2 (1) be at least 21 years of age;

3 (2) be a legal resident of the United States; and

4 (3) meet the requirements of Section 25 of this Act,
5 ~~except for the Illinois residency requirement in item~~
6 ~~(xiv) of paragraph (2) of subsection (a) of Section 4 of~~
7 ~~the Firearm Owners Identification Card Act;~~ and any
8 additional uniformly applied requirements established by
9 the Illinois State Police.

10 (d) A person seeking to become a certified firearms
11 instructor, in addition to the requirements of subsection (c)
12 of this Section, shall:

13 (1) possess a high school diploma or State of Illinois
14 High School Diploma; and

15 (2) have at least one of the following valid firearms
16 instructor certifications:

17 (A) certification from a law enforcement agency;

18 (B) certification from a firearm instructor course
19 offered by a State or federal governmental agency;

20 (C) certification from a firearm instructor
21 qualification course offered by the Illinois Law
22 Enforcement Training Standards Board; or

23 (D) certification from an entity approved by the
24 Illinois State Police that offers firearm instructor
25 education and training in the use and safety of
26 firearms.

1 (e) A person may have his or her firearms instructor
2 certification denied or revoked if he or she does not meet the
3 requirements to obtain a license under this Act, provides
4 false or misleading information to the Illinois State Police,
5 or has had a prior instructor certification revoked or denied
6 by the Illinois State Police.

7 (Source: P.A. 102-538, eff. 8-20-21; 102-1100, eff. 1-1-23.)

8 (430 ILCS 66/105)

9 Sec. 105. Duty of school administrator. It is the duty of
10 the principal of a public elementary or secondary school, or
11 his or her designee, and the chief administrative officer of a
12 private elementary or secondary school or a public or private
13 community college, college, or university, or his or her
14 designee, to report to the Illinois State Police when a
15 student is determined to pose a clear and present danger to
16 himself, herself, or to others, within 24 hours of the
17 determination as provided in Section 6-103.3 of the Mental
18 Health and Developmental Disabilities Code. "Clear and present
19 danger" has the meaning as provided in paragraph (2) of the
20 definition of "clear and present danger" in Section 6-103.3 of
21 the Mental Health and Developmental Disabilities Code ~~1.1 of~~
22 ~~the Firearm Owners Identification Card Act.~~

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

24 Section 66. The Firearms Restraining Order Act is amended

1 by changing Sections 35 and 40 as follows:

2 (430 ILCS 67/35)

3 Sec. 35. Ex parte orders and emergency hearings.

4 (a) A petitioner may request an emergency firearms
5 restraining order by filing an affidavit or verified pleading
6 alleging that the respondent poses an immediate and present
7 danger of causing personal injury to himself, herself, or
8 another by having in his or her custody or control,
9 purchasing, possessing, or receiving a firearm, ammunition, or
10 firearm parts that could be assembled to make an operable
11 firearm. The petition shall also describe the type and
12 location of any firearm or firearms, ammunition, or firearm
13 parts that could be assembled to make an operable firearm
14 presently believed by the petitioner to be possessed or
15 controlled by the respondent.

16 (b) If the respondent is alleged to pose an immediate and
17 present danger of causing personal injury to an intimate
18 partner, or an intimate partner is alleged to have been the
19 target of a threat or act of violence by the respondent, the
20 petitioner shall make a good faith effort to provide notice to
21 any and all intimate partners of the respondent. The notice
22 must include that the petitioner intends to petition the court
23 for an emergency firearms restraining order, and, if the
24 petitioner is a law enforcement officer, referral to relevant
25 domestic violence or stalking advocacy or counseling

1 resources, if appropriate. The petitioner shall attest to
2 having provided the notice in the filed affidavit or verified
3 pleading. If, after making a good faith effort, the petitioner
4 is unable to provide notice to any or all intimate partners,
5 the affidavit or verified pleading should describe what
6 efforts were made.

7 (c) Every person who files a petition for an emergency
8 firearms restraining order, knowing the information provided
9 to the court at any hearing or in the affidavit or verified
10 pleading to be false, is guilty of perjury under Section 32-2
11 of the Criminal Code of 2012.

12 (d) An emergency firearms restraining order shall be
13 issued on an ex parte basis, that is, without notice to the
14 respondent.

15 (e) An emergency hearing held on an ex parte basis shall be
16 held the same day that the petition is filed or the next day
17 that the court is in session.

18 (f) If a circuit or associate judge finds probable cause
19 to believe that the respondent poses an immediate and present
20 danger of causing personal injury to himself, herself, or
21 another by having in his or her custody or control,
22 purchasing, possessing, or receiving a firearm, ammunition, or
23 firearm parts that could be assembled to make an operable
24 firearm, the circuit or associate judge shall issue an
25 emergency order.

26 (f-5) If the court issues an emergency firearms

1 restraining order, it shall, upon a finding of probable cause
2 that the respondent possesses firearms, ammunition, or firearm
3 parts that could be assembled to make an operable firearm,
4 issue a search warrant directing a law enforcement agency to
5 seize the respondent's firearms, ammunition, and firearm parts
6 that could be assembled to make an operable firearm. The court
7 may, as part of that warrant, direct the law enforcement
8 agency to search the respondent's residence and other places
9 where the court finds there is probable cause to believe he or
10 she is likely to possess the firearms, ammunition, or firearm
11 parts that could be assembled to make an operable firearm. A
12 return of the search warrant shall be filed by the law
13 enforcement agency within 4 days thereafter, setting forth the
14 time, date, and location that the search warrant was executed
15 and what items, if any, were seized.

16 (g) An emergency firearms restraining order shall require:

17 (1) the respondent to refrain from having in his or
18 her custody or control, purchasing, possessing, or
19 receiving additional firearms, ammunition, or firearm
20 parts that could be assembled to make an operable firearm,
21 or removing firearm parts that could be assembled to make
22 an operable firearm for the duration of the order ~~under~~
23 ~~Section 8.2 of the Firearm Owners Identification Card Act;~~
24 and

25 (2) the respondent to comply with ~~Section 9.5 of the~~
26 ~~Firearm Owners Identification Card Act and~~ subsection (g)

1 of Section 70 of the Firearm Concealed Carry Act.

2 (h) Except as otherwise provided in subsection (h-5) of
3 this Section, upon expiration of the period of safekeeping, if
4 the firearms, ammunition, and firearm parts that could be
5 assembled to make an operable firearm ~~or Firearm Owner's~~
6 ~~Identification Card~~ and concealed carry license cannot be
7 returned to the respondent because the respondent cannot be
8 located, fails to respond to requests to retrieve the
9 firearms, or is not lawfully eligible to possess a firearm,
10 ammunition, or firearm parts that could be assembled to make
11 an operable firearm, upon petition from the local law
12 enforcement agency, the court may order the local law
13 enforcement agency to destroy the firearms, ammunition, and
14 firearm parts that could be assembled to make an operable
15 firearm, use the firearms, ammunition, and firearm parts that
16 could be assembled to make an operable firearm for training
17 purposes, or use the firearms, ammunition, and firearm parts
18 that could be assembled to make an operable firearm for any
19 other application as deemed appropriate by the local law
20 enforcement agency.

21 (h-5) On or before January 1, 2022, a respondent whose
22 firearms have been turned over to a local law enforcement
23 agency ~~Firearm Owner's Identification Card has been revoked or~~
24 ~~suspended~~ may petition the court, if the petitioner is present
25 in court or has notice of the respondent's petition, to
26 transfer the respondent's firearm, ammunition, and firearm

1 parts that could be assembled to make an operable firearm to a
2 person who is lawfully able to possess the firearm,
3 ammunition, and firearm parts that could be assembled to make
4 an operable firearm if the person does not reside at the same
5 address as the respondent. Notice of the petition shall be
6 served upon the person protected by the emergency firearms
7 restraining order. While the order is in effect, the
8 transferee who receives the respondent's firearms, ammunition,
9 and firearm parts that could be assembled to make an operable
10 firearm must swear or affirm by affidavit that he or she shall
11 not transfer the firearm, ammunition, and firearm parts that
12 could be assembled to make an operable firearm to the
13 respondent or to anyone residing in the same residence as the
14 respondent.

15 (h-6) If a person other than the respondent claims title
16 to any firearms, ammunition, and firearm parts that could be
17 assembled to make an operable firearm surrendered under this
18 Section, he or she may petition the court, if the petitioner is
19 present in court or has notice of the petition, to have the
20 firearm, ammunition, and firearm parts that could be assembled
21 to make an operable firearm returned to him or her. If the
22 court determines that person to be the lawful owner of the
23 firearm, ammunition, and firearm parts that could be assembled
24 to make an operable firearm, the firearm, ammunition, and
25 firearm parts that could be assembled to make an operable
26 firearm shall be returned to him or her, provided that:

1 (1) the firearm, ammunition, and firearm parts that
2 could be assembled to make an operable firearm are removed
3 from the respondent's custody, control, or possession and
4 the lawful owner agrees to store the firearm, ammunition,
5 and firearm parts that could be assembled to make an
6 operable firearm in a manner such that the respondent does
7 not have access to or control of the firearm, ammunition,
8 and firearm parts that could be assembled to make an
9 operable firearm; and

10 (2) the firearm, ammunition, and firearm parts that
11 could be assembled to make an operable firearm are not
12 otherwise unlawfully possessed by the owner.

13 The person petitioning for the return of his or her
14 firearm, ammunition, and firearm parts that could be assembled
15 to make an operable firearm must swear or affirm by affidavit
16 that he or she: (i) is the lawful owner of the firearm,
17 ammunition, and firearm parts that could be assembled to make
18 an operable firearm; (ii) shall not transfer the firearm,
19 ammunition, and firearm parts that could be assembled to make
20 an operable firearm to the respondent; and (iii) will store
21 the firearm, ammunition, and firearm parts that could be
22 assembled to make an operable firearm in a manner that the
23 respondent does not have access to or control of the firearm,
24 ammunition, and firearm parts that could be assembled to make
25 an operable firearm.

26 (i) In accordance with subsection (e) of this Section, the

1 court shall schedule a full hearing as soon as possible, but no
2 longer than 14 days from the issuance of an ex parte firearms
3 restraining order, to determine if a 6-month firearms
4 restraining order shall be issued. The court may extend an ex
5 parte order as needed, but not to exceed 14 days, to effectuate
6 service of the order or if necessary to continue protection.
7 The court may extend the order for a greater length of time by
8 mutual agreement of the parties.

9 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
10 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
11 5-13-22.)

12 (430 ILCS 67/40)

13 Sec. 40. Plenary orders.

14 (a) A petitioner may request a firearms restraining order
15 for up to one year by filing an affidavit or verified pleading
16 alleging that the respondent poses a significant danger of
17 causing personal injury to himself, herself, or another in the
18 near future by having in his or her custody or control,
19 purchasing, possessing, or receiving a firearm, ammunition,
20 and firearm parts that could be assembled to make an operable
21 firearm. The petition shall also describe the number, types,
22 and locations of any firearms, ammunition, and firearm parts
23 that could be assembled to make an operable firearm presently
24 believed by the petitioner to be possessed or controlled by
25 the respondent. The firearms restraining order may be renewed

1 for an additional period of up to one year in accordance with
2 Section 45 of this Act.

3 (b) If the respondent is alleged to pose a significant
4 danger of causing personal injury to an intimate partner, or
5 an intimate partner is alleged to have been the target of a
6 threat or act of violence by the respondent, the petitioner
7 shall make a good faith effort to provide notice to any and all
8 intimate partners of the respondent. The notice must include
9 the duration of time that the petitioner intends to petition
10 the court for a firearms restraining order, and, if the
11 petitioner is a law enforcement officer, referral to relevant
12 domestic violence or stalking advocacy or counseling
13 resources, if appropriate. The petitioner shall attest to
14 having provided the notice in the filed affidavit or verified
15 pleading. If, after making a good faith effort, the petitioner
16 is unable to provide notice to any or all intimate partners,
17 the affidavit or verified pleading should describe what
18 efforts were made.

19 (c) Every person who files a petition for a plenary
20 firearms restraining order, knowing the information provided
21 to the court at any hearing or in the affidavit or verified
22 pleading to be false, is guilty of perjury under Section 32-2
23 of the Criminal Code of 2012.

24 (d) Upon receipt of a petition for a plenary firearms
25 restraining order, the court shall order a hearing within 30
26 days.

1 (e) In determining whether to issue a firearms restraining
2 order under this Section, the court shall consider evidence
3 including, but not limited to, the following:

4 (1) The unlawful and reckless use, display, or
5 brandishing of a firearm, ammunition, and firearm parts
6 that could be assembled to make an operable firearm by the
7 respondent.

8 (2) The history of use, attempted use, or threatened
9 use of physical force by the respondent against another
10 person.

11 (3) Any prior arrest of the respondent for a felony
12 offense.

13 (4) Evidence of the abuse of controlled substances or
14 alcohol by the respondent.

15 (5) A recent threat of violence or act of violence by
16 the respondent directed toward himself, herself, or
17 another.

18 (6) A violation of an emergency order of protection
19 issued under Section 217 of the Illinois Domestic Violence
20 Act of 1986 or Section 112A-17 of the Code of Criminal
21 Procedure of 1963 or of an order of protection issued
22 under Section 214 of the Illinois Domestic Violence Act of
23 1986 or Section 112A-14 of the Code of Criminal Procedure
24 of 1963.

25 (7) A pattern of violent acts or violent threats,
26 including, but not limited to, threats of violence or acts

1 of violence by the respondent directed toward himself,
2 herself, or another.

3 (f) At the hearing, the petitioner shall have the burden
4 of proving, by clear and convincing evidence, that the
5 respondent poses a significant danger of personal injury to
6 himself, herself, or another by having in his or her custody or
7 control, purchasing, possessing, or receiving a firearm,
8 ammunition, and firearm parts that could be assembled to make
9 an operable firearm.

10 (g) If the court finds that there is clear and convincing
11 evidence to issue a plenary firearms restraining order, the
12 court shall issue a firearms restraining order that shall be
13 in effect for up to one year, but not less than 6 months,
14 subject to renewal under Section 45 of this Act or termination
15 under that Section.

16 (g-5) If the court issues a plenary firearms restraining
17 order, it shall, upon a finding of probable cause that the
18 respondent possesses firearms, ammunition, and firearm parts
19 that could be assembled to make an operable firearm, issue a
20 search warrant directing a law enforcement agency to seize the
21 respondent's firearms, ammunition, and firearm parts that
22 could be assembled to make an operable firearm. The court may,
23 as part of that warrant, direct the law enforcement agency to
24 search the respondent's residence and other places where the
25 court finds there is probable cause to believe he or she is
26 likely to possess the firearms, ammunition, and firearm parts

1 that could be assembled to make an operable firearm. A return
2 of the search warrant shall be filed by the law enforcement
3 agency within 4 days thereafter, setting forth the time, date,
4 and location that the search warrant was executed and what
5 items, if any, were seized.

6 (h) A plenary firearms restraining order shall require:

7 (1) the respondent to refrain from having in his or
8 her custody or control, purchasing, possessing, or
9 receiving additional firearms, ammunition, and firearm
10 parts that could be assembled to make an operable firearm
11 for the duration of the order ~~under Section 8.2 of the~~
12 ~~Firearm Owners Identification Card Act~~; and

13 (2) the respondent to comply with ~~Section 9.5 of the~~
14 ~~Firearm Owners Identification Card Act~~ and subsection (g)
15 of Section 70 of the Firearm Concealed Carry Act.

16 (i) Except as otherwise provided in subsection (i-5) of
17 this Section, upon expiration of the period of safekeeping, if
18 the firearms, ammunition, and firearm parts that could be
19 assembled to make an operable firearm ~~or Firearm Owner's~~
20 ~~Identification Card~~ cannot be returned to the respondent
21 because the respondent cannot be located, fails to respond to
22 requests to retrieve the firearms, ammunition, and firearm
23 parts that could be assembled to make an operable firearm, or
24 is not lawfully eligible to possess a firearm, ammunition, and
25 firearm parts that could be assembled to make an operable
26 firearm, upon petition from the local law enforcement agency,

1 the court may order the local law enforcement agency to
2 destroy the firearms, ammunition, and firearm parts that could
3 be assembled to make an operable firearm, use the firearms,
4 ammunition, and firearm parts that could be assembled to make
5 an operable firearm for training purposes, or use the
6 firearms, ammunition, and firearm parts that could be
7 assembled to make an operable firearm for any other
8 application as deemed appropriate by the local law enforcement
9 agency.

10 (i-5) A respondent whose firearms have been turned over to
11 a local law enforcement agency ~~Firearm Owner's Identification~~
12 ~~Card has been revoked or suspended~~ may petition the court, if
13 the petitioner is present in court or has notice of the
14 respondent's petition, to transfer the respondent's firearm,
15 ammunition, and firearm parts that could be assembled to make
16 an operable firearm to a person who is lawfully able to possess
17 the firearm, ammunition, and firearm parts that could be
18 assembled to make an operable firearm if the person does not
19 reside at the same address as the respondent. Notice of the
20 petition shall be served upon the person protected by the
21 emergency firearms restraining order. While the order is in
22 effect, the transferee who receives the respondent's firearms,
23 ammunition, and firearm parts that could be assembled to make
24 an operable firearm must swear or affirm by affidavit that he
25 or she shall not transfer the firearm, ammunition, and firearm
26 parts that could be assembled to make an operable firearm to

1 the respondent or to anyone residing in the same residence as
2 the respondent.

3 (i-6) If a person other than the respondent claims title
4 to any firearms, ammunition, and firearm parts that could be
5 assembled to make an operable firearm surrendered under this
6 Section, he or she may petition the court, if the petitioner is
7 present in court or has notice of the petition, to have the
8 firearm, ammunition, and firearm parts that could be assembled
9 to make an operable firearm returned to him or her. If the
10 court determines that person to be the lawful owner of the
11 firearm, ammunition, and firearm parts that could be assembled
12 to make an operable firearm, the firearm, ammunition, and
13 firearm parts that could be assembled to make an operable
14 firearm shall be returned to him or her, provided that:

15 (1) the firearm, ammunition, and firearm parts that
16 could be assembled to make an operable firearm are removed
17 from the respondent's custody, control, or possession and
18 the lawful owner agrees to store the firearm, ammunition,
19 and firearm parts that could be assembled to make an
20 operable firearm in a manner such that the respondent does
21 not have access to or control of the firearm, ammunition,
22 and firearm parts that could be assembled to make an
23 operable firearm; and

24 (2) the firearm, ammunition, and firearm parts that
25 could be assembled to make an operable firearm are not
26 otherwise unlawfully possessed by the owner.

1 The person petitioning for the return of his or her
2 firearm, ammunition, and firearm parts that could be assembled
3 to make an operable firearm must swear or affirm by affidavit
4 that he or she: (i) is the lawful owner of the firearm,
5 ammunition, and firearm parts that could be assembled to make
6 an operable firearm; (ii) shall not transfer the firearm,
7 ammunition, and firearm parts that could be assembled to make
8 an operable firearm to the respondent; and (iii) will store
9 the firearm, ammunition, and firearm parts that could be
10 assembled to make an operable firearm in a manner that the
11 respondent does not have access to or control of the firearm,
12 ammunition, and firearm parts that could be assembled to make
13 an operable firearm.

14 (j) If the court does not issue a firearms restraining
15 order at the hearing, the court shall dissolve any emergency
16 firearms restraining order then in effect.

17 (k) When the court issues a firearms restraining order
18 under this Section, the court shall inform the respondent that
19 he or she is entitled to one hearing during the period of the
20 order to request a termination of the order, under Section 45
21 of this Act, and shall provide the respondent with a form to
22 request a hearing.

23 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
24 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
25 5-13-22; 102-1116, eff. 1-10-23.)

1 Section 67. The Firearm Dealer License Certification Act
2 is amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as
3 follows:

4 (430 ILCS 68/5-20)

5 Sec. 5-20. Additional licensee requirements.

6 (a) A certified licensee shall make a photo copy of a
7 buyer's or transferee's valid photo identification card
8 whenever a firearm sale transaction takes place. The photo
9 copy shall be attached to the documentation detailing the
10 record of sale.

11 (b) A certified licensee shall post in a conspicuous
12 position on the premises where the licensee conducts business
13 a sign that contains the following warning in block letters
14 not less than one inch in height:

15 "With few exceptions enumerated in the Criminal Code
16 of 2012 ~~Firearm Owners Identification Card Act~~, it is
17 unlawful for you to:

18 (A) store or leave an unsecured firearm in a place
19 where a child can obtain access to it; or

20 ~~(B) sell or transfer your firearm to someone else~~
21 ~~without receiving approval for the transfer from the~~
22 ~~Illinois State Police, or~~

23 (B) ~~(C)~~ fail to report the loss or theft of your
24 firearm to local law enforcement within 72 hours."

25 This sign shall be created by the Illinois State Police and

1 made available for printing or downloading from the Illinois
2 State Police's website.

3 (c) No retail location established after the effective
4 date of this Act shall be located within 500 feet of any
5 school, pre-school, or day care facility in existence at its
6 location before the retail location is established as measured
7 from the nearest corner of the building holding the retail
8 location to the corner of the school, pre-school, or day care
9 facility building nearest the retail location at the time the
10 retail location seeks licensure.

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

12 (430 ILCS 68/5-25)

13 Sec. 5-25. Exemptions. The provisions of this Act related
14 to the certification of a license do not apply to a person or
15 entity that engages in the following activities:

16 (1) temporary transfers of firearms solely for use at
17 the location or on the premises where the transfer takes
18 place, such as transfers at a shooting range for use at
19 that location;

20 (2) temporary transfers of firearms solely for use
21 while in the presence of the transferor or transfers for
22 the purposes of firearm safety training by a firearms
23 safety training instructor;

24 (3) transfers of firearms among immediate family or
25 household members, as "immediate family or household

1 member" is defined in Section 3-2.7-10 of the Unified Code
2 of Corrections, provided that both the transferor and
3 transferee are not prohibited from possessing a firearm
4 under federal or State law ~~have a currently valid Firearm~~
5 ~~Owner's Identification Card; however, this paragraph (3)~~
6 ~~does not limit the familial gift exemption under paragraph~~
7 ~~(2) of subsection (a 15) of Section 3 of the Firearm~~
8 ~~Owners Identification Card Act;~~

9 (4) transfers by persons or entities acting under
10 operation of law or a court order;

11 (5) transfers by persons or entities liquidating all
12 or part of a collection. For purposes of this paragraph
13 (5), "collection" means 2 or more firearms which are of
14 special interest to collectors by reason of some quality
15 other than is associated with firearms intended for
16 sporting use or as offensive or defensive weapons;

17 (6) transfers of firearms that have been rendered
18 permanently inoperable to a nonprofit historical society,
19 museum, or institutional collection;

20 (7) transfers by a law enforcement or corrections
21 agency or a law enforcement or corrections officer acting
22 within the course and scope of his or her official duties;

23 (8) (blank); ~~transfers to a State or local law~~
24 ~~enforcement agency by a person who has his or her Firearm~~
25 ~~Owner's Identification Card revoked;~~

26 (9) transfers of curios and relics, as defined under

1 federal law, between collectors licensed under subsection
2 (b) of Section 923 of the federal Gun Control Act of 1968;

3 (10) transfers by a person or entity licensed as an
4 auctioneer under the Auction License Act;

5 (10.5) transfers of firearms to a resident registered
6 competitor or attendee or non-resident registered
7 competitor or attendee by a licensed federal firearms
8 dealer under Section 923 of the federal Gun Control Act of
9 1968 at a competitive shooting event held at the World
10 Shooting and Recreational Complex that is sanctioned by a
11 national governing body; or

12 (11) transfers between a pawnshop and a customer which
13 amount to a bailment. For purposes of this paragraph (11),
14 "bailment" means the act of placing property in the
15 custody and control of another, by agreement in which the
16 holder is responsible for the safekeeping and return of
17 the property.

18 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19.)

19 (430 ILCS 68/5-40)

20 Sec. 5-40. Qualifications for operation.

21 (a) Each certified licensee shall submit with each
22 application for certification or renewal an affidavit to the
23 Illinois State Police stating that each owner, employee, or
24 other agent of the certified licensee who sells or conducts
25 transfers of firearms for the certified licensee is at least

1 21 years of age, ~~has a currently valid Firearm Owner's~~
2 ~~Identification Card~~ and, for a renewal, has completed the
3 training required under Section 5-30. The affidavit must also
4 contain the name ~~and Firearm Owner's Identification Card~~
5 ~~number~~ of each owner, employee, or other agent who sells or
6 conducts transfers of firearms for the certified licensee. If
7 an owner, employee, or other agent of the certified licensee
8 is not otherwise a resident of this State, the certified
9 licensee shall submit an affidavit stating that the owner,
10 employee, or other agent has undergone a background check and
11 is not prohibited from owning or possessing firearms.

12 (b) In addition to the affidavit required under subsection
13 (a), within 30 days of a new owner, employee, or other agent
14 beginning selling or conducting transfers of firearms for the
15 certified licensee, the certified licensee shall submit an
16 affidavit to the Illinois State Police stating the date that
17 the new owner, employee, or other agent began selling or
18 conducting transfers of firearms for the certified licensee,
19 and providing the information required in subsection (a) for
20 that new owner, employee, or other agent.

21 (c) If a certified licensee has a license, certificate, or
22 permit to sell, lease, transfer, purchase, or possess firearms
23 issued by the federal government or the government of any
24 state revoked or suspended for good cause within the preceding
25 4 years, the Illinois State Police may consider revoking or
26 suspending the certified licenses in this State. In making a

1 determination of whether or not to revoke or suspend a
2 certified license in this State, the Illinois State Police
3 shall consider the number of retail locations the certified
4 licensee or any related person or entity operates in this
5 State or in other states under the same or different business
6 names, and the severity of the infraction in the state in which
7 a license was revoked or suspended.

8 (d) Applications and affidavits required under this
9 Section are not subject to disclosure by the Illinois State
10 Police under the Freedom of Information Act.

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

12 (430 ILCS 68/5-85)

13 Sec. 5-85. Disciplinary sanctions.

14 (a) For violations of this Act not penalized under Section
15 5-15, the Illinois State Police may refuse to renew or
16 restore, or may reprimand, place on probation, suspend,
17 revoke, or take other disciplinary or non-disciplinary action
18 against any licensee, and may impose a fine commensurate with
19 the severity of the violation not to exceed \$10,000 for each
20 violation for any of the following, consistent with the
21 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901
22 through 7903:

23 (1) Violations of this Act, or any law applicable to
24 the sale or transfer of firearms.

25 (2) A pattern of practice or other behavior which

1 demonstrates incapacity or incompetency to practice under
2 this Act.

3 (3) Aiding or assisting another person in violating
4 any provision of this Act or rules adopted under this Act.

5 (4) Failing, within 60 days, to provide information in
6 response to a written request made by the Illinois State
7 Police.

8 (5) Conviction of, plea of guilty to, or plea of nolo
9 contendere to any crime that disqualifies the person from
10 obtaining a firearm ~~valid Firearm Owner's Identification~~
11 ~~Card~~.

12 (6) Continued practice, although the person has become
13 unfit to practice due to any of the following:

14 (A) Any circumstance that disqualifies the person
15 from obtaining a firearm ~~valid Firearm Owner's~~
16 ~~Identification Card~~ or concealed carry license.

17 (B) Habitual or excessive use or abuse of drugs
18 defined in law as controlled substances, alcohol, or
19 any other substance that results in the inability to
20 practice with reasonable judgment, skill, or safety.

21 (7) Receiving, directly or indirectly, compensation
22 for any firearms sold or transferred illegally.

23 (8) Discipline by another United States jurisdiction,
24 foreign nation, or governmental agency, if at least one of
25 the grounds for the discipline is the same or
26 substantially equivalent to those set forth in this Act.

1 (9) Violation of any disciplinary order imposed on a
2 licensee by the Illinois State Police.

3 (10) A finding by the Illinois State Police that the
4 licensee, after having his or her certified license placed
5 on probationary status, has violated the terms of
6 probation.

7 (11) A fraudulent or material misstatement in the
8 completion of an affirmative obligation or inquiry by law
9 enforcement.

10 (b) All fines imposed under this Section shall be paid
11 within 90 days after the effective date of the final order
12 imposing the fine.

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

14 Section 70. The Wildlife Code is amended by changing
15 Sections 3.2 and 3.2a as follows:

16 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

17 Sec. 3.2. Hunting license; application; instruction.
18 Before the Department or any county, city, village, township,
19 incorporated town clerk or his duly designated agent or any
20 other person authorized or designated by the Department to
21 issue hunting licenses shall issue a hunting license to any
22 person, the person shall file his application with the
23 Department or other party authorized to issue licenses on a
24 form provided by the Department and further give definite

1 proof of identity and place of legal residence. Each clerk
2 designating agents to issue licenses and stamps shall furnish
3 the Department, within 10 days following the appointment, the
4 names and mailing addresses of the agents. Each clerk or his
5 duly designated agent shall be authorized to sell licenses and
6 stamps only within the territorial area for which he was
7 elected or appointed. No duly designated agent is authorized
8 to furnish licenses or stamps for issuance by any other
9 business establishment. Each application shall be executed and
10 sworn to and shall set forth the name and description of the
11 applicant and place of residence.

12 No hunting license shall be issued to any person born on or
13 after January 1, 1980 unless he presents the person authorized
14 to issue the license evidence that he has held a hunting
15 license issued by the State of Illinois or another state in a
16 prior year, or a certificate of competency as provided in this
17 Section. Persons under 18 years of age may be issued a Lifetime
18 Hunting or Sportsmen's Combination License as provided under
19 Section 20-45 of the Fish and Aquatic Life Code but shall not
20 be entitled to hunt alone, without the supervision of an adult
21 age 21 or older, unless they have a certificate of competency
22 as provided in this Section and the certificate is in their
23 possession while hunting.

24 The Department of Natural Resources shall authorize
25 personnel of the Department or certified volunteer instructors
26 to conduct courses, of not less than 10 hours in length, in

1 firearms and hunter safety, which may include training in bow
2 and arrow safety, at regularly specified intervals throughout
3 the State. Persons successfully completing the course shall
4 receive a certificate of competency. The Department of Natural
5 Resources may further cooperate with any reputable association
6 or organization in establishing courses if the organization
7 has as one of its objectives the promotion of safety in the
8 handling of firearms or bow and arrow.

9 The Department of Natural Resources shall designate any
10 person found by it to be competent to give instruction in the
11 handling of firearms, hunter safety, and bow and arrow. The
12 persons so appointed shall give the course of instruction and
13 upon the successful completion shall issue to the person
14 instructed a certificate of competency in the safe handling of
15 firearms, hunter safety, and bow and arrow. No charge shall be
16 made for any course of instruction except for materials or
17 ammunition consumed. The Department of Natural Resources shall
18 furnish information on the requirements of hunter safety
19 education programs to be distributed free of charge to
20 applicants for hunting licenses by the persons appointed and
21 authorized to issue licenses. ~~Funds for the conducting of
22 firearms and hunter safety courses shall be taken from the fee
23 charged for the Firearm Owners Identification Card.~~

24 The fee for a hunting license to hunt all species for a
25 resident of Illinois is \$12. For residents age 65 or older,
26 and, commencing with the 2012 license year, resident veterans

1 of the United States Armed Forces after returning from service
2 abroad or mobilization by the President of the United States
3 as an active duty member of the United States Armed Forces, the
4 Illinois National Guard, or the Reserves of the United States
5 Armed Forces, the fee is one-half of the fee charged for a
6 hunting license to hunt all species for a resident of
7 Illinois. Veterans must provide to the Department acceptable
8 verification of their service. The Department shall establish
9 by administrative rule the procedure by which such
10 verification of service shall be made to the Department for
11 the purpose of issuing resident veterans hunting licenses at a
12 reduced fee. The fee for a hunting license to hunt all species
13 shall be \$1 for residents over 75 years of age. Nonresidents
14 shall be charged \$57 for a hunting license.

15 Residents of this State may obtain a 3-year hunting
16 license to hunt all species as described in Section 3.1 for 3
17 times the annual fee. For residents age 65 or older and
18 resident veterans of the United States Armed Forces after
19 returning from service abroad or mobilization by the President
20 of the United States, the fee is one-half of the fee charged
21 for a 3-year hunting license to hunt all species as described
22 in Section 3.1 for a resident of this State. Veterans must
23 provide to the Department, per administrative rule,
24 verification of their service. The Department shall establish
25 what constitutes suitable verification of service for the
26 purpose of issuing resident veterans 3-year hunting licenses

1 at a reduced fee.

2 Nonresidents may be issued a nonresident hunting license
3 for a period not to exceed 10 consecutive days' hunting in the
4 State and shall be charged a fee of \$35.

5 A special nonresident hunting license authorizing a
6 nonresident to take game birds by hunting on a game breeding
7 and hunting preserve area only, established under Section
8 3.27, shall be issued upon proper application being made and
9 payment of a fee equal to that for a resident hunting license.
10 The expiration date of this license shall be on the same date
11 each year that game breeding and hunting preserve area
12 licenses expire.

13 Each applicant for a State Migratory Waterfowl Stamp,
14 regardless of his residence or other condition, shall pay a
15 fee of \$15 and shall receive a stamp. The fee for a State
16 Migratory Waterfowl Stamp shall be waived for residents over
17 75 years of age. Except as provided under Section 20-45 of the
18 Fish and Aquatic Life Code, the stamp shall be signed by the
19 person or affixed to his license or permit in a space
20 designated by the Department for that purpose.

21 Each applicant for a State Habitat Stamp, regardless of
22 his residence or other condition, shall pay a fee of \$5 and
23 shall receive a stamp. The fee for a State Habitat Stamp shall
24 be waived for residents over 75 years of age. Except as
25 provided under Section 20-45 of the Fish and Aquatic Life
26 Code, the stamp shall be signed by the person or affixed to his

1 license or permit in a space designated by the Department for
2 that purpose.

3 Nothing in this Section shall be construed as to require
4 the purchase of more than one State Habitat Stamp by any person
5 in any one license year.

6 The fees for State Pheasant Stamps and State Furbearer
7 Stamps shall be waived for residents over 75 years of age.

8 The Department shall furnish the holders of hunting
9 licenses and stamps with an insignia as evidence of possession
10 of license, or license and stamp, as the Department may
11 consider advisable. The insignia shall be exhibited and used
12 as the Department may order.

13 All other hunting licenses and all State stamps shall
14 expire upon March 31 of each year. Three-year hunting licenses
15 shall expire on March 31 of the 2nd year after the year in
16 which the license is issued.

17 Every person holding any license, permit, or stamp issued
18 under the provisions of this Act shall have it in his
19 possession for immediate presentation for inspection to the
20 officers and authorized employees of the Department, any
21 sheriff, deputy sheriff, or any other peace officer making a
22 demand for it. This provision shall not apply to Department
23 owned or managed sites where it is required that all hunters
24 deposit their license or permit, ~~or Firearm Owner's~~
25 ~~Identification Card~~ at the check station upon entering the
26 hunting areas.

1 For the purposes of this Section, "acceptable
2 verification" means official documentation from the Department
3 of Defense or the appropriate Major Command showing
4 mobilization dates or service abroad dates, including: (i) a
5 DD-214, (ii) a letter from the Illinois Department of Military
6 Affairs for members of the Illinois National Guard, (iii) a
7 letter from the Regional Reserve Command for members of the
8 Armed Forces Reserve, (iv) a letter from the Major Command
9 covering Illinois for active duty members, (v) personnel
10 records for mobilized State employees, and (vi) any other
11 documentation that the Department, by administrative rule,
12 deems acceptable to establish dates of mobilization or service
13 abroad.

14 For the purposes of this Section, the term "service
15 abroad" means active duty service outside of the 50 United
16 States and the District of Columbia, and includes all active
17 duty service in territories and possessions of the United
18 States.

19 (Source: P.A. 102-780, eff. 5-13-22; 103-456, eff. 1-1-24.)

20 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

21 Sec. 3.2a. Every person holding any license, permit or
22 stamp issued under the provisions hereof shall have it in his
23 possession for immediate presentation for inspection to the
24 officers and authorized employees of the Department, any
25 sheriff, deputy sheriff or any other peace officer making a

1 demand for it. This provision shall not apply to Department
2 owned or managed sites where it is required that all hunters
3 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~
4 ~~Identification Card~~ at the check station upon entering the
5 hunting areas.

6 (Source: P.A. 85-152.)

7 Section 71. The Illinois Vehicle Code is amended by
8 changing Section 2-116 as follows:

9 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

10 Sec. 2-116. Secretary of State Department of Police.

11 (a) The Secretary of State and the officers, inspectors,
12 and investigators appointed by him shall cooperate with the
13 Illinois State Police and the sheriffs and police in enforcing
14 the laws regulating the operation of vehicles and the use of
15 the highways.

16 (b) The Secretary of State may provide training and
17 education for members of his office in traffic regulation, the
18 promotion of traffic safety and the enforcement of laws vested
19 in the Secretary of State for administration and enforcement
20 regulating the operation of vehicles and the use of the
21 highways.

22 (c) The Secretary of State may provide distinctive
23 uniforms and badges for officers, inspectors and investigators
24 employed in the administration of laws relating to the

1 operation of vehicles and the use of the highways and vesting
2 the administration and enforcement of such laws in the
3 Secretary of State.

4 (c-5) The Director of the Secretary of State Department of
5 Police shall establish a program to allow a Secretary of State
6 Police officer, inspector, or investigator who is honorably
7 retiring in good standing to purchase either one or both of the
8 following: (1) any Secretary of State Department of Police
9 badge previously issued to that officer, inspector, or
10 investigator; or (2) ~~if the officer, inspector, or~~
11 ~~investigator has a currently valid Firearm Owner's~~
12 ~~Identification Card,~~ the service firearm issued or previously
13 issued to the officer, inspector, or investigator by the
14 Secretary of State Department of Police. The cost of the
15 firearm shall be the replacement value of the firearm and not
16 the firearm's fair market value.

17 (d) The Secretary of State Department of Police is
18 authorized to:

19 (1) investigate the origins, activities, persons, and
20 incidents of crime and the ways and means, if any, to
21 redress the victims of crimes, and study the impact, if
22 any, of legislation relative to the criminal laws of this
23 State related thereto and conduct any other investigations
24 as may be provided by law;

25 (2) employ skilled experts, technicians,
26 investigators, special agents, or otherwise specially

1 qualified persons to aid in preventing or detecting crime,
2 apprehending criminals, or preparing and presenting
3 evidence of violations of the criminal laws of the State;

4 (3) cooperate with the police of cities, villages, and
5 incorporated towns, and with the police officers of any
6 county, in enforcing the laws of the State and in making
7 arrests;

8 (4) provide, as may be required by law, assistance to
9 local law enforcement agencies through training,
10 management, and consultant services for local law
11 enforcement agencies, pertaining to law enforcement
12 activities;

13 (5) exercise the rights, powers, and duties which have
14 been vested in it by the Secretary of State Act and this
15 Code; and

16 (6) enforce and administer any other laws in relation
17 to law enforcement as may be vested in the Secretary of
18 State Department of Police.

19 Persons within the Secretary of State Department of Police
20 who exercise these powers are conservators of the peace and
21 have all the powers possessed by policemen in municipalities
22 and sheriffs, and may exercise these powers anywhere in the
23 State in cooperation with local law enforcement officials.
24 These persons may use false or fictitious names in the
25 performance of their duties under this Section, upon approval
26 of the Director of Police-Secretary of State, and shall not be

1 subject to prosecution under the criminal laws for that use.

2 (e) The Secretary of State Department of Police may
3 charge, collect, and receive fees or moneys equivalent to the
4 cost of providing its personnel, equipment, and services to
5 governmental agencies when explicitly requested by a
6 governmental agency and according to an intergovernmental
7 agreement or memorandums of understanding as provided by this
8 Section, including but not limited to fees or moneys
9 equivalent to the cost of providing training to other
10 governmental agencies on terms and conditions that in the
11 judgment of the Director of Police-Secretary of State are in
12 the best interest of the Secretary of State. All fees received
13 by the Secretary of State Police Department under this Act
14 shall be deposited in a special fund in the State Treasury to
15 be known as the Secretary of State Police Services Fund. The
16 money deposited in the Secretary of State Police Services Fund
17 shall be appropriated to the Secretary of State Department of
18 Police as provided for in subsection (g).

19 (f) The Secretary of State Department of Police may apply
20 for grants or contracts and receive, expend, allocate, or
21 disburse moneys made available by public or private entities,
22 including, but not limited to, contracts, bequests, grants, or
23 receiving equipment from corporations, foundations, or public
24 or private institutions of higher learning.

25 (g) The Secretary of State Police Services Fund is hereby
26 created as a special fund in the State Treasury. All moneys

1 received under this Section by the Secretary of State
2 Department of Police shall be deposited into the Secretary of
3 State Police Services Fund to be appropriated to the Secretary
4 of State Department of Police for purposes as indicated by the
5 grantor or contractor or, in the case of moneys bequeathed or
6 granted for no specific purpose, for any purpose as deemed
7 appropriate by the Director of Police-Secretary of State in
8 administering the responsibilities of the Secretary of State
9 Department of Police.

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

11 Section 75. The Criminal Code of 2012 is amended by
12 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
13 24-1.1, 24-1.6, 24-1.8, 24-1.9, 24-1.10, 24-2, 24-3, 24-3.1,
14 24-3.2, 24-3.4, 24-3.5, 24-3B, 24-4.1, 24-5.1, and 24-9 and
15 adding Section 24-4.5 as follows:

16 (720 ILCS 5/2-7.1)

17 Sec. 2-7.1. "Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition".
18 "Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition" means any
19 self-contained cartridge or shotgun shell, by whatever name
20 known, which is designed to be used or adaptable to use in a
21 firearm; excluding, however:

22 (1) any ammunition exclusively designed for use with a
23 device used exclusively for signaling or safety and required
24 or recommended by the United States Coast Guard or the

1 Interstate Commerce Commission; and

2 (2) any ammunition designed exclusively for use with a
3 stud or rivet driver or other similar industrial ammunition
4 ~~have the meanings ascribed to them in Section 1.1 of the~~
5 ~~Firearm Owners Identification Card Act.~~

6 (Source: P.A. 91-544, eff. 1-1-00.)

7 (720 ILCS 5/2-7.5)

8 Sec. 2-7.5. "Firearm". Except as otherwise provided in a
9 specific Section, "firearm" means any device, by whatever name
10 known, which is designed to expel a projectile or projectiles
11 by the action of an explosion, expansion of gas or escape of
12 gas; excluding, however:

13 (1) any pneumatic gun, spring gun, paint ball gun, or B-B
14 gun which expels a single globular projectile not exceeding
15 .18 inch in diameter or which has a maximum muzzle velocity of
16 less than 700 feet per second;

17 (1.1) any pneumatic gun, spring gun, paint ball gun, or
18 B-B gun which expels breakable paint balls containing washable
19 marking colors;

20 (2) any device used exclusively for signaling or safety
21 and required or recommended by the United States Coast Guard
22 or the Interstate Commerce Commission;

23 (3) any device used exclusively for the firing of stud
24 cartridges, explosive rivets, or similar industrial
25 ammunition; and

1 (4) an antique firearm (other than a machine-gun) which,
2 although designed as a weapon, the Illinois State Police finds
3 by reason of the date of its manufacture, value, design, and
4 other characteristics is primarily a collector's item and is
5 not likely to be used as a weapon ~~has the meaning ascribed to~~
6 ~~it in Section 1.1 of the Firearm Owners Identification Card~~
7 ~~Act.~~

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

10 Sec. 12-3.05. Aggravated battery.

11 (a) Offense based on injury. A person commits aggravated
12 battery when, in committing a battery, other than by the
13 discharge of a firearm, he or she knowingly does any of the
14 following:

15 (1) Causes great bodily harm or permanent disability
16 or disfigurement.

17 (2) Causes severe and permanent disability, great
18 bodily harm, or disfigurement by means of a caustic or
19 flammable substance, a poisonous gas, a deadly biological
20 or chemical contaminant or agent, a radioactive substance,
21 or a bomb or explosive compound.

22 (3) Causes great bodily harm or permanent disability
23 or disfigurement to an individual whom the person knows to
24 be a peace officer, community policing volunteer, fireman,
25 private security officer, correctional institution

1 employee, or Department of Human Services employee
2 supervising or controlling sexually dangerous persons or
3 sexually violent persons:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (4) Causes great bodily harm or permanent disability
10 or disfigurement to an individual 60 years of age or
11 older.

12 (5) Strangles another individual.

13 (b) Offense based on injury to a child or person with an
14 intellectual disability. A person who is at least 18 years of
15 age commits aggravated battery when, in committing a battery,
16 he or she knowingly and without legal justification by any
17 means:

18 (1) causes great bodily harm or permanent disability
19 or disfigurement to any child under the age of 13 years, or
20 to any person with a severe or profound intellectual
21 disability; or

22 (2) causes bodily harm or disability or disfigurement
23 to any child under the age of 13 years or to any person
24 with a severe or profound intellectual disability.

25 (c) Offense based on location of conduct. A person commits
26 aggravated battery when, in committing a battery, other than

1 by the discharge of a firearm, he or she is or the person
2 battered is on or about a public way, public property, a public
3 place of accommodation or amusement, a sports venue, or a
4 domestic violence shelter, or in a church, synagogue, mosque,
5 or other building, structure, or place used for religious
6 worship.

7 (d) Offense based on status of victim. A person commits
8 aggravated battery when, in committing a battery, other than
9 by discharge of a firearm, he or she knows the individual
10 battered to be any of the following:

11 (1) A person 60 years of age or older.

12 (2) A person who is pregnant or has a physical
13 disability.

14 (3) A teacher or school employee upon school grounds
15 or grounds adjacent to a school or in any part of a
16 building used for school purposes.

17 (4) A peace officer, community policing volunteer,
18 fireman, private security officer, correctional
19 institution employee, or Department of Human Services
20 employee supervising or controlling sexually dangerous
21 persons or sexually violent persons:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (5) A judge, emergency management worker, emergency
2 medical services personnel, or utility worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (6) An officer or employee of the State of Illinois, a
9 unit of local government, or a school district, while
10 performing his or her official duties.

11 (7) A transit employee performing his or her official
12 duties, or a transit passenger.

13 (8) A taxi driver on duty.

14 (9) A merchant who detains the person for an alleged
15 commission of retail theft under Section 16-26 of this
16 Code and the person without legal justification by any
17 means causes bodily harm to the merchant.

18 (10) A person authorized to serve process under
19 Section 2-202 of the Code of Civil Procedure or a special
20 process server appointed by the circuit court while that
21 individual is in the performance of his or her duties as a
22 process server.

23 (11) A nurse while in the performance of his or her
24 duties as a nurse.

25 (12) A merchant: (i) while performing his or her
26 duties, including, but not limited to, relaying directions

1 for healthcare or safety from his or her supervisor or
2 employer or relaying health or safety guidelines,
3 recommendations, regulations, or rules from a federal,
4 State, or local public health agency; and (ii) during a
5 disaster declared by the Governor, or a state of emergency
6 declared by the mayor of the municipality in which the
7 merchant is located, due to a public health emergency and
8 for a period of 6 months after such declaration.

9 (e) Offense based on use of a firearm. A person commits
10 aggravated battery when, in committing a battery, he or she
11 knowingly does any of the following:

12 (1) Discharges a firearm, other than a machine gun or
13 a firearm equipped with a silencer, and causes any injury
14 to another person.

15 (2) Discharges a firearm, other than a machine gun or
16 a firearm equipped with a silencer, and causes any injury
17 to a person he or she knows to be a peace officer,
18 community policing volunteer, person summoned by a police
19 officer, fireman, private security officer, correctional
20 institution employee, or emergency management worker:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (3) Discharges a firearm, other than a machine gun or

1 a firearm equipped with a silencer, and causes any injury
2 to a person he or she knows to be emergency medical
3 services personnel:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (4) Discharges a firearm and causes any injury to a
10 person he or she knows to be a teacher, a student in a
11 school, or a school employee, and the teacher, student, or
12 employee is upon school grounds or grounds adjacent to a
13 school or in any part of a building used for school
14 purposes.

15 (5) Discharges a machine gun or a firearm equipped
16 with a silencer, and causes any injury to another person.

17 (6) Discharges a machine gun or a firearm equipped
18 with a silencer, and causes any injury to a person he or
19 she knows to be a peace officer, community policing
20 volunteer, person summoned by a police officer, fireman,
21 private security officer, correctional institution
22 employee or emergency management worker:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (7) Discharges a machine gun or a firearm equipped
3 with a silencer, and causes any injury to a person he or
4 she knows to be emergency medical services personnel:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her
7 official duties; or

8 (iii) battered in retaliation for performing his
9 or her official duties.

10 (8) Discharges a machine gun or a firearm equipped
11 with a silencer, and causes any injury to a person he or
12 she knows to be a teacher, or a student in a school, or a
13 school employee, and the teacher, student, or employee is
14 upon school grounds or grounds adjacent to a school or in
15 any part of a building used for school purposes.

16 (f) Offense based on use of a weapon or device. A person
17 commits aggravated battery when, in committing a battery, he
18 or she does any of the following:

19 (1) Uses a deadly weapon other than by discharge of a
20 firearm, or uses an air rifle as defined in Section
21 24.8-0.1 of this Code.

22 (2) Wears a hood, robe, or mask to conceal his or her
23 identity.

24 (3) Knowingly and without lawful justification shines
25 or flashes a laser gunsight or other laser device attached
26 to a firearm, or used in concert with a firearm, so that

1 the laser beam strikes upon or against the person of
2 another.

3 (4) Knowingly video or audio records the offense with
4 the intent to disseminate the recording.

5 (g) Offense based on certain conduct. A person commits
6 aggravated battery when, other than by discharge of a firearm,
7 he or she does any of the following:

8 (1) Violates Section 401 of the Illinois Controlled
9 Substances Act by unlawfully delivering a controlled
10 substance to another and any user experiences great bodily
11 harm or permanent disability as a result of the injection,
12 inhalation, or ingestion of any amount of the controlled
13 substance.

14 (2) Knowingly administers to an individual or causes
15 him or her to take, without his or her consent or by threat
16 or deception, and for other than medical purposes, any
17 intoxicating, poisonous, stupefying, narcotic,
18 anesthetic, or controlled substance, or gives to another
19 person any food containing any substance or object
20 intended to cause physical injury if eaten.

21 (3) Knowingly causes or attempts to cause a
22 correctional institution employee or Department of Human
23 Services employee to come into contact with blood, seminal
24 fluid, urine, or feces by throwing, tossing, or expelling
25 the fluid or material, and the person is an inmate of a
26 penal institution or is a sexually dangerous person or

1 sexually violent person in the custody of the Department
2 of Human Services.

3 (h) Sentence. Unless otherwise provided, aggravated
4 battery is a Class 3 felony.

5 Aggravated battery as defined in subdivision (a)(4),
6 (d)(4), or (g)(3) is a Class 2 felony.

7 Aggravated battery as defined in subdivision (a)(3) or
8 (g)(1) is a Class 1 felony.

9 Aggravated battery as defined in subdivision (a)(1) is a
10 Class 1 felony when the aggravated battery was intentional and
11 involved the infliction of torture, as defined in paragraph
12 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code
13 of Corrections, as the infliction of or subjection to extreme
14 physical pain, motivated by an intent to increase or prolong
15 the pain, suffering, or agony of the victim.

16 Aggravated battery as defined in subdivision (a)(1) is a
17 Class 2 felony when the person causes great bodily harm or
18 permanent disability to an individual whom the person knows to
19 be a member of a congregation engaged in prayer or other
20 religious activities at a church, synagogue, mosque, or other
21 building, structure, or place used for religious worship.

22 Aggravated battery under subdivision (a)(5) is a Class 1
23 felony if:

24 (A) the person used or attempted to use a dangerous
25 instrument while committing the offense;

26 (B) the person caused great bodily harm or permanent

1 disability or disfigurement to the other person while
2 committing the offense; or

3 (C) the person has been previously convicted of a
4 violation of subdivision (a)(5) under the laws of this
5 State or laws similar to subdivision (a)(5) of any other
6 state.

7 Aggravated battery as defined in subdivision (e)(1) is a
8 Class X felony.

9 Aggravated battery as defined in subdivision (a)(2) is a
10 Class X felony for which a person shall be sentenced to a term
11 of imprisonment of a minimum of 6 years and a maximum of 45
12 years.

13 Aggravated battery as defined in subdivision (e)(5) is a
14 Class X felony for which a person shall be sentenced to a term
15 of imprisonment of a minimum of 12 years and a maximum of 45
16 years.

17 Aggravated battery as defined in subdivision (e)(2),
18 (e)(3), or (e)(4) is a Class X felony for which a person shall
19 be sentenced to a term of imprisonment of a minimum of 15 years
20 and a maximum of 60 years.

21 Aggravated battery as defined in subdivision (e)(6),
22 (e)(7), or (e)(8) is a Class X felony for which a person shall
23 be sentenced to a term of imprisonment of a minimum of 20 years
24 and a maximum of 60 years.

25 Aggravated battery as defined in subdivision (b)(1) is a
26 Class X felony, except that:

1 (1) if the person committed the offense while armed
2 with a firearm, 15 years shall be added to the term of
3 imprisonment imposed by the court;

4 (2) if, during the commission of the offense, the
5 person personally discharged a firearm, 20 years shall be
6 added to the term of imprisonment imposed by the court;

7 (3) if, during the commission of the offense, the
8 person personally discharged a firearm that proximately
9 caused great bodily harm, permanent disability, permanent
10 disfigurement, or death to another person, 25 years or up
11 to a term of natural life shall be added to the term of
12 imprisonment imposed by the court.

13 (i) Definitions. In this Section:

14 "Building or other structure used to provide shelter" has
15 the meaning ascribed to "shelter" in Section 1 of the Domestic
16 Violence Shelters Act.

17 "Domestic violence" has the meaning ascribed to it in
18 Section 103 of the Illinois Domestic Violence Act of 1986.

19 "Domestic violence shelter" means any building or other
20 structure used to provide shelter or other services to victims
21 or to the dependent children of victims of domestic violence
22 pursuant to the Illinois Domestic Violence Act of 1986 or the
23 Domestic Violence Shelters Act, or any place within 500 feet
24 of such a building or other structure in the case of a person
25 who is going to or from such a building or other structure.

26 "Firearm" has the meaning provided under Section 2-7.5 of

1 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
2 and does not include an air rifle as defined by Section
3 24.8-0.1 of this Code.

4 "Machine gun" has the meaning ascribed to it in Section
5 24-1 of this Code.

6 "Merchant" has the meaning ascribed to it in Section
7 16-0.1 of this Code.

8 "Strangle" means intentionally impeding the normal
9 breathing or circulation of the blood of an individual by
10 applying pressure on the throat or neck of that individual or
11 by blocking the nose or mouth of that individual.

12 (Source: P.A. 103-51, eff. 1-1-24.)

13 (720 ILCS 5/16-0.1)

14 Sec. 16-0.1. Definitions. In this Article, unless the
15 context clearly requires otherwise, the following terms are
16 defined as indicated:

17 "Access" means to use, instruct, communicate with, store
18 data in, retrieve or intercept data from, or otherwise utilize
19 any services of a computer.

20 "Coin-operated machine" includes any automatic vending
21 machine or any part thereof, parking meter, coin telephone,
22 coin-operated transit turnstile, transit fare box, coin
23 laundry machine, coin dry cleaning machine, amusement machine,
24 music machine, vending machine dispensing goods or services,
25 or money changer.

1 "Communication device" means any type of instrument,
2 device, machine, or equipment which is capable of
3 transmitting, acquiring, decrypting, or receiving any
4 telephonic, electronic, data, Internet access, audio, video,
5 microwave, or radio transmissions, signals, communications, or
6 services, including the receipt, acquisition, transmission, or
7 decryption of all such communications, transmissions, signals,
8 or services provided by or through any cable television, fiber
9 optic, telephone, satellite, microwave, radio, Internet-based,
10 data transmission, or wireless distribution network, system or
11 facility; or any part, accessory, or component thereof,
12 including any computer circuit, security module, smart card,
13 software, computer chip, electronic mechanism or other
14 component, accessory or part of any communication device which
15 is capable of facilitating the transmission, decryption,
16 acquisition or reception of all such communications,
17 transmissions, signals, or services.

18 "Communication service" means any service lawfully
19 provided for a charge or compensation to facilitate the lawful
20 origination, transmission, emission, or reception of signs,
21 signals, data, writings, images, and sounds or intelligence of
22 any nature by telephone, including cellular telephones or a
23 wire, wireless, radio, electromagnetic, photo-electronic or
24 photo-optical system; and also any service lawfully provided
25 by any radio, telephone, cable television, fiber optic,
26 satellite, microwave, Internet-based or wireless distribution

1 network, system, facility or technology, including, but not
2 limited to, any and all electronic, data, video, audio,
3 Internet access, telephonic, microwave and radio
4 communications, transmissions, signals and services, and any
5 such communications, transmissions, signals and services
6 lawfully provided directly or indirectly by or through any of
7 those networks, systems, facilities or technologies.

8 "Communication service provider" means: (1) any person or
9 entity providing any communication service, whether directly
10 or indirectly, as a reseller, including, but not limited to, a
11 cellular, paging or other wireless communications company or
12 other person or entity which, for a fee, supplies the
13 facility, cell site, mobile telephone switching office or
14 other equipment or communication service; (2) any person or
15 entity owning or operating any cable television, fiber optic,
16 satellite, telephone, wireless, microwave, radio, data
17 transmission or Internet-based distribution network, system or
18 facility; and (3) any person or entity providing any
19 communication service directly or indirectly by or through any
20 such distribution system, network or facility.

21 "Computer" means a device that accepts, processes, stores,
22 retrieves or outputs data, and includes but is not limited to
23 auxiliary storage and telecommunications devices connected to
24 computers.

25 "Continuing course of conduct" means a series of acts, and
26 the accompanying mental state necessary for the crime in

1 question, irrespective of whether the series of acts are
2 continuous or intermittent.

3 "Delivery container" means any bakery basket of wire or
4 plastic used to transport or store bread or bakery products,
5 any dairy case of wire or plastic used to transport or store
6 dairy products, and any dolly or cart of 2 or 4 wheels used to
7 transport or store any bakery or dairy product.

8 "Document-making implement" means any implement,
9 impression, template, computer file, computer disc, electronic
10 device, computer hardware, computer software, instrument, or
11 device that is used to make a real or fictitious or fraudulent
12 personal identification document.

13 "Financial transaction device" means any of the following:

14 (1) An electronic funds transfer card.

15 (2) A credit card.

16 (3) A debit card.

17 (4) A point-of-sale card.

18 (5) Any instrument, device, card, plate, code, account
19 number, personal identification number, or a record or
20 copy of a code, account number, or personal identification
21 number or other means of access to a credit account or
22 deposit account, or a driver's license or State
23 identification card used to access a proprietary account,
24 other than access originated solely by a paper instrument,
25 that can be used alone or in conjunction with another
26 access device, for any of the following purposes:

1 (A) Obtaining money, cash refund or credit
2 account, credit, goods, services, or any other thing
3 of value.

4 (B) Certifying or guaranteeing to a person or
5 business the availability to the device holder of
6 funds on deposit to honor a draft or check payable to
7 the order of that person or business.

8 (C) Providing the device holder access to a
9 deposit account for the purpose of making deposits,
10 withdrawing funds, transferring funds between deposit
11 accounts, obtaining information pertaining to a
12 deposit account, or making an electronic funds
13 transfer.

14 "Full retail value" means the merchant's stated or
15 advertised price of the merchandise. "Full retail value"
16 includes the aggregate value of property obtained from retail
17 thefts committed by the same person as part of a continuing
18 course of conduct from one or more mercantile establishments
19 in a single transaction or in separate transactions over a
20 period of one year.

21 "Internet" means an interactive computer service or system
22 or an information service, system, or access software provider
23 that provides or enables computer access by multiple users to
24 a computer server, and includes, but is not limited to, an
25 information service, system, or access software provider that
26 provides access to a network system commonly known as the

1 Internet, or any comparable system or service and also
2 includes, but is not limited to, a World Wide Web page,
3 newsgroup, message board, mailing list, or chat area on any
4 interactive computer service or system or other online
5 service.

6 "Library card" means a card or plate issued by a library
7 facility for purposes of identifying the person to whom the
8 library card was issued as authorized to borrow library
9 material, subject to all limitations and conditions imposed on
10 the borrowing by the library facility issuing such card.

11 "Library facility" includes any public library or museum,
12 or any library or museum of an educational, historical or
13 eleemosynary institution, organization or society.

14 "Library material" includes any book, plate, picture,
15 photograph, engraving, painting, sculpture, statue, artifact,
16 drawing, map, newspaper, pamphlet, broadside, magazine,
17 manuscript, document, letter, microfilm, sound recording,
18 audiovisual material, magnetic or other tape, electronic data
19 processing record or other documentary, written or printed
20 material regardless of physical form or characteristics, or
21 any part thereof, belonging to, or on loan to or otherwise in
22 the custody of a library facility.

23 "Manufacture or assembly of an unlawful access device"
24 means to make, produce or assemble an unlawful access device
25 or to modify, alter, program or re-program any instrument,
26 device, machine, equipment or software so that it is capable

1 of defeating or circumventing any technology, device or
2 software used by the provider, owner or licensee of a
3 communication service or of any data, audio or video programs
4 or transmissions to protect any such communication, data,
5 audio or video services, programs or transmissions from
6 unauthorized access, acquisition, disclosure, receipt,
7 decryption, communication, transmission or re-transmission.

8 "Manufacture or assembly of an unlawful communication
9 device" means to make, produce or assemble an unlawful
10 communication or wireless device or to modify, alter, program
11 or reprogram a communication or wireless device to be capable
12 of acquiring, disrupting, receiving, transmitting, decrypting,
13 or facilitating the acquisition, disruption, receipt,
14 transmission or decryption of, a communication service without
15 the express consent or express authorization of the
16 communication service provider, or to knowingly assist others
17 in those activities.

18 "Master sound recording" means the original physical
19 object on which a given set of sounds were first recorded and
20 which the original object from which all subsequent sound
21 recordings embodying the same set of sounds are directly or
22 indirectly derived.

23 "Merchandise" means any item of tangible personal
24 property, including motor fuel.

25 "Merchant" means an owner or operator of any retail
26 mercantile establishment or any agent, employee, lessee,

1 consignee, officer, director, franchisee, or independent
2 contractor of the owner or operator. "Merchant" also means a
3 person who receives from an authorized user of a payment card,
4 or someone the person believes to be an authorized user, a
5 payment card or information from a payment card, or what the
6 person believes to be a payment card or information from a
7 payment card, as the instrument for obtaining, purchasing or
8 receiving goods, services, money, or anything else of value
9 from the person.

10 "Motor fuel" means a liquid, regardless of its properties,
11 used to propel a vehicle, including gasoline and diesel.

12 "Online" means the use of any electronic or wireless
13 device to access the Internet.

14 "Payment card" means a credit card, charge card, debit
15 card, or any other card that is issued to an authorized card
16 user and that allows the user to obtain, purchase, or receive
17 goods, services, money, or anything else of value from a
18 merchant.

19 "Person with a disability" means a person who suffers from
20 a physical or mental impairment resulting from disease,
21 injury, functional disorder or congenital condition that
22 impairs the individual's mental or physical ability to
23 independently manage his or her property or financial
24 resources, or both.

25 "Personal identification document" means a birth
26 certificate, a driver's license, a State identification card,

1 a public, government, or private employment identification
2 card, a social security card, a license issued under the
3 Firearm Concealed Carry Act ~~firearm owner's identification~~
4 ~~card~~, a credit card, a debit card, or a passport issued to or
5 on behalf of a person other than the offender, or any document
6 made or issued, or falsely purported to have been made or
7 issued, by or under the authority of the United States
8 Government, the State of Illinois, or any other state
9 political subdivision of any state, or any other governmental
10 or quasi-governmental organization that is of a type intended
11 for the purpose of identification of an individual, or any
12 such document made or altered in a manner that it falsely
13 purports to have been made on behalf of or issued to another
14 person or by the authority of one who did not give that
15 authority.

16 "Personal identifying information" means any of the
17 following information:

18 (1) A person's name.

19 (2) A person's address.

20 (3) A person's date of birth.

21 (4) A person's telephone number.

22 (5) A person's driver's license number or State of
23 Illinois identification card as assigned by the Secretary
24 of State of the State of Illinois or a similar agency of
25 another state.

26 (6) A person's social security number.

1 (7) A person's public, private, or government
2 employer, place of employment, or employment
3 identification number.

4 (8) The maiden name of a person's mother.

5 (9) The number assigned to a person's depository
6 account, savings account, or brokerage account.

7 (10) The number assigned to a person's credit or debit
8 card, commonly known as a "Visa Card", "MasterCard",
9 "American Express Card", "Discover Card", or other similar
10 cards whether issued by a financial institution,
11 corporation, or business entity.

12 (11) Personal identification numbers.

13 (12) Electronic identification numbers.

14 (13) Digital signals.

15 (14) User names, passwords, and any other word,
16 number, character or combination of the same usable in
17 whole or part to access information relating to a specific
18 individual, or to the actions taken, communications made
19 or received, or other activities or transactions of a
20 specific individual.

21 (15) Any other numbers or information which can be
22 used to access a person's financial resources, or to
23 identify a specific individual, or the actions taken,
24 communications made or received, or other activities or
25 transactions of a specific individual.

26 "Premises of a retail mercantile establishment" includes,

1 but is not limited to, the retail mercantile establishment;
2 any common use areas in shopping centers; and all parking
3 areas set aside by a merchant or on behalf of a merchant for
4 the parking of vehicles for the convenience of the patrons of
5 such retail mercantile establishment.

6 "Public water, gas, or power supply, or other public
7 services" mean any service subject to regulation by the
8 Illinois Commerce Commission; any service furnished by a
9 public utility that is owned and operated by any political
10 subdivision, public institution of higher education or
11 municipal corporation of this State; any service furnished by
12 any public utility that is owned by such political
13 subdivision, public institution of higher education, or
14 municipal corporation and operated by any of its lessees or
15 operating agents; any service furnished by an electric
16 cooperative as defined in Section 3.4 of the Electric Supplier
17 Act; or wireless service or other service regulated by the
18 Federal Communications Commission.

19 "Publish" means to communicate or disseminate information
20 to any one or more persons, either orally, in person, or by
21 telephone, radio or television or in writing of any kind,
22 including, without limitation, a letter or memorandum,
23 circular or handbill, newspaper or magazine article or book.

24 "Radio frequency identification device" means any
25 implement, computer file, computer disc, electronic device,
26 computer hardware, computer software, or instrument that is

1 used to activate, read, receive, or decode information stored
2 on a RFID tag or transponder attached to a personal
3 identification document.

4 "RFID tag or transponder" means a chip or device that
5 contains personal identifying information from which the
6 personal identifying information can be read or decoded by
7 another device emitting a radio frequency that activates or
8 powers a radio frequency emission response from the chip or
9 transponder.

10 "Reencoder" means an electronic device that places encoded
11 information from the magnetic strip or stripe of a payment
12 card onto the magnetic strip or stripe of a different payment
13 card.

14 "Retail mercantile establishment" means any place where
15 merchandise is displayed, held, stored or offered for sale to
16 the public.

17 "Scanning device" means a scanner, reader, or any other
18 electronic device that is used to access, read, scan, obtain,
19 memorize, or store, temporarily or permanently, information
20 encoded on the magnetic strip or stripe of a payment card.

21 "Shopping cart" means those push carts of the type or
22 types which are commonly provided by grocery stores, drug
23 stores or other retail mercantile establishments for the use
24 of the public in transporting commodities in stores and
25 markets and, incidentally, from the stores to a place outside
26 the store.

1 "Sound or audio visual recording" means any sound or audio
2 visual phonograph record, disc, pre-recorded tape, film, wire,
3 magnetic tape or other object, device or medium, now known or
4 hereafter invented, by which sounds or images may be
5 reproduced with or without the use of any additional machine,
6 equipment or device.

7 "Stored value card" means any card, gift card, instrument,
8 or device issued with or without fee for the use of the
9 cardholder to obtain money, goods, services, or anything else
10 of value. Stored value cards include, but are not limited to,
11 cards issued for use as a stored value card or gift card, and
12 an account identification number or symbol used to identify a
13 stored value card. "Stored value card" does not include a
14 prepaid card usable at multiple, unaffiliated merchants or at
15 automated teller machines, or both. "Stored value card" shall
16 only apply to Section 16-25.1 of this Act.

17 "Theft detection device remover" means any tool or device
18 specifically designed and intended to be used to remove any
19 theft detection device from any merchandise.

20 "Under-ring" means to cause the cash register or other
21 sales recording device to reflect less than the full retail
22 value of the merchandise.

23 "Unidentified sound or audio visual recording" means a
24 sound or audio visual recording without the actual name and
25 full and correct street address of the manufacturer, and the
26 name of the actual performers or groups prominently and

1 legibly printed on the outside cover or jacket and on the label
2 of such sound or audio visual recording.

3 "Unlawful access device" means any type of instrument,
4 device, machine, equipment, technology, or software which is
5 primarily possessed, used, designed, assembled, manufactured,
6 sold, distributed or offered, promoted or advertised for the
7 purpose of defeating or circumventing any technology, device
8 or software, or any component or part thereof, used by the
9 provider, owner or licensee of any communication service or of
10 any data, audio or video programs or transmissions to protect
11 any such communication, audio or video services, programs or
12 transmissions from unauthorized access, acquisition, receipt,
13 decryption, disclosure, communication, transmission or
14 re-transmission.

15 "Unlawful communication device" means any electronic
16 serial number, mobile identification number, personal
17 identification number or any communication or wireless device
18 that is capable of acquiring or facilitating the acquisition
19 of a communication service without the express consent or
20 express authorization of the communication service provider,
21 or that has been altered, modified, programmed or
22 reprogrammed, alone or in conjunction with another
23 communication or wireless device or other equipment, to so
24 acquire or facilitate the unauthorized acquisition of a
25 communication service. "Unlawful communication device" also
26 means:

1 (1) any phone altered to obtain service without the
2 express consent or express authorization of the
3 communication service provider, tumbler phone, counterfeit
4 or clone phone, tumbler microchip, counterfeit or clone
5 microchip, scanning receiver of wireless communication
6 service or other instrument capable of disguising its
7 identity or location or of gaining unauthorized access to
8 a communications or wireless system operated by a
9 communication service provider; and

10 (2) any communication or wireless device which is
11 capable of, or has been altered, designed, modified,
12 programmed or reprogrammed, alone or in conjunction with
13 another communication or wireless device or devices, so as
14 to be capable of, facilitating the disruption,
15 acquisition, receipt, transmission or decryption of a
16 communication service without the express consent or
17 express authorization of the communication service
18 provider, including, but not limited to, any device,
19 technology, product, service, equipment, computer software
20 or component or part thereof, primarily distributed, sold,
21 designed, assembled, manufactured, modified, programmed,
22 reprogrammed or used for the purpose of providing the
23 unauthorized receipt of, transmission of, disruption of,
24 decryption of, access to or acquisition of any
25 communication service provided by any communication
26 service provider.

1 "Vehicle" means a motor vehicle, motorcycle, or farm
2 implement that is self-propelled and that uses motor fuel for
3 propulsion.

4 "Wireless device" includes any type of instrument, device,
5 machine, or equipment that is capable of transmitting or
6 receiving telephonic, electronic or radio communications, or
7 any part of such instrument, device, machine, or equipment, or
8 any computer circuit, computer chip, electronic mechanism, or
9 other component that is capable of facilitating the
10 transmission or reception of telephonic, electronic, or radio
11 communications.

12 (Source: P.A. 102-757, eff. 5-13-22.)

13 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

14 Sec. 17-30. Defaced, altered, or removed manufacturer or
15 owner identification number.

16 (a) Unlawful sale of household appliances. A person
17 commits unlawful sale of household appliances when he or she
18 knowingly, with the intent to defraud or deceive another,
19 keeps for sale, within any commercial context, any household
20 appliance with a missing, defaced, obliterated, or otherwise
21 altered manufacturer's identification number.

22 (b) Construction equipment identification defacement. A
23 person commits construction equipment identification
24 defacement when he or she knowingly changes, alters, removes,
25 mutilates, or obliterates a permanently affixed serial number,

1 product identification number, part number, component
2 identification number, owner-applied identification, or other
3 mark of identification attached to or stamped, inscribed,
4 molded, or etched into a machine or other equipment, whether
5 stationary or mobile or self-propelled, or a part of such
6 machine or equipment, used in the construction, maintenance,
7 or demolition of buildings, structures, bridges, tunnels,
8 sewers, utility pipes or lines, ditches or open cuts, roads,
9 highways, dams, airports, or waterways or in material handling
10 for such projects.

11 The trier of fact may infer that the defendant has
12 knowingly changed, altered, removed, or obliterated the serial
13 number, product identification number, part number, component
14 identification number, owner-applied identification number, or
15 other mark of identification, if the defendant was in
16 possession of any machine or other equipment or a part of such
17 machine or equipment used in the construction, maintenance, or
18 demolition of buildings, structures, bridges, tunnels, sewers,
19 utility pipes or lines, ditches or open cuts, roads, highways,
20 dams, airports, or waterways or in material handling for such
21 projects upon which any such serial number, product
22 identification number, part number, component identification
23 number, owner-applied identification number, or other mark of
24 identification has been changed, altered, removed, or
25 obliterated.

26 (c) Defacement of manufacturer's serial number or

1 identification mark. A person commits defacement of a
2 manufacturer's serial number or identification mark when he or
3 she knowingly removes, alters, defaces, covers, or destroys
4 the manufacturer's serial number or any other manufacturer's
5 number or distinguishing identification mark upon any machine
6 or other article of merchandise, other than a motor vehicle as
7 defined in Section 1-146 of the Illinois Vehicle Code or a
8 firearm ~~as defined in the Firearm Owners Identification Card~~
9 ~~Act~~, with the intent of concealing or destroying the identity
10 of such machine or other article of merchandise.

11 (d) Sentence.

12 (1) A violation of subsection (a) of this Section is a
13 Class 4 felony if the value of the appliance or appliances
14 exceeds \$1,000 and a Class B misdemeanor if the value of
15 the appliance or appliances is \$1,000 or less.

16 (2) A violation of subsection (b) of this Section is a
17 Class A misdemeanor.

18 (3) A violation of subsection (c) of this Section is a
19 Class B misdemeanor.

20 (e) No liability shall be imposed upon any person for the
21 unintentional failure to comply with subsection (a).

22 (f) Definitions. In this Section:

23 "Commercial context" means a continuing business
24 enterprise conducted for profit by any person whose primary
25 business is the wholesale or retail marketing of household
26 appliances, or a significant portion of whose business or

1 inventory consists of household appliances kept or sold on a
2 wholesale or retail basis.

3 "Household appliance" means any gas or electric device or
4 machine marketed for use as home entertainment or for
5 facilitating or expediting household tasks or chores. The term
6 shall include but not necessarily be limited to refrigerators,
7 freezers, ranges, radios, television sets, vacuum cleaners,
8 toasters, dishwashers, and other similar household items.

9 "Manufacturer's identification number" means any serial
10 number or other similar numerical or alphabetical designation
11 imprinted upon or attached to or placed, stamped, or otherwise
12 imprinted upon or attached to a household appliance or item by
13 the manufacturer for purposes of identifying a particular
14 appliance or item individually or by lot number.

15 (Source: P.A. 96-1551, eff. 7-1-11.)

16 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

17 Sec. 24-1. Unlawful possession of weapons.

18 (a) A person commits the offense of unlawful possession of
19 weapons when he knowingly:

20 (1) Sells, manufactures, purchases, possesses or
21 carries any bludgeon, black-jack, slung-shot, sand-club,
22 sand-bag, metal knuckles or other knuckle weapon
23 regardless of its composition, throwing star, or any
24 knife, commonly referred to as a switchblade knife, which
25 has a blade that opens automatically by hand pressure

1 applied to a button, spring or other device in the handle
2 of the knife, or a ballistic knife, which is a device that
3 propels a knifelike blade as a projectile by means of a
4 coil spring, elastic material or compressed gas; or

5 (2) Carries or possesses with intent to use the same
6 unlawfully against another, a dagger, dirk, billy,
7 dangerous knife, razor, stiletto, broken bottle or other
8 piece of glass, stun gun or taser or any other dangerous or
9 deadly weapon or instrument of like character; or

10 (2.5) Carries or possesses with intent to use the same
11 unlawfully against another, any firearm in a church,
12 synagogue, mosque, or other building, structure, or place
13 used for religious worship; or

14 (3) Carries on or about his person or in any vehicle, a
15 tear gas gun projector or bomb or any object containing
16 noxious liquid gas or substance, other than an object
17 containing a non-lethal noxious liquid gas or substance
18 designed solely for personal defense carried by a person
19 18 years of age or older; or

20 (4) Carries or possesses in any vehicle or concealed
21 on or about his person except when on his land or in his
22 own abode, legal dwelling, or fixed place of business, or
23 on the land or in the legal dwelling of another person as
24 an invitee with that person's permission, any pistol,
25 revolver, stun gun or taser or other firearm, except that
26 this subsection (a)(4) does not apply to or affect

1 transportation of weapons that meet one of the following
2 conditions:

3 (i) are broken down in a non-functioning state; or

4 (ii) are not immediately accessible; or

5 (iii) are unloaded and enclosed in a case, firearm
6 carrying box, shipping box, or other container by a
7 person eligible under State and federal law to possess
8 a firearm ~~who has been issued a currently valid~~
9 ~~Firearm Owner's Identification Card; or~~

10 (iv) are carried or possessed in accordance with
11 the Firearm Concealed Carry Act by a person who has
12 been issued a currently valid license under the
13 Firearm Concealed Carry Act; or

14 (5) Sets a spring gun; or

15 (6) Possesses any device or attachment of any kind
16 designed, used or intended for use in silencing the report
17 of any firearm; or

18 (7) Sells, manufactures, purchases, possesses or
19 carries:

20 (i) a machine gun, which shall be defined for the
21 purposes of this subsection as any weapon, which
22 shoots, is designed to shoot, or can be readily
23 restored to shoot, automatically more than one shot
24 without manually reloading by a single function of the
25 trigger, including the frame or receiver of any such
26 weapon, or sells, manufactures, purchases, possesses,

1 or carries any combination of parts designed or
2 intended for use in converting any weapon into a
3 machine gun, or any combination or parts from which a
4 machine gun can be assembled if such parts are in the
5 possession or under the control of a person;

6 (ii) any rifle having one or more barrels less
7 than 16 inches in length or a shotgun having one or
8 more barrels less than 18 inches in length or any
9 weapon made from a rifle or shotgun, whether by
10 alteration, modification, or otherwise, if such a
11 weapon as modified has an overall length of less than
12 26 inches; or

13 (iii) any bomb, bomb-shell, grenade, bottle or
14 other container containing an explosive substance of
15 over one-quarter ounce for like purposes, such as, but
16 not limited to, black powder bombs and Molotov
17 cocktails or artillery projectiles; or

18 (8) Carries or possesses any firearm, stun gun or
19 taser or other deadly weapon in any place which is
20 licensed to sell intoxicating beverages, or at any public
21 gathering held pursuant to a license issued by any
22 governmental body or any public gathering at which an
23 admission is charged, excluding a place where a showing,
24 demonstration or lecture involving the exhibition of
25 unloaded firearms is conducted.

26 This subsection (a) (8) does not apply to any auction

1 or raffle of a firearm held pursuant to a license or permit
2 issued by a governmental body, nor does it apply to
3 persons engaged in firearm safety training courses; or

4 (9) Carries or possesses in a vehicle or on or about
5 his or her person any pistol, revolver, stun gun or taser
6 or firearm or ballistic knife, when he or she is hooded,
7 robed or masked in such manner as to conceal his or her
8 identity; or

9 (10) Carries or possesses on or about his or her
10 person, upon any public street, alley, or other public
11 lands within the corporate limits of a city, village, or
12 incorporated town, except when an invitee thereon or
13 therein, for the purpose of the display of such weapon or
14 the lawful commerce in weapons, or except when on his land
15 or in his or her own abode, legal dwelling, or fixed place
16 of business, or on the land or in the legal dwelling of
17 another person as an invitee with that person's
18 permission, any pistol, revolver, stun gun, or taser or
19 other firearm, except that this subsection (a)(10) does
20 not apply to or affect transportation of weapons that meet
21 one of the following conditions:

22 (i) are broken down in a non-functioning state; or

23 (ii) are not immediately accessible; or

24 (iii) are unloaded and enclosed in a case, firearm
25 carrying box, shipping box, or other container by a
26 person eligible under State and federal law to possess

1 a firearm ~~who has been issued a currently valid~~
2 ~~Firearm Owner's Identification Card;~~ or

3 (iv) are carried or possessed in accordance with
4 the Firearm Concealed Carry Act by a person who has
5 been issued a currently valid license under the
6 Firearm Concealed Carry Act.

7 A "stun gun or taser", as used in this paragraph (a)
8 means (i) any device which is powered by electrical
9 charging units, such as, batteries, and which fires one or
10 several barbs attached to a length of wire and which, upon
11 hitting a human, can send out a current capable of
12 disrupting the person's nervous system in such a manner as
13 to render him incapable of normal functioning or (ii) any
14 device which is powered by electrical charging units, such
15 as batteries, and which, upon contact with a human or
16 clothing worn by a human, can send out current capable of
17 disrupting the person's nervous system in such a manner as
18 to render him incapable of normal functioning; or

19 (11) Sells, manufactures, delivers, imports,
20 possesses, or purchases any assault weapon attachment or
21 .50 caliber cartridge in violation of Section 24-1.9 or
22 any explosive bullet. For purposes of this paragraph (a)
23 "explosive bullet" means the projectile portion of an
24 ammunition cartridge which contains or carries an
25 explosive charge which will explode upon contact with the
26 flesh of a human or an animal. "Cartridge" means a tubular

1 metal case having a projectile affixed at the front
2 thereof and a cap or primer at the rear end thereof, with
3 the propellant contained in such tube between the
4 projectile and the cap; or

5 (12) (Blank); or

6 (13) Carries or possesses on or about his or her
7 person while in a building occupied by a unit of
8 government, a billy club, other weapon of like character,
9 or other instrument of like character intended for use as
10 a weapon. For the purposes of this Section, "billy club"
11 means a short stick or club commonly carried by police
12 officers which is either telescopic or constructed of a
13 solid piece of wood or other man-made material; or

14 (14) Manufactures, possesses, sells, or offers to
15 sell, purchase, manufacture, import, transfer, or use any
16 device, part, kit, tool, accessory, or combination of
17 parts that is designed to and functions to increase the
18 rate of fire of a semiautomatic firearm above the standard
19 rate of fire for semiautomatic firearms that is not
20 equipped with that device, part, or combination of parts;
21 or

22 (15) Carries or possesses any assault weapon or .50
23 caliber rifle in violation of Section 24-1.9; or

24 (16) Manufactures, sells, delivers, imports, or
25 purchases any assault weapon or .50 caliber rifle in
26 violation of Section 24-1.9.

1 (b) Sentence. A person convicted of a violation of
2 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
3 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)
4 commits a Class A misdemeanor. A person convicted of a
5 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a
6 Class 4 felony; a person convicted of a violation of
7 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or
8 24-1(a)(16) commits a Class 3 felony. A person convicted of a
9 violation of subsection 24-1(a)(7)(i) commits a Class 2 felony
10 and shall be sentenced to a term of imprisonment of not less
11 than 3 years and not more than 7 years, unless the weapon is
12 possessed in the passenger compartment of a motor vehicle as
13 defined in Section 1-146 of the Illinois Vehicle Code, or on
14 the person, while the weapon is loaded, in which case it shall
15 be a Class X felony. A person convicted of a second or
16 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
17 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3
18 felony. A person convicted of a violation of subsection
19 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The
20 possession of each weapon or device in violation of this
21 Section constitutes a single and separate violation.

22 (c) Violations in specific places.

23 (1) A person who violates subsection 24-1(a)(6) or
24 24-1(a)(7) in any school, regardless of the time of day or
25 the time of year, in residential property owned, operated
26 or managed by a public housing agency or leased by a public

1 housing agency as part of a scattered site or mixed-income
2 development, in a public park, in a courthouse, on the
3 real property comprising any school, regardless of the
4 time of day or the time of year, on residential property
5 owned, operated or managed by a public housing agency or
6 leased by a public housing agency as part of a scattered
7 site or mixed-income development, on the real property
8 comprising any public park, on the real property
9 comprising any courthouse, in any conveyance owned, leased
10 or contracted by a school to transport students to or from
11 school or a school related activity, in any conveyance
12 owned, leased, or contracted by a public transportation
13 agency, or on any public way within 1,000 feet of the real
14 property comprising any school, public park, courthouse,
15 public transportation facility, or residential property
16 owned, operated, or managed by a public housing agency or
17 leased by a public housing agency as part of a scattered
18 site or mixed-income development commits a Class 2 felony
19 and shall be sentenced to a term of imprisonment of not
20 less than 3 years and not more than 7 years.

21 (1.5) A person who violates subsection 24-1(a)(4),
22 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
23 the time of day or the time of year, in residential
24 property owned, operated, or managed by a public housing
25 agency or leased by a public housing agency as part of a
26 scattered site or mixed-income development, in a public

1 park, in a courthouse, on the real property comprising any
2 school, regardless of the time of day or the time of year,
3 on residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development,
6 on the real property comprising any public park, on the
7 real property comprising any courthouse, in any conveyance
8 owned, leased, or contracted by a school to transport
9 students to or from school or a school related activity,
10 in any conveyance owned, leased, or contracted by a public
11 transportation agency, or on any public way within 1,000
12 feet of the real property comprising any school, public
13 park, courthouse, public transportation facility, or
14 residential property owned, operated, or managed by a
15 public housing agency or leased by a public housing agency
16 as part of a scattered site or mixed-income development
17 commits a Class 3 felony.

18 (2) A person who violates subsection 24-1(a)(1),
19 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
20 time of day or the time of year, in residential property
21 owned, operated or managed by a public housing agency or
22 leased by a public housing agency as part of a scattered
23 site or mixed-income development, in a public park, in a
24 courthouse, on the real property comprising any school,
25 regardless of the time of day or the time of year, on
26 residential property owned, operated or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development,
3 on the real property comprising any public park, on the
4 real property comprising any courthouse, in any conveyance
5 owned, leased or contracted by a school to transport
6 students to or from school or a school related activity,
7 in any conveyance owned, leased, or contracted by a public
8 transportation agency, or on any public way within 1,000
9 feet of the real property comprising any school, public
10 park, courthouse, public transportation facility, or
11 residential property owned, operated, or managed by a
12 public housing agency or leased by a public housing agency
13 as part of a scattered site or mixed-income development
14 commits a Class 4 felony. "Courthouse" means any building
15 that is used by the Circuit, Appellate, or Supreme Court
16 of this State for the conduct of official business.

17 (3) Paragraphs (1), (1.5), and (2) of this subsection
18 (c) shall not apply to law enforcement officers or
19 security officers of such school, college, or university
20 or to students carrying or possessing firearms for use in
21 training courses, parades, hunting, target shooting on
22 school ranges, or otherwise with the consent of school
23 authorities and which firearms are transported unloaded
24 enclosed in a suitable case, box, or transportation
25 package.

26 (4) For the purposes of this subsection (c), "school"

1 means any public or private elementary or secondary
2 school, community college, college, or university.

3 (5) For the purposes of this subsection (c), "public
4 transportation agency" means a public or private agency
5 that provides for the transportation or conveyance of
6 persons by means available to the general public, except
7 for transportation by automobiles not used for conveyance
8 of the general public as passengers; and "public
9 transportation facility" means a terminal or other place
10 where one may obtain public transportation.

11 (d) The presence in an automobile other than a public
12 omnibus of any weapon, instrument or substance referred to in
13 subsection (a) (7) is prima facie evidence that it is in the
14 possession of, and is being carried by, all persons occupying
15 such automobile at the time such weapon, instrument or
16 substance is found, except under the following circumstances:
17 (i) if such weapon, instrument or instrumentality is found
18 upon the person of one of the occupants therein; or (ii) if
19 such weapon, instrument or substance is found in an automobile
20 operated for hire by a duly licensed driver in the due, lawful
21 and proper pursuit of his or her trade, then such presumption
22 shall not apply to the driver.

23 (e) Exemptions.

24 (1) Crossbows, Common or Compound bows and Underwater
25 Spearguns are exempted from the definition of ballistic
26 knife as defined in paragraph (1) of subsection (a) of

1 this Section.

2 (2) The provision of paragraph (1) of subsection (a)
3 of this Section prohibiting the sale, manufacture,
4 purchase, possession, or carrying of any knife, commonly
5 referred to as a switchblade knife, which has a blade that
6 opens automatically by hand pressure applied to a button,
7 spring or other device in the handle of the knife, does not
8 apply to a person eligible under State and federal law to
9 possess a firearm ~~who possesses a currently valid Firearm~~
10 ~~Owner's Identification Card previously issued in his or~~
11 ~~her name by the Illinois State Police~~ or to a person or an
12 entity engaged in the business of selling or manufacturing
13 switchblade knives.

14 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23;
15 103-822, eff. 1-1-25.)

16 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

17 Sec. 24-1.1. Unlawful possession of weapons by felons or
18 persons in the custody of the Department of Corrections
19 facilities.

20 (a) It is unlawful for a person to knowingly possess on or
21 about his person or on his land or in his own abode or fixed
22 place of business any weapon prohibited under Section 24-1 of
23 this Act or any firearm or any firearm ammunition if the person
24 has been convicted of a felony under the laws of this State or
25 any other jurisdiction. This Section shall not apply if the

1 person has been granted relief under this subsection ~~by the~~
2 ~~Director of the Illinois State Police under Section 10 of the~~
3 ~~Firearm Owners Identification Card Act.~~ A person prohibited
4 from possessing a firearm under this subsection (a) may
5 petition the Director of the Illinois State Police for a
6 hearing and relief from the prohibition, unless the
7 prohibition was based upon a forcible felony, stalking,
8 aggravated stalking, domestic battery, any violation of the
9 Illinois Controlled Substances Act, the Methamphetamine
10 Control and Community Protection Act, or the Cannabis Control
11 Act that is classified as a Class 2 or greater felony, any
12 felony violation of Article 24 of the Criminal Code of 1961 or
13 the Criminal Code of 2012, or any adjudication as a delinquent
14 minor for the commission of an offense that if committed by an
15 adult would be a felony, in which case the person may petition
16 the circuit court in writing in the county of his or her
17 residence for a hearing and relief from the prohibition. The
18 Director or court may grant the relief if it is established by
19 the petitioner to the court's or Director's satisfaction that:

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

26 (2) the petitioner has not been convicted of a

1 forcible felony under the laws of this State or any other
2 jurisdiction within 20 years of the filing of the
3 petition, or at least 20 years have passed since the end of
4 any period of imprisonment imposed in relation to that
5 conviction;

6 (3) the circumstances regarding a criminal conviction,
7 where applicable, the petitioner's criminal history and
8 his or her reputation are such that the petitioner will
9 not be likely to act in a manner dangerous to public
10 safety;

11 (4) granting relief would not be contrary to the
12 public interest; and

13 (5) granting relief would not be contrary to federal
14 law.

15 (b) It is unlawful for any person confined in a penal
16 institution, which is a facility of the Illinois Department of
17 Corrections, to possess any weapon prohibited under Section
18 24-1 of this Code or any firearm or firearm ammunition,
19 regardless of the intent with which he possesses it.

20 (c) It shall be an affirmative defense to a violation of
21 subsection (b), that such possession was specifically
22 authorized by rule, regulation, or directive of the Illinois
23 Department of Corrections or order issued pursuant thereto.

24 (d) The defense of necessity is not available to a person
25 who is charged with a violation of subsection (b) of this
26 Section.

1 (e) Sentence. Violation of this Section by a person not
2 confined in a penal institution shall be a Class 3 felony for
3 which the person shall be sentenced to no less than 2 years and
4 no more than 10 years. A second or subsequent violation of this
5 Section shall be a Class 2 felony for which the person shall be
6 sentenced to a term of imprisonment of not less than 3 years
7 and not more than 14 years, except as provided for in Section
8 5-4.5-110 of the Unified Code of Corrections. Violation of
9 this Section by a person not confined in a penal institution
10 who has been convicted of a forcible felony, a felony
11 violation of Article 24 of this Code ~~or of the Firearm Owners~~
12 ~~Identification Card Act~~, stalking or aggravated stalking, or a
13 Class 2 or greater felony under the Illinois Controlled
14 Substances Act, the Cannabis Control Act, or the
15 Methamphetamine Control and Community Protection Act is a
16 Class 2 felony for which the person shall be sentenced to not
17 less than 3 years and not more than 14 years, except as
18 provided for in Section 5-4.5-110 of the Unified Code of
19 Corrections. Violation of this Section by a person who is on
20 parole or mandatory supervised release is a Class 2 felony for
21 which the person shall be sentenced to not less than 3 years
22 and not more than 14 years, except as provided for in Section
23 5-4.5-110 of the Unified Code of Corrections. Violation of
24 this Section by a person not confined in a penal institution is
25 a Class X felony when the firearm possessed is a machine gun.
26 Any person who violates this Section while confined in a penal

1 institution, which is a facility of the Illinois Department of
2 Corrections, is guilty of a Class 1 felony, if he possesses any
3 weapon prohibited under Section 24-1 of this Code regardless
4 of the intent with which he possesses it, a Class X felony if
5 he possesses any firearm, firearm ammunition or explosive, and
6 a Class X felony for which the offender shall be sentenced to
7 not less than 12 years and not more than 50 years when the
8 firearm possessed is a machine gun. A violation of this
9 Section while wearing or in possession of body armor as
10 defined in Section 33F-1 is a Class X felony punishable by a
11 term of imprisonment of not less than 10 years and not more
12 than 40 years. The possession of each firearm or firearm
13 ammunition in violation of this Section constitutes a single
14 and separate violation.

15 (Source: P.A. 102-538, eff. 8-20-21; 103-822, eff. 1-1-25.)

16 (720 ILCS 5/24-1.6)

17 Sec. 24-1.6. Aggravated unlawful possession of a weapon.

18 (a) A person commits the offense of aggravated unlawful
19 possession of a weapon when he or she knowingly:

20 (1) Carries on or about his or her person or in any
21 vehicle or concealed on or about his or her person except
22 when on his or her land or in his or her abode, legal
23 dwelling, or fixed place of business, or on the land or in
24 the legal dwelling of another person as an invitee with
25 that person's permission, any pistol, revolver, stun gun

1 or taser or other firearm; or

2 (2) Carries or possesses on or about his or her
3 person, upon any public street, alley, or other public
4 lands within the corporate limits of a city, village or
5 incorporated town, except when an invitee thereon or
6 therein, for the purpose of the display of such weapon or
7 the lawful commerce in weapons, or except when on his or
8 her own land or in his or her own abode, legal dwelling, or
9 fixed place of business, or on the land or in the legal
10 dwelling of another person as an invitee with that
11 person's permission, any pistol, revolver, stun gun or
12 taser or other firearm; and

13 (3) One of the following factors is present:

14 (A) the firearm, other than a pistol, revolver, or
15 handgun, possessed was uncased, loaded, and
16 immediately accessible at the time of the offense; or

17 (A-5) the pistol, revolver, or handgun possessed
18 was uncased, loaded, and immediately accessible at the
19 time of the offense and the person possessing the
20 pistol, revolver, or handgun has not been issued a
21 currently valid license under the Firearm Concealed
22 Carry Act; or

23 (B) the firearm, other than a pistol, revolver, or
24 handgun, possessed was uncased, unloaded, and the
25 ammunition for the weapon was immediately accessible
26 at the time of the offense; or

1 (B-5) the pistol, revolver, or handgun possessed
2 was uncased, unloaded, and the ammunition for the
3 weapon was immediately accessible at the time of the
4 offense and the person possessing the pistol,
5 revolver, or handgun has not been issued a currently
6 valid license under the Firearm Concealed Carry Act;
7 or

8 (C) (blank); or ~~the person possessing the firearm~~
9 ~~has not been issued a currently valid Firearm Owner's~~
10 ~~Identification Card; or~~

11 (D) the person possessing the weapon was
12 previously adjudicated a delinquent minor under the
13 Juvenile Court Act of 1987 for an act that if committed
14 by an adult would be a felony; or

15 (E) the person possessing the weapon was engaged
16 in a misdemeanor violation of the Cannabis Control
17 Act, in a misdemeanor violation of the Illinois
18 Controlled Substances Act, or in a misdemeanor
19 violation of the Methamphetamine Control and Community
20 Protection Act; or

21 (F) (blank); or

22 (G) the person possessing the weapon had an order
23 of protection issued against him or her within the
24 previous 2 years; or

25 (H) the person possessing the weapon was engaged
26 in the commission or attempted commission of a

1 misdemeanor involving the use or threat of violence
2 against the person or property of another; or

3 (I) the person possessing the weapon was under 21
4 years of age and in possession of a handgun, unless the
5 person under 21 is engaged in lawful activities under
6 the Wildlife Code or described in subsection
7 24-2(b)(1), (b)(3), or 24-2(f).

8 (a-5) "Handgun" as used in this Section has the meaning
9 given to it in Section 5 of the Firearm Concealed Carry Act.

10 (b) "Stun gun or taser" as used in this Section has the
11 same definition given to it in Section 24-1 of this Code.

12 (c) This Section does not apply to or affect the
13 transportation or possession of weapons that:

14 (i) are broken down in a non-functioning state; or

15 (ii) are not immediately accessible; or

16 (iii) are unloaded and enclosed in a case, firearm
17 carrying box, shipping box, or other container by a person
18 is eligible under State and federal law to possess a
19 firearm ~~who has been issued a currently valid Firearm~~
20 ~~Owner's Identification Card.~~

21 (d) Sentence.

22 (1) Aggravated unlawful possession of a weapon is a
23 Class 4 felony; a second or subsequent offense is a Class 2
24 felony for which the person shall be sentenced to a term of
25 imprisonment of not less than 3 years and not more than 7
26 years, except as provided for in Section 5-4.5-110 of the

1 Unified Code of Corrections.

2 (2) (Blank). ~~Except as otherwise provided in~~
3 ~~paragraphs (3) and (4) of this subsection (d), a first~~
4 ~~offense of aggravated unlawful possession of a weapon~~
5 ~~committed with a firearm by a person 18 years of age or~~
6 ~~older where the factors listed in both items (A) and (C) or~~
7 ~~both items (A 5) and (C) of paragraph (3) of subsection~~
8 ~~(a) are present is a Class 4 felony, for which the person~~
9 ~~shall be sentenced to a term of imprisonment of not less~~
10 ~~than one year and not more than 3 years.~~

11 (3) Aggravated unlawful possession of a weapon by a
12 person who has been previously convicted of a felony in
13 this State or another jurisdiction is a Class 2 felony for
14 which the person shall be sentenced to a term of
15 imprisonment of not less than 3 years and not more than 7
16 years, except as provided for in Section 5-4.5-110 of the
17 Unified Code of Corrections.

18 (4) Aggravated unlawful possession of a weapon while
19 wearing or in possession of body armor as defined in
20 Section 33F-1 by a person who is prohibited under State or
21 federal law from possessing a firearm ~~has not been issued~~
22 ~~a valid Firearms Owner's Identification Card in accordance~~
23 ~~with Section 5 of the Firearm Owners Identification Card~~
24 ~~Act~~ is a Class X felony.

25 (e) The possession of each firearm in violation of this
26 Section constitutes a single and separate violation.

1 (Source: P.A. 103-822, eff. 1-1-25.)

2 (720 ILCS 5/24-1.8)

3 Sec. 24-1.8. Unlawful possession of a firearm by a street
4 gang member.

5 (a) A person commits unlawful possession of a firearm by a
6 street gang member when he or she knowingly:

7 (1) possesses, carries, or conceals on or about his or
8 her person a firearm and firearm ammunition while on any
9 street, road, alley, gangway, sidewalk, or any other
10 lands, except when inside his or her own abode or inside
11 his or her fixed place of business, ~~and has not been issued~~
12 ~~a currently valid Firearm Owner's Identification Card~~ and
13 is a member of a street gang; or

14 (2) possesses or carries in any vehicle a firearm and
15 firearm ammunition which are both immediately accessible
16 at the time of the offense while on any street, road,
17 alley, or any other lands, except when inside his or her
18 own abode or garage, ~~and has not been issued a currently~~
19 ~~valid Firearm Owner's Identification Card~~ and is a member
20 of a street gang.

21 (b) Unlawful possession of a firearm by a street gang
22 member is a Class 2 felony for which the person, if sentenced
23 to a term of imprisonment, shall be sentenced to no less than 3
24 years and no more than 10 years. A period of probation, a term
25 of periodic imprisonment or conditional discharge shall not be

1 imposed for the offense of unlawful possession of a firearm by
2 a street gang member when the firearm was loaded or contained
3 firearm ammunition and the court shall sentence the offender
4 to not less than the minimum term of imprisonment authorized
5 for the Class 2 felony.

6 (c) For purposes of this Section:

7 "Street gang" or "gang" has the meaning ascribed to it
8 in Section 10 of the Illinois Streetgang Terrorism Omnibus
9 Prevention Act.

10 "Street gang member" or "gang member" has the meaning
11 ascribed to it in Section 10 of the Illinois Streetgang
12 Terrorism Omnibus Prevention Act.

13 (Source: P.A. 96-829, eff. 12-3-09.)

14 (720 ILCS 5/24-1.9)

15 Sec. 24-1.9. Manufacture, possession, delivery, sale, and
16 purchase of assault weapons, .50 caliber rifles, and .50
17 caliber cartridges.

18 (a) Definitions. In this Section:

19 (1) "Assault weapon" means any of the following, except as
20 provided in subdivision (2) of this subsection:

21 (A) A semiautomatic rifle that has the capacity to
22 accept a detachable magazine or that may be readily
23 modified to accept a detachable magazine, if the firearm
24 has one or more of the following:

25 (i) a pistol grip or thumbhole stock;

1 (ii) any feature capable of functioning as a
2 protruding grip that can be held by the non-trigger
3 hand;

4 (iii) a folding, telescoping, thumbhole, or
5 detachable stock, or a stock that is otherwise
6 foldable or adjustable in a manner that operates to
7 reduce the length, size, or any other dimension, or
8 otherwise enhances the concealability of, the weapon;

9 (iv) a flash suppressor;

10 (v) a grenade launcher;

11 (vi) a shroud attached to the barrel or that
12 partially or completely encircles the barrel, allowing
13 the bearer to hold the firearm with the non-trigger
14 hand without being burned, but excluding a slide that
15 encloses the barrel.

16 (B) A semiautomatic rifle that has a fixed magazine
17 with the capacity to accept more than 10 rounds, except
18 for an attached tubular device designed to accept, and
19 capable of operating only with, .22 caliber rimfire
20 ammunition.

21 (C) A semiautomatic pistol that has the capacity to
22 accept a detachable magazine or that may be readily
23 modified to accept a detachable magazine, if the firearm
24 has one or more of the following:

25 (i) a threaded barrel;

26 (ii) a second pistol grip or another feature

1 capable of functioning as a protruding grip that can
2 be held by the non-trigger hand;

3 (iii) a shroud attached to the barrel or that
4 partially or completely encircles the barrel, allowing
5 the bearer to hold the firearm with the non-trigger
6 hand without being burned, but excluding a slide that
7 encloses the barrel;

8 (iv) a flash suppressor;

9 (v) the capacity to accept a detachable magazine
10 at some location outside of the pistol grip; or

11 (vi) a buffer tube, arm brace, or other part that
12 protrudes horizontally behind the pistol grip and is
13 designed or redesigned to allow or facilitate a
14 firearm to be fired from the shoulder.

15 (D) A semiautomatic pistol that has a fixed magazine
16 with the capacity to accept more than 15 rounds.

17 (E) Any shotgun with a revolving cylinder.

18 (F) A semiautomatic shotgun that has one or more of
19 the following:

20 (i) a pistol grip or thumbhole stock;

21 (ii) any feature capable of functioning as a
22 protruding grip that can be held by the non-trigger
23 hand;

24 (iii) a folding or thumbhole stock;

25 (iv) a grenade launcher;

26 (v) a fixed magazine with the capacity of more

1 than 5 rounds; or

2 (vi) the capacity to accept a detachable magazine.

3 (G) Any semiautomatic firearm that has the capacity to
4 accept a belt ammunition feeding device.

5 (H) Any firearm that has been modified to be operable
6 as an assault weapon as defined in this Section.

7 (I) Any part or combination of parts designed or
8 intended to convert a firearm into an assault weapon,
9 including any combination of parts from which an assault
10 weapon may be readily assembled if those parts are in the
11 possession or under the control of the same person.

12 (J) All of the following rifles, copies, duplicates,
13 variants, or altered facsimiles with the capability of any
14 such weapon:

15 (i) All AK types, including the following:

16 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM,
17 MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms
18 AK-47, VEPR, WASR-10, and WUM.

19 (II) IZHMAASH Saiga AK.

20 (III) MAADI AK47 and ARM.

21 (IV) Norinco 56S, 56S2, 84S, and 86S.

22 (V) Poly Technologies AK47 and AKS.

23 (VI) SKS with a detachable magazine.

24 (ii) all AR types, including the following:

25 (I) AR-10.

26 (II) AR-15.

- 1 (III) Alexander Arms Overmatch Plus 16.
- 2 (IV) Armalite M15 22LR Carbine.
- 3 (V) Armalite M15-T.
- 4 (VI) Barrett REC7.
- 5 (VII) Beretta AR-70.
- 6 (VIII) Black Rain Ordnance Recon Scout.
- 7 (IX) Bushmaster ACR.
- 8 (X) Bushmaster Carbon 15.
- 9 (XI) Bushmaster MOE series.
- 10 (XII) Bushmaster XM15.
- 11 (XIII) Chiappa Firearms MFour rifles.
- 12 (XIV) Colt Match Target rifles.
- 13 (XV) CORE Rifle Systems CORE15 rifles.
- 14 (XVI) Daniel Defense M4A1 rifles.
- 15 (XVII) Devil Dog Arms 15 Series rifles.
- 16 (XVIII) Diamondback DB15 rifles.
- 17 (XIX) DoubleStar AR rifles.
- 18 (XX) DPMS Tactical rifles.
- 19 (XXI) DSA Inc. ZM-4 Carbine.
- 20 (XXII) Heckler & Koch MR556.
- 21 (XXIII) High Standard HSA-15 rifles.
- 22 (XXIV) Jesse James Nomad AR-15 rifle.
- 23 (XXV) Knight's Armament SR-15.
- 24 (XXVI) Lancer L15 rifles.
- 25 (XXVII) MGI Hydra Series rifles.
- 26 (XXVIII) Mossberg MMR Tactical rifles.

- 1 (XXIX) Noreen Firearms BN 36 rifle.
- 2 (XXX) Olympic Arms.
- 3 (XXXI) POF USA P415.
- 4 (XXXII) Precision Firearms AR rifles.
- 5 (XXXIII) Remington R-15 rifles.
- 6 (XXXIV) Rhino Arms AR rifles.
- 7 (XXXV) Rock River Arms LAR-15 or Rock River
8 Arms LAR-47.
- 9 (XXXVI) Sig Sauer SIG516 rifles and MCX
10 rifles.
- 11 (XXXVII) Smith & Wesson M&P15 rifles.
- 12 (XXXVIII) Stag Arms AR rifles.
- 13 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556
14 rifles.
- 15 (XL) Uselton Arms Air-Lite M-4 rifles.
- 16 (XLI) Windham Weaponry AR rifles.
- 17 (XLII) WMD Guns Big Beast.
- 18 (XLIII) Yankee Hill Machine Company, Inc.
19 YHM-15 rifles.
- 20 (iii) Barrett M107A1.
- 21 (iv) Barrett M82A1.
- 22 (v) Beretta CX4 Storm.
- 23 (vi) Calico Liberty Series.
- 24 (vii) CETME Sporter.
- 25 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and
26 AR 110C.

1 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22
2 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.

3 (x) Feather Industries AT-9.

4 (xi) Galil Model AR and Model ARM.

5 (xii) Hi-Point Carbine.

6 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.

7 (xiv) IWI TAVOR, Galil ACE rifle.

8 (xv) Kel-Tec Sub-2000, SU-16, and RFB.

9 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig
10 Sauer SG 551, and SIG MCX.

11 (xvii) Springfield Armory SAR-48.

12 (xviii) Steyr AUG.

13 (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle
14 M-14/20CF.

15 (xx) All Thompson rifles, including the following:

16 (I) Thompson M1SB.

17 (II) Thompson T1100D.

18 (III) Thompson T150D.

19 (IV) Thompson T1B.

20 (V) Thompson T1B100D.

21 (VI) Thompson T1B50D.

22 (VII) Thompson T1BSB.

23 (VIII) Thompson T1-C.

24 (IX) Thompson T1D.

25 (X) Thompson T1SB.

26 (XI) Thompson T5.

- 1 (XII) Thompson T5100D.
2 (XIII) Thompson TM1.
3 (XIV) Thompson TM1C.
4 (xxi) UMAREX UZI rifle.
5 (xxii) UZI Mini Carbine, UZI Model A Carbine, and
6 UZI Model B Carbine.
7 (xxiii) Valmet M62S, M71S, and M78.
8 (xxiv) Vector Arms UZI Type.
9 (xxv) Weaver Arms Nighthawk.
10 (xxvi) Wilkinson Arms Linda Carbine.

11 (K) All of the following pistols, copies, duplicates,
12 variants, or altered facsimiles with the capability of any
13 such weapon thereof:

- 14 (i) All AK types, including the following:
15 (I) Centurion 39 AK pistol.
16 (II) CZ Scorpion pistol.
17 (III) Draco AK-47 pistol.
18 (IV) HCR AK-47 pistol.
19 (V) IO Inc. Hellpup AK-47 pistol.
20 (VI) Krinkov pistol.
21 (VII) Mini Draco AK-47 pistol.
22 (VIII) PAP M92 pistol.
23 (IX) Yugo Krebs Krink pistol.
24 (ii) All AR types, including the following:
25 (I) American Spirit AR-15 pistol.
26 (II) Bushmaster Carbon 15 pistol.

- 1 (III) Chiappa Firearms M4 Pistol GEN II.
- 2 (IV) CORE Rifle Systems CORE15 Roscoe pistol.
- 3 (V) Daniel Defense MK18 pistol.
- 4 (VI) DoubleStar Corporation AR pistol.
- 5 (VII) DPMS AR-15 pistol.
- 6 (VIII) Jesse James Nomad AR-15 pistol.
- 7 (IX) Olympic Arms AR-15 pistol.
- 8 (X) Osprey Armament MK-18 pistol.
- 9 (XI) POF USA AR pistols.
- 10 (XII) Rock River Arms LAR 15 pistol.
- 11 (XIII) Uselton Arms Air-Lite M-4 pistol.
- 12 (iii) Calico pistols.
- 13 (iv) DSA SA58 PKP FAL pistol.
- 14 (v) Encom MP-9 and MP-45.
- 15 (vi) Heckler & Koch model SP-89 pistol.
- 16 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and
- 17 TEC-DC9.
- 18 (viii) IWI Galil Ace pistol, UZI PRO pistol.
- 19 (ix) Kel-Tec PLR 16 pistol.
- 20 (x) All MAC types, including the following:
- 21 (I) MAC-10.
- 22 (II) MAC-11.
- 23 (III) Masterpiece Arms MPA A930 Mini Pistol,
- 24 MPA460 Pistol, MPA Tactical Pistol, and MPA Mini
- 25 Tactical Pistol.
- 26 (IV) Military Armament Corp. Ingram M-11.

- 1 (V) Velocity Arms VMAC.
- 2 (xi) Sig Sauer P556 pistol.
- 3 (xii) Sites Spectre.
- 4 (xiii) All Thompson types, including the
- 5 following:
- 6 (I) Thompson TA510D.
- 7 (II) Thompson TA5.
- 8 (xiv) All UZI types, including Micro-UZI.
- 9 (L) All of the following shotguns, copies, duplicates,
- 10 variants, or altered facsimiles with the capability of any
- 11 such weapon thereof:
- 12 (i) DERYA Anakon MC-1980, Anakon SD12.
- 13 (ii) Doruk Lethal shotguns.
- 14 (iii) Franchi LAW-12 and SPAS 12.
- 15 (iv) All IZHMAISH Saiga 12 types, including the
- 16 following:
- 17 (I) IZHMAISH Saiga 12.
- 18 (II) IZHMAISH Saiga 12S.
- 19 (III) IZHMAISH Saiga 12S EXP-01.
- 20 (IV) IZHMAISH Saiga 12K.
- 21 (V) IZHMAISH Saiga 12K-030.
- 22 (VI) IZHMAISH Saiga 12K-040 Taktika.
- 23 (v) Streetsweeper.
- 24 (vi) Striker 12.
- 25 (2) "Assault weapon" does not include:
- 26 (A) Any firearm that is an unserviceable firearm or

1 has been made permanently inoperable.

2 (B) An antique firearm or a replica of an antique
3 firearm.

4 (C) A firearm that is manually operated by bolt, pump,
5 lever or slide action, unless the firearm is a shotgun
6 with a revolving cylinder.

7 (D) Any air rifle as defined in Section 24.8-0.1 of
8 this Code.

9 (E) Any handgun, as defined under the Firearm
10 Concealed Carry Act, unless otherwise listed in this
11 Section.

12 (3) "Assault weapon attachment" means any device capable
13 of being attached to a firearm that is specifically designed
14 for making or converting a firearm into any of the firearms
15 listed in paragraph (1) of this subsection (a).

16 (4) "Antique firearm" has the meaning ascribed to it in 18
17 U.S.C. 921(a)(16).

18 (5) ".50 caliber rifle" means a centerfire rifle capable
19 of firing a .50 caliber cartridge. The term does not include
20 any antique firearm, any shotgun including a shotgun that has
21 a rifle barrel, or any muzzle-loader which uses black powder
22 for hunting or historical reenactments.

23 (6) ".50 caliber cartridge" means a cartridge in .50 BMG
24 caliber, either by designation or actual measurement, that is
25 capable of being fired from a centerfire rifle. The term ".50
26 caliber cartridge" does not include any memorabilia or display

1 item that is filled with a permanent inert substance or that is
2 otherwise permanently altered in a manner that prevents ready
3 modification for use as live ammunition or shotgun ammunition
4 with a caliber measurement that is equal to or greater than .50
5 caliber.

6 (7) "Detachable magazine" means an ammunition feeding
7 device that may be removed from a firearm without disassembly
8 of the firearm action, including an ammunition feeding device
9 that may be readily removed from a firearm with the use of a
10 bullet, cartridge, accessory, or other tool, or any other
11 object that functions as a tool, including a bullet or
12 cartridge.

13 (8) "Fixed magazine" means an ammunition feeding device
14 that is permanently attached to a firearm, or contained in and
15 not removable from a firearm, or that is otherwise not a
16 detachable magazine, but does not include an attached tubular
17 device designed to accept, and capable of operating only with,
18 .22 caliber rimfire ammunition.

19 (b) Except as provided in subsections (c), (d), and (e),
20 on or after January 10, 2023 (the effective date of Public Act
21 102-1116), it is unlawful for any person within this State to
22 knowingly manufacture, deliver, sell, import, or purchase or
23 cause to be manufactured, delivered, sold, imported, or
24 purchased by another, an assault weapon, assault weapon
25 attachment, .50 caliber rifle, or .50 caliber cartridge.

26 (c) Except as otherwise provided in subsection (d),

1 beginning January 1, 2024, it is unlawful for any person
2 within this State to knowingly possess an assault weapon,
3 assault weapon attachment, .50 caliber rifle, or .50 caliber
4 cartridge.

5 (d) This Section does not apply to a person's possession
6 of an assault weapon, assault weapon attachment, .50 caliber
7 rifle, or .50 caliber cartridge device if the person lawfully
8 possessed that assault weapon, assault weapon attachment, .50
9 caliber rifle, or .50 caliber cartridge prohibited by
10 subsection (c) of this Section, if the person has provided in
11 an endorsement affidavit, prior to January 1, 2024, under oath
12 or affirmation and in the form and manner prescribed by the
13 Illinois State Police, no later than October 1, 2023:

14 (1) the affiant's Firearm Owner's Identification Card
15 number;

16 (2) an affirmation that the affiant: (i) possessed an
17 assault weapon, assault weapon attachment, .50 caliber
18 rifle, or .50 caliber cartridge before January 10, 2023
19 (the effective date of Public Act 102-1116); or (ii)
20 inherited the assault weapon, assault weapon attachment,
21 .50 caliber rifle, or .50 caliber cartridge from a person
22 with an endorsement under this Section or from a person
23 authorized under subdivisions (1) through (5) of
24 subsection (e) to possess the assault weapon, assault
25 weapon attachment, .50 caliber rifle, or .50 caliber
26 cartridge; and

1 (3) the make, model, caliber, and serial number of the
2 .50 caliber rifle or assault weapon or assault weapons
3 listed in paragraphs (J), (K), and (L) of subdivision (1)
4 of subsection (a) of this Section possessed by the affiant
5 prior to January 10, 2023 (the effective date of Public
6 Act 102-1116) and any assault weapons identified and
7 published by the Illinois State Police pursuant to this
8 subdivision (3). No later than October 1, 2023, and every
9 October 1 thereafter, the Illinois State Police shall, via
10 rulemaking, identify, publish, and make available on its
11 website, the list of assault weapons subject to an
12 endorsement affidavit under this subsection (d). The list
13 shall identify, but is not limited to, the copies,
14 duplicates, variants, and altered facsimiles of the
15 assault weapons identified in paragraphs (J), (K), and (L)
16 of subdivision (1) of subsection (a) of this Section and
17 shall be consistent with the definition of "assault
18 weapon" identified in this Section. The Illinois State
19 Police may adopt emergency rulemaking in accordance with
20 Section 5-45 of the Illinois Administrative Procedure Act.
21 The adoption of emergency rules authorized by Section 5-45
22 of the Illinois Administrative Procedure Act and this
23 paragraph is deemed to be necessary for the public
24 interest, safety, and welfare.

25 The affidavit form shall include the following statement
26 printed in bold type: "Warning: Entering false information on

1 this form is punishable as perjury under Section 32-2 of the
2 Criminal Code of 2012. ~~Entering false information on this form~~
3 ~~is a violation of the Firearm Owners Identification Card Act."~~

4 In any administrative, civil, or criminal proceeding in
5 this State, a completed endorsement affidavit submitted to the
6 Illinois State Police by a person under this Section creates a
7 rebuttable presumption that the person is entitled to possess
8 and transport the assault weapon, assault weapon attachment,
9 .50 caliber rifle, or .50 caliber cartridge.

10 Beginning 90 days after January 10, 2023 (the effective
11 date of Public Act 102-1116), a person authorized under this
12 Section to possess an assault weapon, assault weapon
13 attachment, .50 caliber rifle, or .50 caliber cartridge shall
14 possess such items only:

15 (1) on private property owned or immediately
16 controlled by the person;

17 (2) on private property that is not open to the public
18 with the express permission of the person who owns or
19 immediately controls such property;

20 (3) while on the premises of a licensed firearms
21 dealer or gunsmith for the purpose of lawful repair;

22 (4) while engaged in the legal use of the assault
23 weapon, assault weapon attachment, .50 caliber rifle, or
24 .50 caliber cartridge at a properly licensed firing range
25 or sport shooting competition venue; or

26 (5) while traveling to or from these locations,

1 provided that the assault weapon, assault weapon
2 attachment, or .50 caliber rifle is unloaded and the
3 assault weapon, assault weapon attachment, .50 caliber
4 rifle, or .50 caliber cartridge is enclosed in a case,
5 firearm carrying box, shipping box, or other container.

6 Beginning on January 1, 2024, the person with the
7 endorsement for an assault weapon, assault weapon attachment,
8 .50 caliber rifle, or .50 caliber cartridge or a person
9 authorized under subdivisions (1) through (5) of subsection
10 (e) to possess an assault weapon, assault weapon attachment,
11 .50 caliber rifle, or .50 caliber cartridge may transfer the
12 assault weapon, assault weapon attachment, .50 caliber rifle,
13 or .50 caliber cartridge only to an heir, an individual
14 residing in another state maintaining it in another state, or
15 a dealer licensed as a federal firearms dealer under Section
16 923 of the federal Gun Control Act of 1968. Within 10 days
17 after transfer of the weapon except to an heir, the person
18 shall notify the Illinois State Police of the name and address
19 of the transferee ~~and comply with the requirements of~~
20 ~~subsection (b) of Section 3 of the Firearm Owners~~
21 ~~Identification Card Act.~~ The person to whom the weapon or
22 ammunition is transferred shall, within 60 days of the
23 transfer, complete an affidavit required under this Section. A
24 person to whom the weapon is transferred may transfer it only
25 as provided in this subsection.

26 Except as provided in subsection (e) and beginning on

1 January 1, 2024, any person who moves into this State in
2 possession of an assault weapon, assault weapon attachment,
3 .50 caliber rifle, or .50 caliber cartridge shall, within 60
4 days, ~~apply for a Firearm Owners Identification Card and~~
5 complete an endorsement application as outlined in subsection
6 (d).

7 Notwithstanding any other law, information contained in
8 the endorsement affidavit shall be confidential, is exempt
9 from disclosure under the Freedom of Information Act, and
10 shall not be disclosed, except to law enforcement agencies
11 acting in the performance of their duties.

12 (e) The provisions of this Section regarding the purchase
13 or possession of assault weapons, assault weapon attachments,
14 .50 caliber rifles, and .50 cartridges, as well as the
15 provisions of this Section that prohibit causing those items
16 to be purchased or possessed, do not apply to:

17 (1) Peace officers, as defined in Section 2-13 of this
18 Code.

19 (2) Qualified law enforcement officers and qualified
20 retired law enforcement officers as defined in the Law
21 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
22 and 926C) and as recognized under Illinois law.

23 (3) Acquisition and possession by a federal, State, or
24 local law enforcement agency for the purpose of equipping
25 the agency's peace officers as defined in paragraph (1) or
26 (2) of this subsection (e).

1 (4) Wardens, superintendents, and keepers of prisons,
2 penitentiaries, jails, and other institutions for the
3 detention of persons accused or convicted of an offense.

4 (5) Members of the Armed Services or Reserve Forces of
5 the United States or the Illinois National Guard, while
6 performing their official duties or while traveling to or
7 from their places of duty.

8 (6) Any company that employs armed security officers
9 in this State at a nuclear energy, storage, weapons, or
10 development site or facility regulated by the federal
11 Nuclear Regulatory Commission and any person employed as
12 an armed security force member at a nuclear energy,
13 storage, weapons, or development site or facility
14 regulated by the federal Nuclear Regulatory Commission who
15 has completed the background screening and training
16 mandated by the rules and regulations of the federal
17 Nuclear Regulatory Commission and while performing
18 official duties.

19 (7) Any private security contractor agency licensed
20 under the Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004
22 that employs private security contractors and any private
23 security contractor who is licensed and has been issued a
24 firearm control card under the Private Detective, Private
25 Alarm, Private Security, Fingerprint Vendor, and Locksmith
26 Act of 2004 while performing official duties.

1 The provisions of this Section do not apply to the
2 manufacture, delivery, sale, import, purchase, or possession
3 of an assault weapon, assault weapon attachment, .50 caliber
4 rifle, or .50 caliber cartridge or causing the manufacture,
5 delivery, sale, importation, purchase, or possession of those
6 items:

7 (A) for sale or transfer to persons authorized under
8 subdivisions (1) through (7) of this subsection (e) to
9 possess those items;

10 (B) for sale or transfer to the United States or any
11 department or agency thereof; or

12 (C) for sale or transfer in another state or for
13 export.

14 This Section does not apply to or affect any of the
15 following:

16 (i) Possession of any firearm if that firearm is
17 sanctioned by the International Olympic Committee and by
18 USA Shooting, the national governing body for
19 international shooting competition in the United States,
20 but only when the firearm is in the actual possession of an
21 Olympic target shooting competitor or target shooting
22 coach for the purpose of storage, transporting to and from
23 Olympic target shooting practice or events if the firearm
24 is broken down in a nonfunctioning state, is not
25 immediately accessible, or is unloaded and enclosed in a
26 firearm case, carrying box, shipping box, or other similar

1 portable container designed for the safe transportation of
2 firearms, and when the Olympic target shooting competitor
3 or target shooting coach is engaging in those practices or
4 events. For the purposes of this paragraph (8), "firearm"
5 has the meaning provided in Section 2-7.5 ~~1.1~~ of the
6 ~~Firearm Owners Identification Card Act~~.

7 (ii) Any nonresident who transports, within 24 hours,
8 a weapon for any lawful purpose from any place where the
9 nonresident may lawfully possess and carry that weapon to
10 any other place where the nonresident may lawfully possess
11 and carry that weapon if, during the transportation, the
12 weapon is unloaded, and neither the weapon nor any
13 ammunition being transported is readily accessible or is
14 directly accessible from the passenger compartment of the
15 transporting vehicle. In the case of a vehicle without a
16 compartment separate from the driver's compartment, the
17 weapon or ammunition shall be contained in a locked
18 container other than the glove compartment or console.

19 (iii) Possession of a weapon at an event taking place
20 at the World Shooting and Recreational Complex at Sparta,
21 only while engaged in the legal use of the weapon, or while
22 traveling to or from that location if the weapon is broken
23 down in a nonfunctioning state, is not immediately
24 accessible, or is unloaded and enclosed in a firearm case,
25 carrying box, shipping box, or other similar portable
26 container designed for the safe transportation of

1 firearms.

2 (iv) Possession of a weapon only for hunting use
3 expressly permitted under the Wildlife Code, or while
4 traveling to or from a location authorized for this
5 hunting use under the Wildlife Code if the weapon is
6 broken down in a nonfunctioning state, is not immediately
7 accessible, or is unloaded and enclosed in a firearm case,
8 carrying box, shipping box, or other similar portable
9 container designed for the safe transportation of
10 firearms. By October 1, 2023, the Illinois State Police,
11 in consultation with the Department of Natural Resources,
12 shall adopt rules concerning the list of applicable
13 weapons approved under this subparagraph (iv). The
14 Illinois State Police may adopt emergency rules in
15 accordance with Section 5-45 of the Illinois
16 Administrative Procedure Act. The adoption of emergency
17 rules authorized by Section 5-45 of the Illinois
18 Administrative Procedure Act and this paragraph is deemed
19 to be necessary for the public interest, safety, and
20 welfare.

21 (v) The manufacture, transportation, possession, sale,
22 or rental of blank-firing assault weapons and .50 caliber
23 rifles, or the weapon's respective attachments, to persons
24 authorized or permitted, or both authorized and permitted,
25 to acquire and possess these weapons or attachments for
26 the purpose of rental for use solely as props for a motion

1 picture, television, or video production or entertainment
2 event.

3 Any person not subject to this Section may submit an
4 endorsement affidavit if the person chooses.

5 (f) Any sale or transfer with a background check initiated
6 to the Illinois State Police on or before January 10, 2023 (the
7 effective date of Public Act 102-1116) is allowed to be
8 completed after January 10, 2023 once an approval is issued by
9 the Illinois State Police and any applicable waiting period
10 under Section 24-3 has expired.

11 (g) The Illinois State Police shall take all steps
12 necessary to carry out the requirements of this Section by
13 October 1, 2023.

14 (h) The Illinois State Police shall also develop and
15 implement a public notice and public outreach campaign to
16 promote awareness about the provisions of Public Act 102-1116
17 and to increase compliance with this Section.

18 (Source: P.A. 102-1116, eff. 1-10-23; 103-605, eff. 7-1-24.)

19 (720 ILCS 5/24-1.10)

20 Sec. 24-1.10. Manufacture, delivery, sale, and possession
21 of large capacity ammunition feeding devices.

22 (a) In this Section:

23 "Handgun" has the meaning ascribed to it in the Firearm
24 Concealed Carry Act.

25 "Long gun" means a rifle or shotgun.

1 "Large capacity ammunition feeding device" means:

2 (1) a magazine, belt, drum, feed strip, or similar
3 device that has a capacity of, or that can be readily
4 restored or converted to accept, more than 10 rounds of
5 ammunition for long guns and more than 15 rounds of
6 ammunition for handguns; or

7 (2) any combination of parts from which a device
8 described in paragraph (1) can be assembled.

9 "Large capacity ammunition feeding device" does not
10 include an attached tubular device designed to accept, and
11 capable of operating only with, .22 caliber rimfire
12 ammunition. "Large capacity ammunition feeding device" does
13 not include a tubular magazine that is contained in a
14 lever-action firearm or any device that has been made
15 permanently inoperable.

16 (b) Except as provided in subsections (e) and (f), it is
17 unlawful for any person within this State to knowingly
18 manufacture, deliver, sell, purchase, or cause to be
19 manufactured, delivered, sold, or purchased a large capacity
20 ammunition feeding device.

21 (c) Except as provided in subsections (d), (e), and (f),
22 and beginning 90 days after January 10, 2023 (the effective
23 date of Public Act 102-1116), it is unlawful to knowingly
24 possess a large capacity ammunition feeding device.

25 (d) Subsection (c) does not apply to a person's possession
26 of a large capacity ammunition feeding device if the person

1 lawfully possessed that large capacity ammunition feeding
2 device before January 10, 2023 (the effective date of Public
3 Act 102-1116), provided that the person shall possess such
4 device only:

5 (1) on private property owned or immediately
6 controlled by the person;

7 (2) on private property that is not open to the public
8 with the express permission of the person who owns or
9 immediately controls such property;

10 (3) while on the premises of a licensed firearms
11 dealer or gunsmith for the purpose of lawful repair;

12 (4) while engaged in the legal use of the large
13 capacity ammunition feeding device at a properly licensed
14 firing range or sport shooting competition venue; or

15 (5) while traveling to or from these locations,
16 provided that the large capacity ammunition feeding device
17 is stored unloaded and enclosed in a case, firearm
18 carrying box, shipping box, or other container.

19 A person authorized under this Section to possess a large
20 capacity ammunition feeding device may transfer the large
21 capacity ammunition feeding device only to an heir, an
22 individual residing in another state maintaining it in another
23 state, or a dealer licensed as a federal firearms dealer under
24 Section 923 of the federal Gun Control Act of 1968. Within 10
25 days after transfer of the large capacity ammunition feeding
26 device except to an heir, the person shall notify the Illinois

1 State Police of the name and address of the transferee ~~and~~
2 ~~comply with the requirements of subsection (b) of Section 3 of~~
3 ~~the Firearm Owners Identification Card Act.~~ The person to whom
4 the large capacity ammunition feeding device is transferred
5 shall, within 60 days of the transfer, notify the Illinois
6 State Police of the person's acquisition ~~and comply with the~~
7 ~~requirements of subsection (b) of Section 3 of the Firearm~~
8 ~~Owners Identification Card Act.~~ A person to whom the large
9 capacity ammunition feeding device is transferred may transfer
10 it only as provided in this subsection.

11 ~~Except as provided in subsections (e) and (f) and~~
12 ~~beginning 90 days after January 10, 2023 (the effective date~~
13 ~~of Public Act 102-1116), any person who moves into this State~~
14 ~~in possession of a large capacity ammunition feeding device~~
15 ~~shall, within 60 days, apply for a Firearm Owners~~
16 ~~Identification Card.~~

17 (e) The provisions of this Section regarding the purchase
18 or possession of large capacity ammunition feeding devices, as
19 well as the provisions of this Section that prohibit causing
20 those items to be purchased or possessed, do not apply to:

21 (1) Peace officers as defined in Section 2-13 of this
22 Code.

23 (2) Qualified law enforcement officers and qualified
24 retired law enforcement officers as defined in the Law
25 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
26 and 926C) and as recognized under Illinois law.

1 (3) A federal, State, or local law enforcement agency
2 for the purpose of equipping the agency's peace officers
3 as defined in paragraph (1) or (2) of this subsection (e).

4 (4) Wardens, superintendents, and keepers of prisons,
5 penitentiaries, jails, and other institutions for the
6 detention of persons accused or convicted of an offense.

7 (5) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard, while
9 performing their official duties or while traveling to or
10 from their places of duty.

11 (6) Any company that employs armed security officers
12 in this State at a nuclear energy, storage, weapons, or
13 development site or facility regulated by the federal
14 Nuclear Regulatory Commission and any person employed as
15 an armed security force member at a nuclear energy,
16 storage, weapons, or development site or facility
17 regulated by the federal Nuclear Regulatory Commission who
18 has completed the background screening and training
19 mandated by the rules and regulations of the federal
20 Nuclear Regulatory Commission and while performing
21 official duties.

22 (7) Any private security contractor agency licensed
23 under the Private Detective, Private Alarm, Private
24 Security, Fingerprint Vendor, and Locksmith Act of 2004
25 that employs private security contractors and any private
26 security contractor who is licensed and has been issued a

1 firearm control card under the Private Detective, Private
2 Alarm, Private Security, Fingerprint Vendor, and Locksmith
3 Act of 2004 while performing official duties.

4 (f) This Section does not apply to or affect any of the
5 following:

6 (1) Manufacture, delivery, sale, importation,
7 purchase, or possession or causing to be manufactured,
8 delivered, sold, imported, purchased, or possessed a large
9 capacity ammunition feeding device:

10 (A) for sale or transfer to persons authorized
11 under subdivisions (1) through (7) of subsection (e)
12 to possess those items;

13 (B) for sale or transfer to the United States or
14 any department or agency thereof; or

15 (C) for sale or transfer in another state or for
16 export.

17 (2) Sale or rental of large capacity ammunition
18 feeding devices for blank-firing assault weapons and .50
19 caliber rifles, to persons authorized or permitted, or
20 both authorized and permitted, to acquire these devices
21 for the purpose of rental for use solely as props for a
22 motion picture, television, or video production or
23 entertainment event.

24 (g) Sentence. A person who knowingly manufactures,
25 delivers, sells, purchases, possesses, or causes to be
26 manufactured, delivered, sold, possessed, or purchased in

1 violation of this Section a large capacity ammunition feeding
2 device capable of holding more than 10 rounds of ammunition
3 for long guns or more than 15 rounds of ammunition for handguns
4 commits a petty offense with a fine of \$1,000 for each
5 violation.

6 (h) The Illinois State Police shall also develop and
7 implement a public notice and public outreach campaign to
8 promote awareness about the provisions of Public Act 102-1116
9 and to increase compliance with this Section.

10 (Source: P.A. 102-1116, eff. 1-10-23; 103-605, eff. 7-1-24.)

11 (720 ILCS 5/24-2)

12 Sec. 24-2. Exemptions.

13 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
14 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
15 the following:

16 (1) Peace officers, and any person summoned by a peace
17 officer to assist in making arrests or preserving the
18 peace, while actually engaged in assisting such officer.

19 (2) Wardens, superintendents, and keepers of prisons,
20 penitentiaries, jails, and other institutions for the
21 detention of persons accused or convicted of an offense,
22 while in the performance of their official duty, or while
23 commuting between their homes and places of employment.

24 (3) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard or the

1 Reserve Officers Training Corps, while in the performance
2 of their official duty.

3 (4) Special agents employed by a railroad or a public
4 utility to perform police functions, and guards of armored
5 car companies, while actually engaged in the performance
6 of the duties of their employment or commuting between
7 their homes and places of employment; and watchmen while
8 actually engaged in the performance of the duties of their
9 employment.

10 (5) Persons licensed as private security contractors,
11 private detectives, or private alarm contractors, or
12 employed by a private security contractor, private
13 detective, or private alarm contractor agency licensed by
14 the Department of Financial and Professional Regulation,
15 if their duties include the carrying of a weapon under the
16 provisions of the Private Detective, Private Alarm,
17 Private Security, Fingerprint Vendor, and Locksmith Act of
18 2004, while actually engaged in the performance of the
19 duties of their employment or commuting between their
20 homes and places of employment. A person shall be
21 considered eligible for this exemption if he or she has
22 completed the required 20 hours of training for a private
23 security contractor, private detective, or private alarm
24 contractor, or employee of a licensed private security
25 contractor, private detective, or private alarm contractor
26 agency and 28 hours of required firearm training, and has

1 been issued a firearm control card by the Department of
2 Financial and Professional Regulation. Conditions for the
3 renewal of firearm control cards issued under the
4 provisions of this Section shall be the same as for those
5 cards issued under the provisions of the Private
6 Detective, Private Alarm, Private Security, Fingerprint
7 Vendor, and Locksmith Act of 2004. The firearm control
8 card shall be carried by the private security contractor,
9 private detective, or private alarm contractor, or
10 employee of the licensed private security contractor,
11 private detective, or private alarm contractor agency at
12 all times when he or she is in possession of a concealable
13 weapon permitted by his or her firearm control card.

14 (6) Any person regularly employed in a commercial or
15 industrial operation as a security guard for the
16 protection of persons employed and private property
17 related to such commercial or industrial operation, while
18 actually engaged in the performance of his or her duty or
19 traveling between sites or properties belonging to the
20 employer, and who, as a security guard, is a member of a
21 security force registered with the Department of Financial
22 and Professional Regulation; provided that such security
23 guard has successfully completed a course of study,
24 approved by and supervised by the Department of Financial
25 and Professional Regulation, consisting of not less than
26 48 hours of training that includes the theory of law

1 enforcement, liability for acts, and the handling of
2 weapons. A person shall be considered eligible for this
3 exemption if he or she has completed the required 20 hours
4 of training for a security officer and 28 hours of
5 required firearm training, and has been issued a firearm
6 control card by the Department of Financial and
7 Professional Regulation. Conditions for the renewal of
8 firearm control cards issued under the provisions of this
9 Section shall be the same as for those cards issued under
10 the provisions of the Private Detective, Private Alarm,
11 Private Security, Fingerprint Vendor, and Locksmith Act of
12 2004. The firearm control card shall be carried by the
13 security guard at all times when he or she is in possession
14 of a concealable weapon permitted by his or her firearm
15 control card.

16 (7) Agents and investigators of the Illinois
17 Legislative Investigating Commission authorized by the
18 Commission to carry the weapons specified in subsections
19 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
20 any investigation for the Commission.

21 (8) Persons employed by a financial institution as a
22 security guard for the protection of other employees and
23 property related to such financial institution, while
24 actually engaged in the performance of their duties,
25 commuting between their homes and places of employment, or
26 traveling between sites or properties owned or operated by

1 such financial institution, and who, as a security guard,
2 is a member of a security force registered with the
3 Department; provided that any person so employed has
4 successfully completed a course of study, approved by and
5 supervised by the Department of Financial and Professional
6 Regulation, consisting of not less than 48 hours of
7 training which includes theory of law enforcement,
8 liability for acts, and the handling of weapons. A person
9 shall be considered to be eligible for this exemption if
10 he or she has completed the required 20 hours of training
11 for a security officer and 28 hours of required firearm
12 training, and has been issued a firearm control card by
13 the Department of Financial and Professional Regulation.
14 Conditions for renewal of firearm control cards issued
15 under the provisions of this Section shall be the same as
16 for those issued under the provisions of the Private
17 Detective, Private Alarm, Private Security, Fingerprint
18 Vendor, and Locksmith Act of 2004. The firearm control
19 card shall be carried by the security guard at all times
20 when he or she is in possession of a concealable weapon
21 permitted by his or her firearm control card. For purposes
22 of this subsection, "financial institution" means a bank,
23 savings and loan association, credit union, or company
24 providing armored car services.

25 (9) Any person employed by an armored car company to
26 drive an armored car, while actually engaged in the

1 performance of his duties.

2 (10) Persons who have been classified as peace
3 officers pursuant to the Peace Officer Fire Investigation
4 Act.

5 (11) Investigators of the Office of the State's
6 Attorneys Appellate Prosecutor authorized by the board of
7 governors of the Office of the State's Attorneys Appellate
8 Prosecutor to carry weapons pursuant to Section 7.06 of
9 the State's Attorneys Appellate Prosecutor's Act.

10 (12) Special investigators appointed by a State's
11 Attorney under Section 3-9005 of the Counties Code.

12 (12.5) Probation officers while in the performance of
13 their duties, or while commuting between their homes,
14 places of employment or specific locations that are part
15 of their assigned duties, with the consent of the chief
16 judge of the circuit for which they are employed, if they
17 have received weapons training according to requirements
18 of the Peace Officer and Probation Officer Firearm
19 Training Act.

20 (13) Court security officers ~~Security Officers~~ while
21 in the performance of their official duties, or while
22 commuting between their homes and places of employment,
23 with the consent of the sheriff ~~Sheriff~~.

24 (13.5) A person employed as an armed security guard at
25 a nuclear energy, storage, weapons, or development site or
26 facility regulated by the Nuclear Regulatory Commission

1 who has completed the background screening and training
2 mandated by the rules and regulations of the Nuclear
3 Regulatory Commission.

4 (14) Manufacture, transportation, or sale of weapons
5 to persons authorized under subdivisions (1) through
6 (13.5) of this subsection to possess those weapons.

7 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
8 to or affect any person carrying a concealed pistol, revolver,
9 or handgun and the person has been issued a currently valid
10 license under the Firearm Concealed Carry Act at the time of
11 the commission of the offense.

12 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
13 to or affect a qualified current or retired law enforcement
14 officer or a current or retired deputy, county correctional
15 officer, or correctional officer of the Department of
16 Corrections qualified under the laws of this State or under
17 the federal Law Enforcement Officers Safety Act.

18 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
19 24-1.6 do not apply to or affect any of the following:

20 (1) Members of any club or organization organized for
21 the purpose of practicing shooting at targets upon
22 established target ranges, whether public or private, and
23 patrons of such ranges, while such members or patrons are
24 using their firearms on those target ranges.

25 (2) Duly authorized military or civil organizations
26 while parading, with the special permission of the

1 Governor.

2 (3) Hunters, trappers, or fishermen while engaged in
3 lawful hunting, trapping, or fishing under the provisions
4 of the Wildlife Code or the Fish and Aquatic Life Code.

5 (4) Transportation of weapons that are broken down in
6 a non-functioning state or are not immediately accessible.

7 (5) Carrying or possessing any pistol, revolver, stun
8 gun or taser or other firearm on the land or in the legal
9 dwelling of another person as an invitee with that
10 person's permission.

11 (c) Subsection 24-1(a)(7) does not apply to or affect any
12 of the following:

13 (1) Peace officers while in performance of their
14 official duties.

15 (2) Wardens, superintendents, and keepers of prisons,
16 penitentiaries, jails, and other institutions for the
17 detention of persons accused or convicted of an offense.

18 (3) Members of the Armed Services or Reserve Forces of
19 the United States or the Illinois National Guard, while in
20 the performance of their official duty.

21 (4) Manufacture, transportation, or sale of machine
22 guns to persons authorized under subdivisions (1) through
23 (3) of this subsection to possess machine guns, if the
24 machine guns are broken down in a non-functioning state or
25 are not immediately accessible.

26 (5) Persons licensed under federal law to manufacture

1 any weapon from which 8 or more shots or bullets can be
2 discharged by a single function of the firing device, or
3 ammunition for such weapons, and actually engaged in the
4 business of manufacturing such weapons or ammunition, but
5 only with respect to activities which are within the
6 lawful scope of such business, such as the manufacture,
7 transportation, or testing of such weapons or ammunition.
8 This exemption does not authorize the general private
9 possession of any weapon from which 8 or more shots or
10 bullets can be discharged by a single function of the
11 firing device, but only such possession and activities as
12 are within the lawful scope of a licensed manufacturing
13 business described in this paragraph.

14 During transportation, such weapons shall be broken
15 down in a non-functioning state or not immediately
16 accessible.

17 (6) The manufacture, transport, testing, delivery,
18 transfer, or sale, and all lawful commercial or
19 experimental activities necessary thereto, of rifles,
20 shotguns, and weapons made from rifles or shotguns, or
21 ammunition for such rifles, shotguns, or weapons, where
22 engaged in by a person operating as a contractor or
23 subcontractor pursuant to a contract or subcontract for
24 the development and supply of such rifles, shotguns,
25 weapons, or ammunition to the United States government or
26 any branch of the Armed Forces of the United States, when

1 such activities are necessary and incident to fulfilling
2 the terms of such contract.

3 The exemption granted under this subdivision (c)(6)
4 shall also apply to any authorized agent of any such
5 contractor or subcontractor who is operating within the
6 scope of his employment, where such activities involving
7 such weapon, weapons, or ammunition are necessary and
8 incident to fulfilling the terms of such contract.

9 (7) A person possessing a rifle with a barrel or
10 barrels less than 16 inches in length if: (A) the person
11 has been issued a Curios and Relics license from the U.S.
12 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
13 (B) the person is an active member of a bona fide,
14 nationally recognized military re-enacting group and the
15 modification is required and necessary to accurately
16 portray the weapon for historical re-enactment purposes;
17 the re-enactor is in possession of a valid and current
18 re-enacting group membership credential; and the overall
19 length of the weapon as modified is not less than 26
20 inches.

21 (d) Subsection 24-1(a)(1) does not apply to the purchase,
22 possession or carrying of a black-jack or slung-shot by a
23 peace officer.

24 (e) Subsection 24-1(a)(8) does not apply to any owner,
25 manager, or authorized employee of any place specified in that
26 subsection nor to any law enforcement officer.

1 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
2 Section 24-1.6 do not apply to members of any club or
3 organization organized for the purpose of practicing shooting
4 at targets upon established target ranges, whether public or
5 private, while using their firearms on those target ranges.

6 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
7 to:

8 (1) Members of the Armed Services or Reserve Forces of
9 the United States or the Illinois National Guard, while in
10 the performance of their official duty.

11 (2) Bonafide collectors of antique or surplus military
12 ordnance.

13 (3) Laboratories having a department of forensic
14 ballistics~~7~~ or specializing in the development of
15 ammunition or explosive ordnance.

16 (4) Commerce, preparation, assembly~~4~~ or possession of
17 explosive bullets by manufacturers of ammunition licensed
18 by the federal government, in connection with the supply
19 of those organizations and persons exempted by subdivision
20 (g)(1) of this Section, or like organizations and persons
21 outside this State, or the transportation of explosive
22 bullets to any organization or person exempted in this
23 Section by a common carrier or by a vehicle owned or leased
24 by an exempted manufacturer.

25 (g-5) Subsection 24-1(a)(6) does not apply to or affect
26 persons licensed under federal law to manufacture any device

1 or attachment of any kind designed, used, or intended for use
2 in silencing the report of any firearm, firearms, or
3 ammunition for those firearms equipped with those devices, and
4 actually engaged in the business of manufacturing those
5 devices, firearms, or ammunition, but only with respect to
6 activities that are within the lawful scope of that business,
7 such as the manufacture, transportation, or testing of those
8 devices, firearms, or ammunition. This exemption does not
9 authorize the general private possession of any device or
10 attachment of any kind designed, used, or intended for use in
11 silencing the report of any firearm, but only such possession
12 and activities as are within the lawful scope of a licensed
13 manufacturing business described in this subsection (g-5).
14 During transportation, these devices shall be detached from
15 any weapon or not immediately accessible.

16 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
17 24-1.6 do not apply to or affect any parole agent or parole
18 supervisor who meets the qualifications and conditions
19 prescribed in Section 3-14-1.5 of the Unified Code of
20 Corrections.

21 (g-7) Subsection 24-1(a)(6) does not apply to a peace
22 officer while serving as a member of a tactical response team
23 or special operations team. A peace officer may not personally
24 own or apply for ownership of a device or attachment of any
25 kind designed, used, or intended for use in silencing the
26 report of any firearm. These devices shall be owned and

1 maintained by lawfully recognized units of government whose
2 duties include the investigation of criminal acts.

3 (g-10) (Blank).

4 (h) An information or indictment based upon a violation of
5 any subsection of this Article need not negate ~~negative~~ any
6 exemptions contained in this Article. The defendant shall have
7 the burden of proving such an exemption.

8 (i) Nothing in this Article shall prohibit, apply to, or
9 affect the transportation, carrying, or possession~~r~~ of any
10 pistol or revolver, stun gun, taser, or other firearm
11 consigned to a common carrier operating under license of the
12 State of Illinois or the federal government, where such
13 transportation, carrying, or possession is incident to the
14 lawful transportation in which such common carrier is engaged;
15 and nothing in this Article shall prohibit, apply to, or
16 affect the transportation, carrying, or possession of any
17 pistol, revolver, stun gun, taser, or other firearm, not the
18 subject of and regulated by subsection 24-1(a)(7) or
19 subsection 24-2(c) of this Article, which is unloaded and
20 enclosed in a case, firearm carrying box, shipping box, or
21 other container, by a person eligible under State and federal
22 law to possess a firearm ~~the possessor of a valid Firearm~~
23 ~~Owners Identification Card.~~

24 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
25 102-837, eff. 5-13-22; 103-154, eff. 6-30-23; revised
26 7-22-24.)

1 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

2 Sec. 24-3. Unlawful sale or delivery of firearms.

3 (A) A person commits the offense of unlawful sale or
4 delivery of firearms when he or she knowingly does any of the
5 following:

6 (a) Sells or gives any firearm of a size which may be
7 concealed upon the person to any person under 18 years of
8 age.

9 (b) Sells or gives any firearm to a person under 21
10 years of age who has been convicted of a misdemeanor other
11 than a traffic offense or adjudged delinquent.

12 (c) Sells or gives any firearm to any narcotic addict.

13 (d) Sells or gives any firearm to any person who has
14 been convicted of a felony under the laws of this or any
15 other jurisdiction.

16 (e) Sells or gives any firearm to any person who has
17 been a patient in a mental institution within the past 5
18 years. In this subsection (e):

19 "Mental institution" means any hospital,
20 institution, clinic, evaluation facility, mental
21 health center, or part thereof, which is used
22 primarily for the care or treatment of persons with
23 mental illness.

24 "Patient in a mental institution" means the person
25 was admitted, either voluntarily or involuntarily, to

1 a mental institution for mental health treatment,
2 unless the treatment was voluntary and solely for an
3 alcohol abuse disorder and no other secondary
4 substance abuse disorder or mental illness.

5 (f) Sells or gives any firearms to any person who is a
6 person with an intellectual disability.

7 (g) Delivers any firearm, incidental to a sale,
8 without withholding delivery of the firearm for at least
9 72 hours after application for its purchase has been made,
10 or delivers a stun gun or taser, incidental to a sale,
11 without withholding delivery of the stun gun or taser for
12 at least 24 hours after application for its purchase has
13 been made. However, this paragraph (g) does not apply to:
14 (1) the sale of a firearm to a law enforcement officer if
15 the seller of the firearm knows that the person to whom he
16 or she is selling the firearm is a law enforcement officer
17 or the sale of a firearm to a person who desires to
18 purchase a firearm for use in promoting the public
19 interest incident to his or her employment as a bank
20 guard, armed truck guard, or other similar employment; (2)
21 a mail order sale of a firearm from a federally licensed
22 firearms dealer to a nonresident of Illinois under which
23 the firearm is mailed to a federally licensed firearms
24 dealer outside the boundaries of Illinois; (3) (blank);
25 (4) the sale of a firearm to a dealer licensed as a federal
26 firearms dealer under Section 923 of the federal Gun

1 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
2 sale of any rifle, shotgun, or other long gun to a resident
3 registered competitor or attendee or non-resident
4 registered competitor or attendee by any dealer licensed
5 as a federal firearms dealer under Section 923 of the
6 federal Gun Control Act of 1968 at competitive shooting
7 events held at the World Shooting Complex sanctioned by a
8 national governing body. For purposes of transfers or
9 sales under subparagraph (5) of this paragraph (g), the
10 Department of Natural Resources shall give notice to the
11 Illinois State Police at least 30 calendar days prior to
12 any competitive shooting events at the World Shooting
13 Complex sanctioned by a national governing body. The
14 notification shall be made on a form prescribed by the
15 Illinois State Police. The sanctioning body shall provide
16 a list of all registered competitors and attendees at
17 least 24 hours before the events to the Illinois State
18 Police. Any changes to the list of registered competitors
19 and attendees shall be forwarded to the Illinois State
20 Police as soon as practicable. The Illinois State Police
21 must destroy the list of registered competitors and
22 attendees no later than 30 days after the date of the
23 event. Nothing in this paragraph (g) relieves a federally
24 licensed firearm dealer from the requirements of
25 conducting a NICS background check through the Illinois
26 Point of Contact under 18 U.S.C. 922(t). For purposes of

1 this paragraph (g), "application" means when the buyer and
2 seller reach an agreement to purchase a firearm. For
3 purposes of this paragraph (g), "national governing body"
4 means a group of persons who adopt rules and formulate
5 policy on behalf of a national firearm sporting
6 organization.

7 (h) While holding any license as a dealer, importer,
8 manufacturer or pawnbroker under the federal Gun Control
9 Act of 1968, manufactures, sells or delivers to any
10 unlicensed person a handgun having a barrel, slide, frame
11 or receiver which is a die casting of zinc alloy or any
12 other nonhomogeneous metal which will melt or deform at a
13 temperature of less than 800 degrees Fahrenheit. For
14 purposes of this paragraph, (1) "firearm" has the meaning
15 provided in Section 2-7.5 of the Criminal Code of 2012 ~~is~~
16 ~~defined as in the Firearm Owners Identification Card Act;~~
17 and (2) "handgun" is defined as a firearm designed to be
18 held and fired by the use of a single hand, and includes a
19 combination of parts from which such a firearm can be
20 assembled.

21 (i) Sells or gives a firearm of any size to any person
22 under 18 years of age who is not eligible under State or
23 federal law to possess a firearm ~~does not possess a valid~~
24 ~~Firearm Owner's Identification Card.~~

25 (j) Sells or gives a firearm while engaged in the
26 business of selling firearms at wholesale or retail

1 without being licensed as a federal firearms dealer under
2 Section 923 of the federal Gun Control Act of 1968 (18
3 U.S.C. 923). In this paragraph (j):

4 A person "engaged in the business" means a person who
5 devotes time, attention, and labor to engaging in the
6 activity as a regular course of trade or business with the
7 principal objective of livelihood and profit, but does not
8 include a person who makes occasional repairs of firearms
9 or who occasionally fits special barrels, stocks, or
10 trigger mechanisms to firearms.

11 "With the principal objective of livelihood and
12 profit" means that the intent underlying the sale or
13 disposition of firearms is predominantly one of obtaining
14 livelihood and pecuniary gain, as opposed to other
15 intents, such as improving or liquidating a personal
16 firearms collection; however, proof of profit shall not be
17 required as to a person who engages in the regular and
18 repetitive purchase and disposition of firearms for
19 criminal purposes or terrorism.

20 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
21 ~~to a person who does not display to the seller or~~
22 ~~transferor of the firearm either: (1) a currently valid~~
23 ~~Firearm Owner's Identification Card that has previously~~
24 ~~been issued in the transferee's name by the Illinois State~~
25 ~~Police under the provisions of the Firearm Owners~~
26 ~~Identification Card Act; or (2) a currently valid license~~

1 ~~to carry a concealed firearm that has previously been~~
2 ~~issued in the transferee's name by the Illinois State~~
3 ~~Police under the Firearm Concealed Carry Act. This~~
4 ~~paragraph (k) does not apply to the transfer of a firearm~~
5 ~~to a person who is exempt from the requirement of~~
6 ~~possessing a Firearm Owner's Identification Card under~~
7 ~~Section 2 of the Firearm Owners Identification Card Act.~~
8 ~~For the purposes of this Section, a currently valid~~
9 ~~Firearm Owner's Identification Card or license to carry a~~
10 ~~concealed firearm means receipt of an approval number~~
11 ~~issued in accordance with subsection (a-10) of Section 3~~
12 ~~or Section 3.1 of the Firearm Owners Identification Card~~
13 ~~Act.~~

14 (1) (Blank). ~~In addition to the other requirements~~
15 ~~of this paragraph (k), all persons who are not~~
16 ~~federally licensed firearms dealers must also have~~
17 ~~complied with subsection (a 10) of Section 3 of the~~
18 ~~Firearm Owners Identification Card Act by determining~~
19 ~~the validity of a purchaser's Firearm Owner's~~
20 ~~Identification Card.~~

21 (2) (Blank). ~~All sellers or transferors who have~~
22 ~~complied with the requirements of subparagraph (1) of~~
23 ~~this paragraph (k) shall not be liable for damages in~~
24 ~~any civil action arising from the use or misuse by the~~
25 ~~transferee of the firearm transferred, except for~~
26 ~~willful or wanton misconduct on the part of the seller~~

1 ~~or transferor.~~

2 (1) Not being entitled to the possession of a firearm,
3 delivers the firearm, knowing it to have been stolen or
4 converted. It may be inferred that a person who possesses
5 a firearm with knowledge that its serial number has been
6 removed or altered has knowledge that the firearm is
7 stolen or converted.

8 (B) Paragraph (h) of subsection (A) does not include
9 firearms sold within 6 months after enactment of Public Act
10 78-355 (approved August 21, 1973, effective October 1, 1973),
11 nor is any firearm legally owned or possessed by any citizen or
12 purchased by any citizen within 6 months after the enactment
13 of Public Act 78-355 subject to confiscation or seizure under
14 the provisions of that Public Act. Nothing in Public Act
15 78-355 shall be construed to prohibit the gift or trade of any
16 firearm if that firearm was legally held or acquired within 6
17 months after the enactment of that Public Act.

18 (C) Sentence.

19 (1) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (c), (e), (f), (g),
21 or (h) of subsection (A) commits a Class 4 felony.

22 (2) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (b) or (i) of
24 subsection (A) commits a Class 3 felony.

25 (3) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (a) of subsection

1 (A) commits a Class 2 felony.

2 (4) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (a), (b), or (i) of
4 subsection (A) in any school, on the real property
5 comprising a school, within 1,000 feet of the real
6 property comprising a school, at a school related
7 activity, or on or within 1,000 feet of any conveyance
8 owned, leased, or contracted by a school or school
9 district to transport students to or from school or a
10 school related activity, regardless of the time of day or
11 time of year at which the offense was committed, commits a
12 Class 1 felony. Any person convicted of a second or
13 subsequent violation of unlawful sale or delivery of
14 firearms in violation of paragraph (a), (b), or (i) of
15 subsection (A) in any school, on the real property
16 comprising a school, within 1,000 feet of the real
17 property comprising a school, at a school related
18 activity, or on or within 1,000 feet of any conveyance
19 owned, leased, or contracted by a school or school
20 district to transport students to or from school or a
21 school related activity, regardless of the time of day or
22 time of year at which the offense was committed, commits a
23 Class 1 felony for which the sentence shall be a term of
24 imprisonment of no less than 5 years and no more than 15
25 years.

26 (5) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (a) or (i) of
2 subsection (A) in residential property owned, operated, or
3 managed by a public housing agency or leased by a public
4 housing agency as part of a scattered site or mixed-income
5 development, in a public park, in a courthouse, on
6 residential property owned, operated, or managed by a
7 public housing agency or leased by a public housing agency
8 as part of a scattered site or mixed-income development,
9 on the real property comprising any public park, on the
10 real property comprising any courthouse, or on any public
11 way within 1,000 feet of the real property comprising any
12 public park, courthouse, or residential property owned,
13 operated, or managed by a public housing agency or leased
14 by a public housing agency as part of a scattered site or
15 mixed-income development commits a Class 2 felony.

16 (6) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (j) of subsection
18 (A) commits a Class A misdemeanor. A second or subsequent
19 violation is a Class 4 felony.

20 (7) (Blank). ~~Any person convicted of unlawful sale or~~
21 ~~delivery of firearms in violation of paragraph (k) of~~
22 ~~subsection (A) commits a Class 4 felony, except that a~~
23 ~~violation of subparagraph (1) of paragraph (k) of~~
24 ~~subsection (A) shall not be punishable as a crime or petty~~
25 ~~offense. A third or subsequent conviction for a violation~~
26 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

1 (8) A person 18 years of age or older convicted of
2 unlawful sale or delivery of firearms in violation of
3 paragraph (a) or (i) of subsection (A), when the firearm
4 that was sold or given to another person under 18 years of
5 age was used in the commission of or attempt to commit a
6 forcible felony, shall be fined or imprisoned, or both,
7 not to exceed the maximum provided for the most serious
8 forcible felony so committed or attempted by the person
9 under 18 years of age who was sold or given the firearm.

10 (9) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (d) of subsection
12 (A) commits a Class 3 felony.

13 (10) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (l) of subsection
15 (A) commits a Class 2 felony if the delivery is of one
16 firearm. Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (l) of subsection
18 (A) commits a Class 1 felony if the delivery is of not less
19 than 2 and not more than 5 firearms at the same time or
20 within a one-year period. Any person convicted of unlawful
21 sale or delivery of firearms in violation of paragraph (l)
22 of subsection (A) commits a Class X felony for which he or
23 she shall be sentenced to a term of imprisonment of not
24 less than 6 years and not more than 30 years if the
25 delivery is of not less than 6 and not more than 10
26 firearms at the same time or within a 2-year period. Any

1 person convicted of unlawful sale or delivery of firearms
2 in violation of paragraph (1) of subsection (A) commits a
3 Class X felony for which he or she shall be sentenced to a
4 term of imprisonment of not less than 6 years and not more
5 than 40 years if the delivery is of not less than 11 and
6 not more than 20 firearms at the same time or within a
7 3-year period. Any person convicted of unlawful sale or
8 delivery of firearms in violation of paragraph (1) of
9 subsection (A) commits a Class X felony for which he or she
10 shall be sentenced to a term of imprisonment of not less
11 than 6 years and not more than 50 years if the delivery is
12 of not less than 21 and not more than 30 firearms at the
13 same time or within a 4-year period. Any person convicted
14 of unlawful sale or delivery of firearms in violation of
15 paragraph (1) of subsection (A) commits a Class X felony
16 for which he or she shall be sentenced to a term of
17 imprisonment of not less than 6 years and not more than 60
18 years if the delivery is of 31 or more firearms at the same
19 time or within a 5-year period.

20 (D) For purposes of this Section:

21 "School" means a public or private elementary or secondary
22 school, community college, college, or university.

23 "School related activity" means any sporting, social,
24 academic, or other activity for which students' attendance or
25 participation is sponsored, organized, or funded in whole or
26 in part by a school or school district.

1 (E) (Blank). ~~A prosecution for a violation of paragraph~~
2 ~~(k) of subsection (A) of this Section may be commenced within 6~~
3 ~~years after the commission of the offense. A prosecution for a~~
4 ~~violation of this Section other than paragraph (g) of~~
5 ~~subsection (A) of this Section may be commenced within 5 years~~
6 ~~after the commission of the offense defined in the particular~~
7 ~~paragraph.~~

8 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
9 102-813, eff. 5-13-22.)

10 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

11 Sec. 24-3.1. Unlawful possession of firearms and firearm
12 ammunition.

13 (a) A person commits the offense of unlawful possession of
14 firearms or firearm ammunition when:

15 (1) He is under 18 years of age and has in his
16 possession any firearm of a size which may be concealed
17 upon the person; or

18 (2) He is under 21 years of age, has been convicted of
19 a misdemeanor other than a traffic offense or adjudged
20 delinquent and has any firearms or firearm ammunition in
21 his possession; or

22 (3) He is a narcotic addict and has any firearms or
23 firearm ammunition in his possession; or

24 (4) He has been a patient in a mental institution
25 within the past 5 years and has any firearms or firearm

1 ammunition in his possession. For purposes of this
2 paragraph (4):

3 "Mental institution" means any hospital,
4 institution, clinic, evaluation facility, mental
5 health center, or part thereof, which is used
6 primarily for the care or treatment of persons with
7 mental illness.

8 "Patient in a mental institution" means the person
9 was admitted, either voluntarily or involuntarily, to
10 a mental institution for mental health treatment,
11 unless the treatment was voluntary and solely for an
12 alcohol abuse disorder and no other secondary
13 substance abuse disorder or mental illness; or

14 (5) He is a person with an intellectual disability and
15 has any firearms or firearm ammunition in his possession;
16 or

17 (6) He has in his possession any explosive bullet.

18 For purposes of this paragraph "explosive bullet" means
19 the projectile portion of an ammunition cartridge which
20 contains or carries an explosive charge which will explode
21 upon contact with the flesh of a human or an animal.

22 "Cartridge" means a tubular metal case having a projectile
23 affixed at the front thereof and a cap or primer at the rear
24 end thereof, with the propellant contained in such tube
25 between the projectile and the cap.

26 (a-5) A person prohibited from possessing a firearm under

1 this Section may petition the Director of the Illinois State
2 Police for a hearing and relief from the prohibition, unless
3 the prohibition was based upon a forcible felony, stalking,
4 aggravated stalking, domestic battery, any violation of the
5 Illinois Controlled Substances Act, the Methamphetamine
6 Control and Community Protection Act, or the Cannabis Control
7 Act that is classified as a Class 2 or greater felony, any
8 felony violation of Article 24 of the Criminal Code of 1961 or
9 the Criminal Code of 2012, or any adjudication as a delinquent
10 minor for the commission of an offense that if committed by an
11 adult would be a felony, in which case the person may petition
12 the circuit court in writing in the county of his or her
13 residence for a hearing and relief from the prohibition. The
14 Director or court may grant the relief if it is established by
15 the petitioner to the court's or Director's satisfaction that:

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

22 (2) the petitioner has not been convicted of a
23 forcible felony under the laws of this State or any other
24 jurisdiction within 20 years of the filing of the
25 petition, or at least 20 years have passed since the end of
26 any period of imprisonment imposed in relation to that

1 conviction;

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

6 (4) granting relief would not be contrary to the
7 public interest; and

8 (5) granting relief would not be contrary to federal
9 law.

10 (b) Sentence.

11 Unlawful possession of firearms, other than handguns, and
12 firearm ammunition is a Class A misdemeanor. Unlawful
13 possession of handguns is a Class 4 felony. The possession of
14 each firearm or firearm ammunition in violation of this
15 Section constitutes a single and separate violation.

16 (c) Nothing in paragraph (1) of subsection (a) of this
17 Section prohibits a person under 18 years of age from
18 participating in any lawful recreational activity with a
19 firearm such as, but not limited to, practice shooting at
20 targets upon established public or private target ranges or
21 hunting, trapping, or fishing in accordance with the Wildlife
22 Code or the Fish and Aquatic Life Code.

23 (Source: P.A. 99-143, eff. 7-27-15.)

24 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

25 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

1 (a) A person commits the offense of unlawful discharge of
2 firearm projectiles when he or she knowingly or recklessly
3 uses an armor piercing bullet, dragon's breath shotgun shell,
4 bolo shell, or flechette shell in violation of this Section.

5 For purposes of this Section:

6 "Armor piercing bullet" means any handgun bullet or
7 handgun ammunition with projectiles or projectile cores
8 constructed entirely (excluding the presence of traces of
9 other substances) from tungsten alloys, steel, iron, brass,
10 bronze, beryllium copper or depleted uranium, or fully
11 jacketed bullets larger than 22 caliber whose jacket has a
12 weight of more than 25% of the total weight of the projectile,
13 and excluding those handgun projectiles whose cores are
14 composed of soft materials such as lead or lead alloys, zinc or
15 zinc alloys, frangible projectiles designed primarily for
16 sporting purposes, and any other projectiles or projectile
17 cores that the U. S. Secretary of the Treasury finds to be
18 primarily intended to be used for sporting purposes or
19 industrial purposes or that otherwise does not constitute
20 "armor piercing ammunition" as that term is defined by federal
21 law.

22 "Dragon's breath shotgun shell" means any shotgun shell
23 that contains exothermic pyrophoric mesh metal as the
24 projectile and is designed for the purpose of throwing or
25 spewing a flame or fireball to simulate a flame-thrower.

26 "Bolo shell" means any shell that can be fired in a firearm

1 and expels as projectiles 2 or more metal balls connected by
2 solid metal wire.

3 "Flechette shell" means any shell that can be fired in a
4 firearm and expels 2 or more pieces of fin-stabilized solid
5 metal wire or 2 or more solid dart-type projectiles.

6 (b) A person commits a Class X felony when he or she,
7 knowing that a firearm, ~~as defined in Section 1.1 of the~~
8 ~~Firearm Owners Identification Card Act,~~ is loaded with an
9 armor piercing bullet, dragon's breath shotgun shell, bolo
10 shell, or flechette shell, intentionally or recklessly
11 discharges such firearm and such bullet or shell strikes any
12 other person.

13 (c) Any person who possesses, concealed on or about his or
14 her person, an armor piercing bullet, dragon's breath shotgun
15 shell, bolo shell, or flechette shell and a firearm suitable
16 for the discharge thereof is guilty of a Class 2 felony.

17 (d) This Section does not apply to or affect any of the
18 following:

19 (1) Peace officers;

20 (2) Wardens, superintendents and keepers of prisons,
21 penitentiaries, jails and other institutions for the
22 detention of persons accused or convicted of an offense;

23 (3) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard while in
25 the performance of their official duties;

26 (4) Federal officials required to carry firearms,

1 while engaged in the performance of their official duties;

2 (5) United States Marshals, while engaged in the
3 performance of their official duties.

4 (Source: P.A. 92-423, eff. 1-1-02.)

5 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

6 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

7 (a) It shall be unlawful for any person who holds a license
8 to sell at retail any alcoholic liquor issued by the Illinois
9 Liquor Control Commission or local liquor control commissioner
10 under the Liquor Control Act of 1934 or an agent or employee of
11 the licensee to sell or deliver to any other person a firearm
12 in or on the real property of the establishment where the
13 licensee is licensed to sell alcoholic liquors unless the sale
14 or delivery of the firearm is otherwise lawful under this
15 Article ~~and under the Firearm Owners Identification Card Act.~~

16 (b) Sentence. A violation of subsection (a) of this
17 Section is a Class 4 felony.

18 (Source: P.A. 87-591.)

19 (720 ILCS 5/24-3.5)

20 Sec. 24-3.5. Unlawful purchase of a firearm.

21 (a) For purposes of this Section, "firearms transaction
22 record form" means a form:

23 (1) executed by a transferee of a firearm stating: (i)

24 the transferee's name and address (including county or

1 similar political subdivision); (ii) whether the
2 transferee is a citizen of the United States; (iii) the
3 transferee's State of residence; and (iv) the date and
4 place of birth, height, weight, and race of the
5 transferee; and

6 (2) on which the transferee certifies that he or she
7 is not prohibited by federal law from transporting or
8 shipping a firearm in interstate or foreign commerce or
9 receiving a firearm that has been shipped or transported
10 in interstate or foreign commerce or possessing a firearm
11 in or affecting commerce.

12 (b) A person commits the offense of unlawful purchase of a
13 firearm who knowingly purchases or attempts to purchase a
14 firearm with the intent to deliver that firearm to another
15 person who is prohibited by federal or State law from
16 possessing a firearm.

17 (c) A person commits the offense of unlawful purchase of a
18 firearm when he or she, in purchasing or attempting to
19 purchase a firearm, intentionally provides false or misleading
20 information on a United States Department of the Treasury,
21 Bureau of Alcohol, Tobacco and Firearms firearms transaction
22 record form.

23 (d) Exemption. It is not a violation of subsection (b) of
24 this Section for a person to make a gift or loan of a firearm
25 to a person who is not prohibited by federal or State law from
26 possessing a firearm ~~if the transfer of the firearm is made in~~

1 ~~accordance with Section 3 of the Firearm Owners Identification~~
2 ~~Card Act.~~

3 (e) Sentence.

4 (1) A person who commits the offense of unlawful
5 purchase of a firearm:

6 (A) is guilty of a Class 2 felony for purchasing or
7 attempting to purchase one firearm;

8 (B) is guilty of a Class 1 felony for purchasing or
9 attempting to purchase not less than 2 firearms and
10 not more than 5 firearms at the same time or within a
11 one year period;

12 (C) is guilty of a Class X felony for which the
13 offender shall be sentenced to a term of imprisonment
14 of not less than 9 years and not more than 40 years for
15 purchasing or attempting to purchase not less than 6
16 firearms at the same time or within a 2 year period.

17 (2) In addition to any other penalty that may be
18 imposed for a violation of this Section, the court may
19 sentence a person convicted of a violation of subsection
20 (c) of this Section to a fine not to exceed \$250,000 for
21 each violation.

22 (f) A prosecution for unlawful purchase of a firearm may
23 be commenced within 6 years after the commission of the
24 offense.

25 (Source: P.A. 95-882, eff. 1-1-09.)

1 (720 ILCS 5/24-3B)

2 Sec. 24-3B. Firearms trafficking.

3 (a) A person commits firearms trafficking when he or she
4 is prohibited under federal or State law from possessing a
5 firearm ~~has not been issued a currently valid Firearm Owner's~~
6 ~~Identification Card~~ and knowingly:

7 (1) brings, or causes to be brought, into this State,
8 a firearm or firearm ammunition for the purpose of sale,
9 delivery, or transfer to any other person or with the
10 intent to sell, deliver, or transfer the firearm or
11 firearm ammunition to any other person; or

12 (2) brings, or causes to be brought, into this State,
13 a firearm and firearm ammunition for the purpose of sale,
14 delivery, or transfer to any other person or with the
15 intent to sell, deliver, or transfer the firearm and
16 firearm ammunition to any other person.

17 (a-5) (Blank). ~~This Section does not apply to:~~

18 ~~(1) a person exempt under Section 2 of the Firearm~~
19 ~~Owners Identification Card Act from the requirement of~~
20 ~~having possession of a Firearm Owner's Identification Card~~
21 ~~previously issued in his or her name by the Illinois State~~
22 ~~Police in order to acquire or possess a firearm or firearm~~
23 ~~ammunition;~~

24 ~~(2) a common carrier under subsection (i) of Section~~
25 ~~24-2 of this Code; or~~

26 ~~(3) a non resident who may lawfully possess a firearm~~

1 ~~in his or her resident state.~~

2 (b) Sentence.

3 (1) Firearms trafficking is a Class 1 felony for which
4 the person, if sentenced to a term of imprisonment, shall
5 be sentenced to not less than 4 years and not more than 20
6 years.

7 (2) Firearms trafficking by a person who has been
8 previously convicted of firearms trafficking, gunrunning,
9 or a felony offense for the unlawful sale, delivery, or
10 transfer of a firearm or firearm ammunition in this State
11 or another jurisdiction is a Class X felony.

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

13 (720 ILCS 5/24-4.1)

14 Sec. 24-4.1. Report of lost or stolen firearms.

15 (a) If a person ~~who possesses a valid Firearm Owner's~~
16 ~~Identification Card and~~ who possesses or acquires a firearm
17 thereafter loses the firearm, or if the firearm is stolen from
18 the person, the person must report the loss or theft to the
19 local law enforcement agency within 72 hours after obtaining
20 knowledge of the loss or theft.

21 (b) A law enforcement agency having jurisdiction shall
22 take a written report and shall, as soon as practical, enter
23 the firearm's serial number as stolen into the Law Enforcement
24 Agencies Data System (LEADS).

25 (c) A person shall not be in violation of this Section if:

1 (1) the failure to report is due to an act of God, act
2 of war, or inability of a law enforcement agency to
3 receive the report;

4 (2) the person is hospitalized, in a coma, or is
5 otherwise seriously physically or mentally impaired as to
6 prevent the person from reporting; or

7 (3) the person's designee makes a report if the person
8 is unable to make the report.

9 (d) Sentence. A person who violates this Section is guilty
10 of a petty offense for a first violation. A second or
11 subsequent violation of this Section is a Class A misdemeanor.
12 (Source: P.A. 98-508, eff. 8-19-13.)

13 (720 ILCS 5/24-4.5 new)

14 Sec. 24-4.5. Dial up system.

15 (a) The Illinois State Police shall provide a dial up
16 telephone system or utilize other existing technology which
17 shall be used by any federally licensed firearm dealer, gun
18 show promoter, or gun show vendor who is to transfer a firearm,
19 stun gun, or taser under the provisions of this Code. The
20 Illinois State Police may utilize existing technology which
21 allows the caller to be charged a fee not to exceed \$2. Fees
22 collected by the Illinois State Police shall be deposited in
23 the State Police Services Fund and used to provide the
24 service.

25 (b) Upon receiving a request from a federally licensed

1 firearm dealer, gun show promoter, or gun show vendor, the
2 Illinois State Police shall immediately approve, or within the
3 time period established by Section 24-3 of this Code regarding
4 the delivery of firearms, stun guns, and tasers notify the
5 inquiring dealer, gun show promoter, or gun show vendor of any
6 objection that would disqualify the transferee from acquiring
7 or possessing a firearm, stun gun, or taser. In conducting the
8 inquiry, the Illinois State Police shall initiate and complete
9 an automated search of its criminal history record information
10 files and those of the Federal Bureau of Investigation,
11 including the National Instant Criminal Background Check
12 System, and of the files of the Department of Human Services
13 relating to mental health and developmental disabilities to
14 obtain any felony conviction or patient hospitalization
15 information which would disqualify a person from obtaining a
16 firearm.

17 (c) If receipt of a firearm would not violate Section 24-3
18 of this Code or federal law, the Illinois State Police shall:

19 (1) assign a unique identification number to the
20 transfer; and

21 (2) provide the licensee, gun show promoter, or gun
22 show vendor with the number.

23 (d) Approvals issued by the Illinois State Police for the
24 purchase of a firearm are valid for 30 days from the date of
25 issue.

26 (e) (1) The Illinois State Police must act as the Illinois

1 Point of Contact for the National Instant Criminal Background
2 Check System.

3 (2) The Illinois State Police and the Department of Human
4 Services shall, in accordance with State and federal law
5 regarding confidentiality, enter into a memorandum of
6 understanding with the Federal Bureau of Investigation for the
7 purpose of implementing the National Instant Criminal
8 Background Check System in the State. The Department of State
9 Police shall report the name, date of birth, and physical
10 description of any person prohibited from possessing a firearm
11 under this Code or 18 U.S.C. 922(g) and (n) to the National
12 Instant Criminal Background Check System Index, Denied Persons
13 Files.

14 (f) The Illinois State Police shall adopt rules not
15 inconsistent with this Section to implement this system.

16 (720 ILCS 5/24-5.1)

17 Sec. 24-5.1. Serialization of unfinished frames or
18 receivers; prohibition on unserialized firearms; exceptions;
19 penalties.

20 (a) In this Section:

21 "Bona fide supplier" means an established business entity
22 engaged in the development and sale of firearms parts to one or
23 more federal firearms manufacturers or federal firearms
24 importers.

25 "Federal firearms dealer" means a licensed manufacturer

1 pursuant to 18 U.S.C. 921(a)(11).

2 "Federal firearms importer" means a licensed importer
3 pursuant to 18 U.S.C. 921(a)(9).

4 "Federal firearms manufacturer" means a licensed
5 manufacturer pursuant to 18 U.S.C. 921(a)(10).

6 "Frame or receiver" means a part of a firearm that, when
7 the complete weapon is assembled, is visible from the exterior
8 and provides housing or a structure designed to hold or
9 integrate one or more fire control components, even if pins or
10 other attachments are required to connect those components to
11 the housing or structure. For models of firearms in which
12 multiple parts provide such housing or structure, the part or
13 parts that the Director of the federal Bureau of Alcohol,
14 Tobacco, Firearms and Explosives has determined are a frame or
15 receiver constitute the frame or receiver. For purposes of
16 this definition, "fire control component" means a component
17 necessary for the firearm to initiate, complete, or continue
18 the firing sequence, including any of the following: hammer,
19 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,
20 firing pin, striker, or slide rails.

21 "Security exemplar" means an object to be fabricated at
22 the direction of the United States Attorney General that is
23 (1) constructed of 3.7 ounces of material type 17-4 PH
24 stainless steel in a shape resembling a handgun and (2)
25 suitable for testing and calibrating metal detectors.

26 "Three-dimensional printer" means a computer or

1 computer-drive machine capable of producing a
2 three-dimensional object from a digital model.

3 "Undetectable firearm" means (1) a firearm constructed
4 entirely of non-metal substances; (2) a firearm that, after
5 removal of all parts but the major components of the firearm,
6 is not detectable by walk-through metal detectors calibrated
7 and operated to detect the security exemplar; or (3) a firearm
8 that includes a major component of a firearm, which, if
9 subject to the types of detection devices commonly used at
10 airports for security screening, would not generate an image
11 that accurately depicts the shape of the component.
12 "Undetectable firearm" does not include a firearm subject to
13 the provisions of 18 U.S.C. 922(p) (3) through (6).

14 "Unfinished frame or receiver" means any forging, casting,
15 printing, extrusion, machined body, or similar article that:

16 (1) has reached a stage in manufacture where it may
17 readily be completed, assembled, or converted to be a
18 functional firearm; or

19 (2) is marketed or sold to the public to become or be
20 used as the frame or receiver of a functional firearm once
21 completed, assembled, or converted.

22 "Unserialized" means lacking a serial number imprinted by:

23 (1) a federal firearms manufacturer, federal firearms
24 importer, federal firearms dealer, or other federal
25 licensee authorized to provide marking services, pursuant
26 to a requirement under federal law; or

1 (2) a federal firearms dealer or other federal
2 licensee authorized to provide marking services pursuant
3 to subsection (f) of this Section.

4 (b) It is unlawful for any person to knowingly sell, offer
5 to sell, or transfer an unserialized unfinished frame or
6 receiver or unserialized firearm, including those produced
7 using a three-dimensional printer, unless the party purchasing
8 or receiving the unfinished frame or receiver or unserialized
9 firearm is a federal firearms importer, federal firearms
10 manufacturer, or federal firearms dealer.

11 (c) Beginning 180 days after May 18, 2022 (the effective
12 date of Public Act 102-889), it is unlawful for any person to
13 knowingly possess, transport, or receive an unfinished frame
14 or receiver, unless:

15 (1) the party possessing or receiving the unfinished
16 frame or receiver is a federal firearms importer or
17 federal firearms manufacturer;

18 (2) the unfinished frame or receiver is possessed or
19 transported by a person for transfer to a federal firearms
20 importer or federal firearms manufacturer; or

21 (3) the unfinished frame or receiver has been
22 imprinted with a serial number issued by a federal
23 firearms importer or federal firearms manufacturer in
24 compliance with subsection (f) of this Section.

25 (d) Beginning 180 days after May 18, 2022 (the effective
26 date of Public Act 102-889), unless the party receiving the

1 firearm is a federal firearms importer or federal firearms
2 manufacturer, it is unlawful for any person to knowingly
3 possess, purchase, transport, or receive a firearm that is not
4 imprinted with a serial number by (1) a federal firearms
5 importer or federal firearms manufacturer in compliance with
6 all federal laws and regulations regulating the manufacture
7 and import of firearms or (2) a federal firearms manufacturer,
8 federal firearms dealer, or other federal licensee authorized
9 to provide marking services in compliance with the
10 unserialized firearm serialization process under subsection
11 (f) of this Section.

12 (e) Any firearm or unfinished frame or receiver
13 manufactured using a three-dimensional printer must also be
14 serialized in accordance with the requirements of subsection
15 (f) within 30 days after May 18, 2022 (the effective date of
16 Public Act 102-889), or prior to reaching a stage of
17 manufacture where it may be readily completed, assembled, or
18 converted to be a functional firearm.

19 (f) Unserialized unfinished frames or receivers and
20 unserialized firearms serialized pursuant to this Section
21 shall be serialized in compliance with all of the following:

22 (1) An unserialized unfinished frame or receiver and
23 unserialized firearm shall be serialized by a federally
24 licensed firearms dealer or other federal licensee
25 authorized to provide marking services with the licensee's
26 abbreviated federal firearms license number as a prefix

1 (which is the first 3 and last 5 digits) followed by a
2 hyphen, and then followed by a number as a suffix, such as
3 12345678-(number). The serial number or numbers must be
4 placed in a manner that accords with the requirements
5 under federal law for affixing serial numbers to firearms,
6 including the requirements that the serial number or
7 numbers be at the minimum size and depth, and not
8 susceptible to being readily obliterated, altered, or
9 removed, and the licensee must retain records that accord
10 with the requirements under federal law in the case of the
11 sale of a firearm. The imprinting of any serial number
12 upon an undetectable firearm must be done on a steel
13 plaque in compliance with 18 U.S.C. 922(p).

14 (2) Every federally licensed firearms dealer or other
15 federal licensee that engraves, casts, stamps, or
16 otherwise conspicuously and permanently places a unique
17 serial number pursuant to this Section shall maintain a
18 record of such indefinitely. Licensees subject to the
19 Firearm Dealer License Certification Act shall make all
20 records accessible for inspection upon the request of the
21 Illinois State Police or a law enforcement agency in
22 accordance with Section 5-35 of the Firearm Dealer License
23 Certification Act.

24 (3) Every federally licensed firearms dealer or other
25 federal licensee that engraves, casts, stamps, or
26 otherwise conspicuously and permanently places a unique

1 serial number pursuant to this Section shall record it at
2 the time of every transaction involving the transfer of a
3 firearm, rifle, shotgun, finished frame or receiver, or
4 unfinished frame or receiver that has been so marked in
5 compliance with the federal guidelines set forth in 27 CFR
6 478.124.

7 (4) (Blank). ~~Every federally licensed firearms dealer~~
8 ~~or other federal licensee that engraves, casts, stamps, or~~
9 ~~otherwise conspicuously and permanently places a unique~~
10 ~~serial number pursuant to this Section shall review and~~
11 ~~confirm the validity of the owner's Firearm Owner's~~
12 ~~Identification Card issued under the Firearm Owners~~
13 ~~Identification Card Act prior to returning the firearm to~~
14 ~~the owner.~~

15 (g) Within 30 days after May 18, 2022 (the effective date
16 of Public Act 102-889), the Director of the Illinois State
17 Police shall issue a public notice regarding the provisions of
18 this Section. The notice shall include posting on the Illinois
19 State Police website and may include written notification or
20 any other means of communication statewide to all
21 Illinois-based federal firearms manufacturers, federal
22 firearms dealers, or other federal licensees authorized to
23 provide marking services in compliance with the serialization
24 process in subsection (f) in order to educate the public.

25 (h) Exceptions. This Section does not apply to an
26 unserialized unfinished frame or receiver or an unserialized

1 firearm that:

2 (1) has been rendered permanently inoperable;

3 (2) is an antique firearm, as defined in 18 U.S.C.
4 921(a)(16);

5 (3) was manufactured prior to October 22, 1968;

6 (4) is an unfinished frame or receiver and is
7 possessed by a bona fide supplier exclusively for transfer
8 to a federal firearms manufacturer or federal firearms
9 importer, or is possessed by a federal firearms
10 manufacturer or federal firearms importer in compliance
11 with all federal laws and regulations regulating the
12 manufacture and import of firearms; except this exemption
13 does not apply if an unfinished frame or receiver is
14 possessed for transfer or is transferred to a person other
15 than a federal firearms manufacturer or federal firearms
16 importer; or

17 (5) is possessed by a person who received the
18 unserialized unfinished frame or receiver or unserialized
19 firearm through inheritance, and is not otherwise
20 prohibited from possessing the unserialized unfinished
21 frame or receiver or unserialized firearm, for a period
22 not exceeding 30 days after inheriting the unserialized
23 unfinished frame or receiver or unserialized firearm.

24 (i) Penalties.

25 (1) A person who violates subsection (c) or (d) is
26 guilty of a Class A misdemeanor for a first violation and

1 is guilty of a Class 3 felony for a second or subsequent
2 violation.

3 (2) A person who violates subsection (b) is guilty of
4 a Class 4 felony for a first violation and is guilty of a
5 Class 2 felony for a second or subsequent violation.

6 (Source: P.A. 102-889, eff. 5-18-22; 103-605, eff. 7-1-24.)

7 (720 ILCS 5/24-9)

8 Sec. 24-9. Firearms; Child Protection.

9 (a) Except as provided in subsection (c), it is unlawful
10 for any person to store or leave, within premises under his or
11 her control, a firearm if the person knows or has reason to
12 believe that a minor under the age of 14 years ~~who does not~~
13 ~~have a Firearm Owners Identification Card~~ is likely to gain
14 access to the firearm without the lawful permission of the
15 person possessing the firearm, minor's parent, guardian, or
16 person having charge of the minor, and the minor causes death
17 or great bodily harm with the firearm, unless the firearm is:

18 (1) secured by a device or mechanism, other than the
19 firearm safety, designed to render a firearm temporarily
20 inoperable; or

21 (2) placed in a securely locked box or container; or

22 (3) placed in some other location that a reasonable
23 person would believe to be secure from a minor under the
24 age of 14 years.

25 (b) Sentence. A person who violates this Section is guilty

1 of a Class C misdemeanor and shall be fined not less than
2 \$1,000. A second or subsequent violation of this Section is a
3 Class A misdemeanor.

4 (c) Subsection (a) does not apply:

5 (1) if the minor under 14 years of age gains access to
6 a firearm and uses it in a lawful act of self-defense or
7 defense of another; or

8 (2) to any firearm obtained by a minor under the age of
9 14 because of an unlawful entry of the premises by the
10 minor or another person.

11 (d) (Blank). ~~For the purposes of this Section, "firearm"~~
12 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~
13 ~~Owners Identification Card Act.~~

14 (Source: P.A. 91-18, eff. 1-1-00.)

15 Section 80. The Methamphetamine Control and Community
16 Protection Act is amended by changing Section 10 as follows:

17 (720 ILCS 646/10)

18 Sec. 10. Definitions. As used in this Act:

19 "Anhydrous ammonia" has the meaning provided in subsection
20 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

21 "Anhydrous ammonia equipment" means all items used to
22 store, hold, contain, handle, transfer, transport, or apply
23 anhydrous ammonia for lawful purposes.

24 "Booby trap" means any device designed to cause physical

1 injury when triggered by an act of a person approaching,
2 entering, or moving through a structure, a vehicle, or any
3 location where methamphetamine has been manufactured, is being
4 manufactured, or is intended to be manufactured.

5 "Deliver" or "delivery" has the meaning provided in
6 subsection (h) of Section 102 of the Illinois Controlled
7 Substances Act.

8 "Director" means the Director of the Illinois State Police
9 or the Director's designated agents.

10 "Dispose" or "disposal" means to abandon, discharge,
11 release, deposit, inject, dump, spill, leak, or place
12 methamphetamine waste onto or into any land, water, or well of
13 any type so that the waste has the potential to enter the
14 environment, be emitted into the air, or be discharged into
15 the soil or any waters, including groundwater.

16 "Emergency response" means the act of collecting evidence
17 from or securing a methamphetamine laboratory site,
18 methamphetamine waste site or other methamphetamine-related
19 site and cleaning up the site, whether these actions are
20 performed by public entities or private contractors paid by
21 public entities.

22 "Emergency service provider" means a local, State, or
23 federal peace officer, firefighter, emergency medical
24 technician-ambulance, emergency medical
25 technician-intermediate, emergency medical
26 technician-paramedic, ambulance driver, or other medical or

1 first aid personnel rendering aid, or any agent or designee of
2 the foregoing.

3 "Finished methamphetamine" means methamphetamine in a form
4 commonly used for personal consumption.

5 "Firearm" has the meaning provided in Section 2-7.5 of the
6 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
7 ~~Card Act.~~

8 "Manufacture" means to produce, prepare, compound,
9 convert, process, synthesize, concentrate, purify, separate,
10 extract, or package any methamphetamine, methamphetamine
11 precursor, methamphetamine manufacturing catalyst,
12 methamphetamine manufacturing reagent, methamphetamine
13 manufacturing solvent, or any substance containing any of the
14 foregoing.

15 "Methamphetamine" means the chemical methamphetamine (a
16 Schedule II controlled substance under the Illinois Controlled
17 Substances Act) or any salt, optical isomer, salt of optical
18 isomer, or analog thereof, with the exception of
19 3,4-Methylenedioxymethamphetamine (MDMA) or any other
20 scheduled substance with a separate listing under the Illinois
21 Controlled Substances Act.

22 "Methamphetamine manufacturing catalyst" means any
23 substance that has been used, is being used, or is intended to
24 be used to activate, accelerate, extend, or improve a chemical
25 reaction involved in the manufacture of methamphetamine.

26 "Methamphetamine manufacturing environment" means a

1 structure or vehicle in which:

2 (1) methamphetamine is being or has been manufactured;

3 (2) chemicals that are being used, have been used, or
4 are intended to be used to manufacture methamphetamine are
5 stored;

6 (3) methamphetamine manufacturing materials that have
7 been used to manufacture methamphetamine are stored; or

8 (4) methamphetamine manufacturing waste is stored.

9 "Methamphetamine manufacturing material" means any
10 methamphetamine precursor, substance containing any
11 methamphetamine precursor, methamphetamine manufacturing
12 catalyst, substance containing any methamphetamine
13 manufacturing catalyst, methamphetamine manufacturing
14 reagent, substance containing any methamphetamine
15 manufacturing reagent, methamphetamine manufacturing solvent,
16 substance containing any methamphetamine manufacturing
17 solvent, or any other chemical, substance, ingredient,
18 equipment, apparatus, or item that is being used, has been
19 used, or is intended to be used in the manufacture of
20 methamphetamine.

21 "Methamphetamine manufacturing reagent" means any
22 substance other than a methamphetamine manufacturing catalyst
23 that has been used, is being used, or is intended to be used to
24 react with and chemically alter any methamphetamine precursor.

25 "Methamphetamine manufacturing solvent" means any
26 substance that has been used, is being used, or is intended to

1 be used as a medium in which any methamphetamine precursor,
2 methamphetamine manufacturing catalyst, methamphetamine
3 manufacturing reagent, or any substance containing any of the
4 foregoing is dissolved, diluted, or washed during any part of
5 the methamphetamine manufacturing process.

6 "Methamphetamine manufacturing waste" means any chemical,
7 substance, ingredient, equipment, apparatus, or item that is
8 left over from, results from, or is produced by the process of
9 manufacturing methamphetamine, other than finished
10 methamphetamine.

11 "Methamphetamine precursor" means ephedrine,
12 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
13 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
14 isomer, or salt of an optical isomer of any of these chemicals.

15 "Multi-unit dwelling" means a unified structure used or
16 intended for use as a habitation, home, or residence that
17 contains 2 or more condominiums, apartments, hotel rooms,
18 motel rooms, or other living units.

19 "Package" means an item marked for retail sale that is not
20 designed to be further broken down or subdivided for the
21 purpose of retail sale.

22 "Participate" or "participation" in the manufacture of
23 methamphetamine means to produce, prepare, compound, convert,
24 process, synthesize, concentrate, purify, separate, extract,
25 or package any methamphetamine, methamphetamine precursor,
26 methamphetamine manufacturing catalyst, methamphetamine

1 manufacturing reagent, methamphetamine manufacturing solvent,
2 or any substance containing any of the foregoing, or to assist
3 in any of these actions, or to attempt to take any of these
4 actions, regardless of whether this action or these actions
5 result in the production of finished methamphetamine.

6 "Person with a disability" means a person who suffers from
7 a permanent physical or mental impairment resulting from
8 disease, injury, functional disorder, or congenital condition
9 which renders the person incapable of adequately providing for
10 his or her own health and personal care.

11 "Procure" means to purchase, steal, gather, or otherwise
12 obtain, by legal or illegal means, or to cause another to take
13 such action.

14 "Second or subsequent offense" means an offense under this
15 Act committed by an offender who previously committed an
16 offense under this Act, the Illinois Controlled Substances
17 Act, the Cannabis Control Act, or another Act of this State,
18 another state, or the United States relating to
19 methamphetamine, cannabis, or any other controlled substance.

20 "Standard dosage form", as used in relation to any
21 methamphetamine precursor, means that the methamphetamine
22 precursor is contained in a pill, tablet, capsule, caplet, gel
23 cap, or liquid cap that has been manufactured by a lawful
24 entity and contains a standard quantity of methamphetamine
25 precursor.

26 "Unauthorized container", as used in relation to anhydrous

1 ammonia, means any container that is not designed for the
2 specific and sole purpose of holding, storing, transporting,
3 or applying anhydrous ammonia. "Unauthorized container"
4 includes, but is not limited to, any propane tank, fire
5 extinguisher, oxygen cylinder, gasoline can, food or beverage
6 cooler, or compressed gas cylinder used in dispensing fountain
7 drinks. "Unauthorized container" does not encompass anhydrous
8 ammonia manufacturing plants, refrigeration systems where
9 anhydrous ammonia is used solely as a refrigerant, anhydrous
10 ammonia transportation pipelines, anhydrous ammonia tankers,
11 or anhydrous ammonia barges.

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

13 Section 85. The Code of Criminal Procedure of 1963 is
14 amended by changing Sections 102-7.1, 110-10, 112A-5.5,
15 112A-11.1, 112A-11.2, 112A-14, 112A-14.7, and 112A-17.5 as
16 follows:

17 (725 ILCS 5/102-7.1)

18 Sec. 102-7.1. "Category A offense". "Category A offense"
19 means a Class 1 felony, Class 2 felony, Class X felony, first
20 degree murder, a violation of Section 11-204 of the Illinois
21 Vehicle Code, a second or subsequent violation of Section
22 11-501 of the Illinois Vehicle Code, a violation of subsection
23 (d) of Section 11-501 of the Illinois Vehicle Code, a
24 violation of Section 11-401 of the Illinois Vehicle Code if

1 the crash results in injury and the person failed to report the
2 crash within 30 minutes, a violation of Section 9-3, 9-3.4,
3 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25,
4 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6,
5 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3,
6 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a second or
7 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code
8 of 2012, a violation of paragraph (5) or (6) of subsection (b)
9 of Section 10-9 of the Criminal Code of 2012, a violation of
10 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)
11 of Section 11-1.50 of the Criminal Code of 2012, a violation of
12 Section 12-7 of the Criminal Code of 2012 if the defendant
13 inflicts bodily harm on the victim to obtain a confession,
14 statement, or information, a violation of Section 12-7.5 of
15 the Criminal Code of 2012 if the action results in bodily harm,
16 a violation of paragraph (3) of subsection (b) of Section 17-2
17 of the Criminal Code of 2012, a violation of subdivision
18 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a
19 violation of paragraph (6) of subsection (a) of Section 24-1
20 of the Criminal Code of 2012, a first violation of Section
21 24-1.6 of the Criminal Code of 2012 by a person 18 years of age
22 or older where the factors listed in both items (A) and (C) or
23 both items (A-5) and (C) of paragraph (3) of subsection (a) of
24 Section 24-1.6 of the Criminal Code of 2012 are present, a
25 Class 3 felony violation of paragraph (1) of subsection (a) of
26 Section 2 of the Firearm Owners Identification Card Act

1 committed before the effective date of this amendatory Act of
2 the 104th General Assembly, or a violation of Section 10 of the
3 Sex Offender Registration Act.

4 (Source: P.A. 102-982, eff. 7-1-23.)

5 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

6 Sec. 110-10. Conditions of pretrial release.

7 (a) If a person is released prior to conviction, the
8 conditions of pretrial release shall be that he or she will:

9 (1) Appear to answer the charge in the court having
10 jurisdiction on a day certain and thereafter as ordered by
11 the court until discharged or final order of the court;

12 (2) Submit himself or herself to the orders and
13 process of the court;

14 (3) (Blank);

15 (4) Not violate any criminal statute of any
16 jurisdiction;

17 (5) At a time and place designated by the court,
18 surrender all firearms in his or her possession to a law
19 enforcement officer designated by the court to take
20 custody of and impound the firearms ~~and physically~~
21 ~~surrender his or her Firearm Owner's Identification Card~~
22 to the clerk of the circuit court when the offense the
23 person has been charged with is a forcible felony,
24 stalking, aggravated stalking, domestic battery, any
25 violation of the Illinois Controlled Substances Act, the

1 Methamphetamine Control and Community Protection Act, or
2 the Cannabis Control Act that is classified as a Class 2 or
3 greater felony, or any felony violation of Article 24 of
4 the Criminal Code of 1961 or the Criminal Code of 2012; the
5 court may, however, forgo the imposition of this condition
6 when the circumstances of the case clearly do not warrant
7 it or when its imposition would be impractical; ~~if the~~
8 ~~Firearm Owner's Identification Card is confiscated, the~~
9 ~~clerk of the circuit court shall mail the confiscated card~~
10 ~~to the Illinois State Police;~~ all legally possessed
11 firearms shall be returned to the person upon the charges
12 being dismissed, or if the person is found not guilty,
13 unless the finding of not guilty is by reason of insanity;
14 and

15 (6) At a time and place designated by the court,
16 submit to a psychological evaluation when the person has
17 been charged with a violation of item (4) of subsection
18 (a) of Section 24-1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 and that violation occurred in a
20 school or in any conveyance owned, leased, or contracted
21 by a school to transport students to or from school or a
22 school-related activity, or on any public way within 1,000
23 feet of real property comprising any school.

24 Psychological evaluations ordered pursuant to this Section
25 shall be completed promptly and made available to the State,
26 the defendant, and the court. As a further condition of

1 pretrial release under these circumstances, the court shall
2 order the defendant to refrain from entering upon the property
3 of the school, including any conveyance owned, leased, or
4 contracted by a school to transport students to or from school
5 or a school-related activity, or on any public way within
6 1,000 feet of real property comprising any school. Upon
7 receipt of the psychological evaluation, either the State or
8 the defendant may request a change in the conditions of
9 pretrial release, pursuant to Section 110-6 of this Code. The
10 court may change the conditions of pretrial release to include
11 a requirement that the defendant follow the recommendations of
12 the psychological evaluation, including undergoing psychiatric
13 treatment. The conclusions of the psychological evaluation and
14 any statements elicited from the defendant during its
15 administration are not admissible as evidence of guilt during
16 the course of any trial on the charged offense, unless the
17 defendant places his or her mental competency in issue.

18 (b) Additional conditions of release shall be set only
19 when it is determined that they are necessary to ensure the
20 defendant's appearance in court, ensure the defendant does not
21 commit any criminal offense, ensure the defendant complies
22 with all conditions of pretrial release, prevent the
23 defendant's unlawful interference with the orderly
24 administration of justice, or ensure compliance with the rules
25 and procedures of problem solving courts. However, conditions
26 shall include the least restrictive means and be

1 individualized. Conditions shall not mandate rehabilitative
2 services unless directly tied to the risk of pretrial
3 misconduct. Conditions of supervision shall not include
4 punitive measures such as community service work or
5 restitution. Conditions may include the following:

6 (0.05) Not depart this State without leave of the
7 court;

8 (1) Report to or appear in person before such person
9 or agency as the court may direct;

10 (2) Refrain from possessing a firearm or other
11 dangerous weapon;

12 (3) Refrain from approaching or communicating with
13 particular persons or classes of persons;

14 (4) Refrain from going to certain described geographic
15 areas or premises;

16 (5) Be placed under direct supervision of the Pretrial
17 Services Agency, Probation Department or Court Services
18 Department in a pretrial home supervision capacity with or
19 without the use of an approved electronic monitoring
20 device subject to Article 8A of Chapter V of the Unified
21 Code of Corrections;

22 (6) For persons charged with violating Section 11-501
23 of the Illinois Vehicle Code, refrain from operating a
24 motor vehicle not equipped with an ignition interlock
25 device, as defined in Section 1-129.1 of the Illinois
26 Vehicle Code, pursuant to the rules promulgated by the

1 Secretary of State for the installation of ignition
2 interlock devices. Under this condition the court may
3 allow a defendant who is not self-employed to operate a
4 vehicle owned by the defendant's employer that is not
5 equipped with an ignition interlock device in the course
6 and scope of the defendant's employment;

7 (7) Comply with the terms and conditions of an order
8 of protection issued by the court under the Illinois
9 Domestic Violence Act of 1986 or an order of protection
10 issued by the court of another state, tribe, or United
11 States territory;

12 (8) Sign a written admonishment requiring that he or
13 she comply with the provisions of Section 110-12 regarding
14 any change in his or her address. The defendant's address
15 shall at all times remain a matter of record with the clerk
16 of the court; and

17 (9) Such other reasonable conditions as the court may
18 impose, so long as these conditions are the least
19 restrictive means to achieve the goals listed in
20 subsection (b), are individualized, and are in accordance
21 with national best practices as detailed in the Pretrial
22 Supervision Standards of the Supreme Court.

23 The defendant shall receive verbal and written
24 notification of conditions of pretrial release and future
25 court dates, including the date, time, and location of court.

26 (c) When a person is charged with an offense under Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
2 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, involving a victim who is a minor under
4 18 years of age living in the same household with the defendant
5 at the time of the offense, in releasing the defendant, the
6 judge shall impose conditions to restrict the defendant's
7 access to the victim which may include, but are not limited to
8 conditions that he will:

9 1. Vacate the household.

10 2. Make payment of temporary support to his
11 dependents.

12 3. Refrain from contact or communication with the
13 child victim, except as ordered by the court.

14 (d) When a person is charged with a criminal offense and
15 the victim is a family or household member as defined in
16 Article 112A, conditions shall be imposed at the time of the
17 defendant's release that restrict the defendant's access to
18 the victim. Unless provided otherwise by the court, the
19 restrictions shall include requirements that the defendant do
20 the following:

21 (1) refrain from contact or communication with the
22 victim for a minimum period of 72 hours following the
23 defendant's release; and

24 (2) refrain from entering or remaining at the victim's
25 residence for a minimum period of 72 hours following the
26 defendant's release.

1 (e) Local law enforcement agencies shall develop
2 standardized pretrial release forms for use in cases involving
3 family or household members as defined in Article 112A,
4 including specific conditions of pretrial release as provided
5 in subsection (d). Failure of any law enforcement department
6 to develop or use those forms shall in no way limit the
7 applicability and enforcement of subsections (d) and (f).

8 (f) If the defendant is released after conviction
9 following appeal or other post-conviction proceeding, the
10 conditions of the pretrial release shall be that he will, in
11 addition to the conditions set forth in subsections (a) and
12 (b) hereof:

13 (1) Duly prosecute his appeal;

14 (2) Appear at such time and place as the court may
15 direct;

16 (3) Not depart this State without leave of the court;

17 (4) Comply with such other reasonable conditions as
18 the court may impose; and

19 (5) If the judgment is affirmed or the cause reversed
20 and remanded for a new trial, forthwith surrender to the
21 officer from whose custody he was released.

22 (g) Upon a finding of guilty for any felony offense, the
23 defendant shall physically surrender, at a time and place
24 designated by the court, any and all firearms in his or her
25 possession ~~and his or her Firearm Owner's Identification Card~~
26 as a condition of being released pending sentencing.

1 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;
2 102-1104, eff. 1-1-23.)

3 (725 ILCS 5/112A-5.5)

4 Sec. 112A-5.5. Time for filing petition; service on
5 respondent, hearing on petition, and default orders.

6 (a) A petition for a protective order may be filed at any
7 time, in person or online, after a criminal charge or
8 delinquency petition is filed and before the charge or
9 delinquency petition is dismissed, the defendant or juvenile
10 is acquitted, or the defendant or juvenile completes service
11 of his or her sentence.

12 (b) The request for an ex parte protective order may be
13 considered without notice to the respondent under Section
14 112A-17.5 of this Code.

15 (c) A summons shall be issued and served for a protective
16 order. The summons may be served by delivery to the respondent
17 personally in open court in the criminal or juvenile
18 delinquency proceeding, in the form prescribed by subsection
19 (d) of Supreme Court Rule 101, except that it shall require the
20 respondent to answer or appear within 7 days. Attachments to
21 the summons shall include the petition for protective order,
22 supporting affidavits, if any, and any ex parte protective
23 order that has been issued.

24 (d) The summons shall be served by the sheriff or other law
25 enforcement officer at the earliest time available and shall

1 take precedence over any other summons, except those of a
2 similar emergency nature. Attachments to the summons shall
3 include the petition for protective order, supporting
4 affidavits, if any, and any ex parte protective order that has
5 been issued. Special process servers may be appointed at any
6 time and their designation shall not affect the
7 responsibilities and authority of the sheriff or other
8 official process servers. In a county with a population over
9 3,000,000, a special process server may not be appointed if
10 the protective order grants the surrender of a child,~~the~~
11 ~~surrender of a firearm or Firearm Owner's Identification Card,~~
12 or the exclusive possession of a shared residence.

13 (e) If the respondent is not served within 30 days of the
14 filing of the petition, the court shall schedule a court
15 proceeding on the issue of service. Either the petitioner, the
16 petitioner's counsel, or the State's Attorney shall appear and
17 the court shall either order continued attempts at personal
18 service or shall order service by publication, in accordance
19 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
20 Procedure.

21 (f) The request for a final protective order can be
22 considered at any court proceeding in the delinquency or
23 criminal case after service of the petition. If the petitioner
24 has not been provided notice of the court proceeding at least
25 10 days in advance of the proceeding, the court shall schedule
26 a hearing on the petition and provide notice to the

1 petitioner.

2 (f-5) A court in a county with a population above 250,000
3 shall offer the option of a remote hearing to a petitioner for
4 a protective order. The court has the discretion to grant or
5 deny the request for a remote hearing. Each court shall
6 determine the procedure for a remote hearing. The petitioner
7 and respondent may appear remotely or in person.

8 The court shall issue and publish a court order, standing
9 order, or local rule detailing information about the process
10 for requesting and participating in a remote court appearance.
11 The court order, standing order, or local rule shall be
12 published on the court's website and posted on signs
13 throughout the courthouse, including in the clerk's office.
14 The sign shall be written in plain language and include
15 information about the availability of remote court appearances
16 and the process for requesting a remote hearing.

17 (g) Default orders.

18 (1) A final domestic violence order of protection may
19 be entered by default:

20 (A) for any of the remedies sought in the
21 petition, if the respondent has been served with
22 documents under subsection (b) or (c) of this Section
23 and if the respondent fails to appear on the specified
24 return date or any subsequent hearing date agreed to
25 by the petitioner and respondent or set by the court;
26 or

1 (B) for any of the remedies provided under
2 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
3 (10), (11), (14), (15), (17), or (18) of subsection
4 (b) of Section 112A-14 of this Code, or if the
5 respondent fails to answer or appear in accordance
6 with the date set in the publication notice or the
7 return date indicated on the service of a household
8 member.

9 (2) A final civil no contact order may be entered by
10 default for any of the remedies provided in Section
11 112A-14.5 of this Code, if the respondent has been served
12 with documents under subsection (b) or (c) of this
13 Section, and if the respondent fails to answer or appear
14 in accordance with the date set in the publication notice
15 or the return date indicated on the service of a household
16 member.

17 (3) A final stalking no contact order may be entered
18 by default for any of the remedies provided by Section
19 112A-14.7 of this Code, if the respondent has been served
20 with documents under subsection (b) or (c) of this Section
21 and if the respondent fails to answer or appear in
22 accordance with the date set in the publication notice or
23 the return date indicated on the service of a household
24 member.

25 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

1 (725 ILCS 5/112A-11.1)

2 Sec. 112A-11.1. Procedure for determining whether certain
3 misdemeanor crimes are crimes of domestic violence for
4 purposes of federal law.

5 (a) When a defendant has been charged with a violation of
6 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, the State
8 may, at arraignment or no later than 45 days after
9 arraignment, for the purpose of notification to the Illinois
10 State Police ~~Firearm Owner's Identification Card Office~~, serve
11 on the defendant and file with the court a notice alleging that
12 conviction of the offense would subject the defendant to the
13 prohibitions of 18 U.S.C. 922(g)(9) because of the
14 relationship between the defendant and the alleged victim and
15 the nature of the alleged offense.

16 (b) The notice shall include the name of the person
17 alleged to be the victim of the crime and shall specify the
18 nature of the alleged relationship as set forth in 18 U.S.C.
19 921(a)(33)(A)(ii). It shall also specify the element of the
20 charged offense which requires the use or attempted use of
21 physical force, or the threatened use of a deadly weapon, as
22 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
23 notice that the defendant is entitled to a hearing on the
24 allegation contained in the notice and that if the allegation
25 is sustained, that determination and conviction shall be
26 reported to the Illinois State Police ~~Firearm Owner's~~

1 ~~Identification Card Office.~~

2 (c) After having been notified as provided in subsection
3 (b) of this Section, the defendant may stipulate or admit,
4 orally on the record or in writing, that conviction of the
5 offense would subject the defendant to the prohibitions of 18
6 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
7 922(g)(9) shall be deemed established for purposes of Section
8 112A-11.2. If the defendant denies the applicability of 18
9 U.S.C. 922(g)(9) as alleged in the notice served by the State,
10 or stands mute with respect to that allegation, then the State
11 shall bear the burden to prove beyond a reasonable doubt that
12 the offense is one to which the prohibitions of 18 U.S.C.
13 922(g)(9) apply. The court may consider reliable hearsay
14 evidence submitted by either party provided that it is
15 relevant to the determination of the allegation. Facts
16 previously proven at trial or elicited at the time of entry of
17 a plea of guilty shall be deemed established beyond a
18 reasonable doubt and shall not be relitigated. At the
19 conclusion of the hearing, or upon a stipulation or admission,
20 as applicable, the court shall make a specific written
21 determination with respect to the allegation.

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

23 (725 ILCS 5/112A-11.2)

24 Sec. 112A-11.2. Notification to the Illinois State Police
25 ~~Firearm Owner's Identification Card Office~~ of determinations

1 in certain misdemeanor cases. Upon judgment of conviction of a
2 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
3 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
4 2012 when the defendant has been determined, under Section
5 112A-11.1, to be subject to the prohibitions of 18 U.S.C.
6 922(g)(9), the circuit court clerk shall include notification
7 and a copy of the written determination in a report of the
8 conviction to the Illinois State Police ~~Firearm Owner's~~
9 ~~Identification Card Office~~ to enable the office to report that
10 determination to the Federal Bureau of Investigation and
11 assist the Bureau in identifying persons prohibited from
12 purchasing and possessing a firearm pursuant to the provisions
13 of 18 U.S.C. 922.

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

15 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

16 Sec. 112A-14. Domestic violence order of protection;
17 remedies.

18 (a) (Blank).

19 (b) The court may order any of the remedies listed in this
20 subsection (b). The remedies listed in this subsection (b)
21 shall be in addition to other civil or criminal remedies
22 available to petitioner.

23 (1) Prohibition of abuse. Prohibit respondent's
24 harassment, interference with personal liberty,
25 intimidation of a dependent, physical abuse, or willful

1 deprivation, as defined in this Article, if such abuse has
2 occurred or otherwise appears likely to occur if not
3 prohibited.

4 (2) Grant of exclusive possession of residence.
5 Prohibit respondent from entering or remaining in any
6 residence, household, or premises of the petitioner,
7 including one owned or leased by respondent, if petitioner
8 has a right to occupancy thereof. The grant of exclusive
9 possession of the residence, household, or premises shall
10 not affect title to real property, nor shall the court be
11 limited by the standard set forth in subsection (c-2) of
12 Section 501 of the Illinois Marriage and Dissolution of
13 Marriage Act.

14 (A) Right to occupancy. A party has a right to
15 occupancy of a residence or household if it is solely
16 or jointly owned or leased by that party, that party's
17 spouse, a person with a legal duty to support that
18 party or a minor child in that party's care, or by any
19 person or entity other than the opposing party that
20 authorizes that party's occupancy (e.g., a domestic
21 violence shelter). Standards set forth in subparagraph
22 (B) shall not preclude equitable relief.

23 (B) Presumption of hardships. If petitioner and
24 respondent each has the right to occupancy of a
25 residence or household, the court shall balance (i)
26 the hardships to respondent and any minor child or

1 dependent adult in respondent's care resulting from
2 entry of this remedy with (ii) the hardships to
3 petitioner and any minor child or dependent adult in
4 petitioner's care resulting from continued exposure to
5 the risk of abuse (should petitioner remain at the
6 residence or household) or from loss of possession of
7 the residence or household (should petitioner leave to
8 avoid the risk of abuse). When determining the balance
9 of hardships, the court shall also take into account
10 the accessibility of the residence or household.
11 Hardships need not be balanced if respondent does not
12 have a right to occupancy.

13 The balance of hardships is presumed to favor
14 possession by petitioner unless the presumption is
15 rebutted by a preponderance of the evidence, showing
16 that the hardships to respondent substantially
17 outweigh the hardships to petitioner and any minor
18 child or dependent adult in petitioner's care. The
19 court, on the request of petitioner or on its own
20 motion, may order respondent to provide suitable,
21 accessible, alternate housing for petitioner instead
22 of excluding respondent from a mutual residence or
23 household.

24 (3) Stay away order and additional prohibitions. Order
25 respondent to stay away from petitioner or any other
26 person protected by the domestic violence order of

1 protection, or prohibit respondent from entering or
2 remaining present at petitioner's school, place of
3 employment, or other specified places at times when
4 petitioner is present, or both, if reasonable, given the
5 balance of hardships. Hardships need not be balanced for
6 the court to enter a stay away order or prohibit entry if
7 respondent has no right to enter the premises.

8 (A) If a domestic violence order of protection
9 grants petitioner exclusive possession of the
10 residence, prohibits respondent from entering the
11 residence, or orders respondent to stay away from
12 petitioner or other protected persons, then the court
13 may allow respondent access to the residence to remove
14 items of clothing and personal adornment used
15 exclusively by respondent, medications, and other
16 items as the court directs. The right to access shall
17 be exercised on only one occasion as the court directs
18 and in the presence of an agreed-upon adult third
19 party or law enforcement officer.

20 (B) When the petitioner and the respondent attend
21 the same public, private, or non-public elementary,
22 middle, or high school, the court when issuing a
23 domestic violence order of protection and providing
24 relief shall consider the severity of the act, any
25 continuing physical danger or emotional distress to
26 the petitioner, the educational rights guaranteed to

1 the petitioner and respondent under federal and State
2 law, the availability of a transfer of the respondent
3 to another school, a change of placement or a change of
4 program of the respondent, the expense, difficulty,
5 and educational disruption that would be caused by a
6 transfer of the respondent to another school, and any
7 other relevant facts of the case. The court may order
8 that the respondent not attend the public, private, or
9 non-public elementary, middle, or high school attended
10 by the petitioner, order that the respondent accept a
11 change of placement or change of program, as
12 determined by the school district or private or
13 non-public school, or place restrictions on the
14 respondent's movements within the school attended by
15 the petitioner. The respondent bears the burden of
16 proving by a preponderance of the evidence that a
17 transfer, change of placement, or change of program of
18 the respondent is not available. The respondent also
19 bears the burden of production with respect to the
20 expense, difficulty, and educational disruption that
21 would be caused by a transfer of the respondent to
22 another school. A transfer, change of placement, or
23 change of program is not unavailable to the respondent
24 solely on the ground that the respondent does not
25 agree with the school district's or private or
26 non-public school's transfer, change of placement, or

1 change of program or solely on the ground that the
2 respondent fails or refuses to consent or otherwise
3 does not take an action required to effectuate a
4 transfer, change of placement, or change of program.
5 When a court orders a respondent to stay away from the
6 public, private, or non-public school attended by the
7 petitioner and the respondent requests a transfer to
8 another attendance center within the respondent's
9 school district or private or non-public school, the
10 school district or private or non-public school shall
11 have sole discretion to determine the attendance
12 center to which the respondent is transferred. If the
13 court order results in a transfer of the minor
14 respondent to another attendance center, a change in
15 the respondent's placement, or a change of the
16 respondent's program, the parents, guardian, or legal
17 custodian of the respondent is responsible for
18 transportation and other costs associated with the
19 transfer or change.

20 (C) The court may order the parents, guardian, or
21 legal custodian of a minor respondent to take certain
22 actions or to refrain from taking certain actions to
23 ensure that the respondent complies with the order. If
24 the court orders a transfer of the respondent to
25 another school, the parents, guardian, or legal
26 custodian of the respondent is responsible for

1 transportation and other costs associated with the
2 change of school by the respondent.

3 (4) Counseling. Require or recommend the respondent to
4 undergo counseling for a specified duration with a social
5 worker, psychologist, clinical psychologist,
6 psychiatrist, family service agency, alcohol or substance
7 abuse program, mental health center guidance counselor,
8 agency providing services to elders, program designed for
9 domestic violence abusers, or any other guidance service
10 the court deems appropriate. The court may order the
11 respondent in any intimate partner relationship to report
12 to an Illinois Department of Human Services protocol
13 approved partner abuse intervention program for an
14 assessment and to follow all recommended treatment.

15 (5) Physical care and possession of the minor child.
16 In order to protect the minor child from abuse, neglect,
17 or unwarranted separation from the person who has been the
18 minor child's primary caretaker, or to otherwise protect
19 the well-being of the minor child, the court may do either
20 or both of the following: (i) grant petitioner physical
21 care or possession of the minor child, or both, or (ii)
22 order respondent to return a minor child to, or not remove
23 a minor child from, the physical care of a parent or person
24 in loco parentis.

25 If the respondent is charged with abuse (as defined in
26 Section 112A-3 of this Code) of a minor child, there shall

1 be a rebuttable presumption that awarding physical care to
2 respondent would not be in the minor child's best
3 interest.

4 (6) Temporary allocation of parental responsibilities
5 and significant decision-making responsibilities. Award
6 temporary significant decision-making responsibility to
7 petitioner in accordance with this Section, the Illinois
8 Marriage and Dissolution of Marriage Act, the Illinois
9 Parentage Act of 2015, and this State's Uniform
10 Child-Custody Jurisdiction and Enforcement Act.

11 If the respondent is charged with abuse (as defined in
12 Section 112A-3 of this Code) of a minor child, there shall
13 be a rebuttable presumption that awarding temporary
14 significant decision-making responsibility to respondent
15 would not be in the child's best interest.

16 (7) Parenting time. Determine the parenting time, if
17 any, of respondent in any case in which the court awards
18 physical care or temporary significant decision-making
19 responsibility of a minor child to petitioner. The court
20 shall restrict or deny respondent's parenting time with a
21 minor child if the court finds that respondent has done or
22 is likely to do any of the following:

23 (i) abuse or endanger the minor child during
24 parenting time;

25 (ii) use the parenting time as an opportunity to
26 abuse or harass petitioner or petitioner's family or

1 household members;

2 (iii) improperly conceal or detain the minor
3 child; or

4 (iv) otherwise act in a manner that is not in the
5 best interests of the minor child.

6 The court shall not be limited by the standards set
7 forth in Section 603.10 of the Illinois Marriage and
8 Dissolution of Marriage Act. If the court grants parenting
9 time, the order shall specify dates and times for the
10 parenting time to take place or other specific parameters
11 or conditions that are appropriate. No order for parenting
12 time shall refer merely to the term "reasonable parenting
13 time". Petitioner may deny respondent access to the minor
14 child if, when respondent arrives for parenting time,
15 respondent is under the influence of drugs or alcohol and
16 constitutes a threat to the safety and well-being of
17 petitioner or petitioner's minor children or is behaving
18 in a violent or abusive manner. If necessary to protect
19 any member of petitioner's family or household from future
20 abuse, respondent shall be prohibited from coming to
21 petitioner's residence to meet the minor child for
22 parenting time, and the petitioner and respondent shall
23 submit to the court their recommendations for reasonable
24 alternative arrangements for parenting time. A person may
25 be approved to supervise parenting time only after filing
26 an affidavit accepting that responsibility and

1 acknowledging accountability to the court.

2 (8) Removal or concealment of minor child. Prohibit
3 respondent from removing a minor child from the State or
4 concealing the child within the State.

5 (9) Order to appear. Order the respondent to appear in
6 court, alone or with a minor child, to prevent abuse,
7 neglect, removal or concealment of the child, to return
8 the child to the custody or care of the petitioner, or to
9 permit any court-ordered interview or examination of the
10 child or the respondent.

11 (10) Possession of personal property. Grant petitioner
12 exclusive possession of personal property and, if
13 respondent has possession or control, direct respondent to
14 promptly make it available to petitioner, if:

15 (i) petitioner, but not respondent, owns the
16 property; or

17 (ii) the petitioner and respondent own the
18 property jointly; sharing it would risk abuse of
19 petitioner by respondent or is impracticable; and the
20 balance of hardships favors temporary possession by
21 petitioner.

22 If petitioner's sole claim to ownership of the
23 property is that it is marital property, the court may
24 award petitioner temporary possession thereof under the
25 standards of subparagraph (ii) of this paragraph only if a
26 proper proceeding has been filed under the Illinois

1 Marriage and Dissolution of Marriage Act, as now or
2 hereafter amended.

3 No order under this provision shall affect title to
4 property.

5 (11) Protection of property. Forbid the respondent
6 from taking, transferring, encumbering, concealing,
7 damaging, or otherwise disposing of any real or personal
8 property, except as explicitly authorized by the court,
9 if:

10 (i) petitioner, but not respondent, owns the
11 property; or

12 (ii) the petitioner and respondent own the
13 property jointly, and the balance of hardships favors
14 granting this remedy.

15 If petitioner's sole claim to ownership of the
16 property is that it is marital property, the court may
17 grant petitioner relief under subparagraph (ii) of this
18 paragraph only if a proper proceeding has been filed under
19 the Illinois Marriage and Dissolution of Marriage Act, as
20 now or hereafter amended.

21 The court may further prohibit respondent from
22 improperly using the financial or other resources of an
23 aged member of the family or household for the profit or
24 advantage of respondent or of any other person.

25 (11.5) Protection of animals. Grant the petitioner the
26 exclusive care, custody, or control of any animal owned,

1 possessed, leased, kept, or held by either the petitioner
2 or the respondent or a minor child residing in the
3 residence or household of either the petitioner or the
4 respondent and order the respondent to stay away from the
5 animal and forbid the respondent from taking,
6 transferring, encumbering, concealing, harming, or
7 otherwise disposing of the animal.

8 (12) Order for payment of support. Order respondent to
9 pay temporary support for the petitioner or any child in
10 the petitioner's care or over whom the petitioner has been
11 allocated parental responsibility, when the respondent has
12 a legal obligation to support that person, in accordance
13 with the Illinois Marriage and Dissolution of Marriage
14 Act, which shall govern, among other matters, the amount
15 of support, payment through the clerk and withholding of
16 income to secure payment. An order for child support may
17 be granted to a petitioner with lawful physical care of a
18 child, or an order or agreement for physical care of a
19 child, prior to entry of an order allocating significant
20 decision-making responsibility. Such a support order shall
21 expire upon entry of a valid order allocating parental
22 responsibility differently and vacating petitioner's
23 significant decision-making responsibility unless
24 otherwise provided in the order.

25 (13) Order for payment of losses. Order respondent to
26 pay petitioner for losses suffered as a direct result of

1 the abuse. Such losses shall include, but not be limited
2 to, medical expenses, lost earnings or other support,
3 repair or replacement of property damaged or taken,
4 reasonable attorney's fees, court costs, and moving or
5 other travel expenses, including additional reasonable
6 expenses for temporary shelter and restaurant meals.

7 (i) Losses affecting family needs. If a party is
8 entitled to seek maintenance, child support, or
9 property distribution from the other party under the
10 Illinois Marriage and Dissolution of Marriage Act, as
11 now or hereafter amended, the court may order
12 respondent to reimburse petitioner's actual losses, to
13 the extent that such reimbursement would be
14 "appropriate temporary relief", as authorized by
15 subsection (a) (3) of Section 501 of that Act.

16 (ii) Recovery of expenses. In the case of an
17 improper concealment or removal of a minor child, the
18 court may order respondent to pay the reasonable
19 expenses incurred or to be incurred in the search for
20 and recovery of the minor child, including, but not
21 limited to, legal fees, court costs, private
22 investigator fees, and travel costs.

23 (14) Prohibition of entry. Prohibit the respondent
24 from entering or remaining in the residence or household
25 while the respondent is under the influence of alcohol or
26 drugs and constitutes a threat to the safety and

1 well-being of the petitioner or the petitioner's children.

2 (14.5) Prohibition of firearm possession.

3 (A) A person who is subject to an existing
4 domestic violence order of protection issued under
5 this Code may not lawfully possess firearms, stun
6 guns, or tasers ~~weapons or a Firearm Owner's~~
7 ~~Identification Card under Section 8.2 of the Firearm~~
8 ~~Owners Identification Card Act.~~

9 (B) Any firearms in the possession of the
10 respondent, except as provided in subparagraph (C) of
11 this paragraph (14.5), shall be ordered by the court
12 to be turned over to a person who is not prohibited
13 under State or federal law from possessing firearms
14 ~~with a valid Firearm Owner's Identification Card for~~
15 ~~safekeeping. The court shall issue an order that the~~
16 ~~respondent comply with Section 9.5 of the Firearm~~
17 ~~Owners Identification Card Act.~~

18 (C) If the respondent is a peace officer as
19 defined in Section 2-13 of the Criminal Code of 2012,
20 the court shall order that any firearms used by the
21 respondent in the performance of his or her duties as a
22 peace officer be surrendered to the chief law
23 enforcement executive of the agency in which the
24 respondent is employed, who shall retain the firearms
25 for safekeeping for the duration of the domestic
26 violence order of protection.

1 (D) Upon expiration of the period of safekeeping,
2 if the firearms ~~or Firearm Owner's Identification Card~~
3 cannot be returned to respondent because respondent
4 cannot be located, fails to respond to requests to
5 retrieve the firearms, or is not lawfully eligible to
6 possess a firearm, upon petition from the local law
7 enforcement agency, the court may order the local law
8 enforcement agency to destroy the firearms, use the
9 firearms for training purposes, or for any other
10 application as deemed appropriate by the local law
11 enforcement agency; or that the firearms be turned
12 over to a third party who is lawfully eligible to
13 possess firearms, and who does not reside with
14 respondent.

15 (15) Prohibition of access to records. If a domestic
16 violence order of protection prohibits respondent from
17 having contact with the minor child, or if petitioner's
18 address is omitted under subsection (b) of Section 112A-5
19 of this Code, or if necessary to prevent abuse or wrongful
20 removal or concealment of a minor child, the order shall
21 deny respondent access to, and prohibit respondent from
22 inspecting, obtaining, or attempting to inspect or obtain,
23 school or any other records of the minor child who is in
24 the care of petitioner.

25 (16) Order for payment of shelter services. Order
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the
2 cost of the services, as certified by the shelter and
3 deemed reasonable by the court.

4 (17) Order for injunctive relief. Enter injunctive
5 relief necessary or appropriate to prevent further abuse
6 of a family or household member or to effectuate one of the
7 granted remedies, if supported by the balance of
8 hardships. If the harm to be prevented by the injunction
9 is abuse or any other harm that one of the remedies listed
10 in paragraphs (1) through (16) of this subsection is
11 designed to prevent, no further evidence is necessary to
12 establish that the harm is an irreparable injury.

13 (18) Telephone services.

14 (A) Unless a condition described in subparagraph
15 (B) of this paragraph exists, the court may, upon
16 request by the petitioner, order a wireless telephone
17 service provider to transfer to the petitioner the
18 right to continue to use a telephone number or numbers
19 indicated by the petitioner and the financial
20 responsibility associated with the number or numbers,
21 as set forth in subparagraph (C) of this paragraph. In
22 this paragraph (18), the term "wireless telephone
23 service provider" means a provider of commercial
24 mobile service as defined in 47 U.S.C. 332. The
25 petitioner may request the transfer of each telephone
26 number that the petitioner, or a minor child in his or

1 her custody, uses. The clerk of the court shall serve
2 the order on the wireless telephone service provider's
3 agent for service of process provided to the Illinois
4 Commerce Commission. The order shall contain all of
5 the following:

6 (i) The name and billing telephone number of
7 the account holder including the name of the
8 wireless telephone service provider that serves
9 the account.

10 (ii) Each telephone number that will be
11 transferred.

12 (iii) A statement that the provider transfers
13 to the petitioner all financial responsibility for
14 and right to the use of any telephone number
15 transferred under this paragraph.

16 (B) A wireless telephone service provider shall
17 terminate the respondent's use of, and shall transfer
18 to the petitioner use of, the telephone number or
19 numbers indicated in subparagraph (A) of this
20 paragraph unless it notifies the petitioner, within 72
21 hours after it receives the order, that one of the
22 following applies:

23 (i) The account holder named in the order has
24 terminated the account.

25 (ii) A difference in network technology would
26 prevent or impair the functionality of a device on

1 a network if the transfer occurs.

2 (iii) The transfer would cause a geographic or
3 other limitation on network or service provision
4 to the petitioner.

5 (iv) Another technological or operational
6 issue would prevent or impair the use of the
7 telephone number if the transfer occurs.

8 (C) The petitioner assumes all financial
9 responsibility for and right to the use of any
10 telephone number transferred under this paragraph. In
11 this paragraph, "financial responsibility" includes
12 monthly service costs and costs associated with any
13 mobile device associated with the number.

14 (D) A wireless telephone service provider may
15 apply to the petitioner its routine and customary
16 requirements for establishing an account or
17 transferring a number, including requiring the
18 petitioner to provide proof of identification,
19 financial information, and customer preferences.

20 (E) Except for willful or wanton misconduct, a
21 wireless telephone service provider is immune from
22 civil liability for its actions taken in compliance
23 with a court order issued under this paragraph.

24 (F) All wireless service providers that provide
25 services to residential customers shall provide to the
26 Illinois Commerce Commission the name and address of

1 an agent for service of orders entered under this
2 paragraph (18). Any change in status of the registered
3 agent must be reported to the Illinois Commerce
4 Commission within 30 days of such change.

5 (G) The Illinois Commerce Commission shall
6 maintain the list of registered agents for service for
7 each wireless telephone service provider on the
8 Commission's website. The Commission may consult with
9 wireless telephone service providers and the Circuit
10 Court Clerks on the manner in which this information
11 is provided and displayed.

12 (c) Relevant factors; findings.

13 (1) In determining whether to grant a specific remedy,
14 other than payment of support, the court shall consider
15 relevant factors, including, but not limited to, the
16 following:

17 (i) the nature, frequency, severity, pattern, and
18 consequences of the respondent's past abuse of the
19 petitioner or any family or household member,
20 including the concealment of his or her location in
21 order to evade service of process or notice, and the
22 likelihood of danger of future abuse to petitioner or
23 any member of petitioner's or respondent's family or
24 household; and

25 (ii) the danger that any minor child will be
26 abused or neglected or improperly relocated from the

1 jurisdiction, improperly concealed within the State,
2 or improperly separated from the child's primary
3 caretaker.

4 (2) In comparing relative hardships resulting to the
5 parties from loss of possession of the family home, the
6 court shall consider relevant factors, including, but not
7 limited to, the following:

8 (i) availability, accessibility, cost, safety,
9 adequacy, location, and other characteristics of
10 alternate housing for each party and any minor child
11 or dependent adult in the party's care;

12 (ii) the effect on the party's employment; and

13 (iii) the effect on the relationship of the party,
14 and any minor child or dependent adult in the party's
15 care, to family, school, church, and community.

16 (3) Subject to the exceptions set forth in paragraph
17 (4) of this subsection (c), the court shall make its
18 findings in an official record or in writing, and shall at
19 a minimum set forth the following:

20 (i) That the court has considered the applicable
21 relevant factors described in paragraphs (1) and (2)
22 of this subsection (c).

23 (ii) Whether the conduct or actions of respondent,
24 unless prohibited, will likely cause irreparable harm
25 or continued abuse.

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or
2 other alleged abused persons.

3 (4) (Blank).

4 (5) Never married parties. No rights or
5 responsibilities for a minor child born outside of
6 marriage attach to a putative father until a father and
7 child relationship has been established under the Illinois
8 Parentage Act of 1984, the Illinois Parentage Act of 2015,
9 the Illinois Public Aid Code, Section 12 of the Vital
10 Records Act, the Juvenile Court Act of 1987, the Probate
11 Act of 1975, the Uniform Interstate Family Support Act,
12 the Expedited Child Support Act of 1990, any judicial,
13 administrative, or other act of another state or
14 territory, any other statute of this State, or by any
15 foreign nation establishing the father and child
16 relationship, any other proceeding substantially in
17 conformity with the federal Personal Responsibility and
18 Work Opportunity Reconciliation Act of 1996, or when both
19 parties appeared in open court or at an administrative
20 hearing acknowledging under oath or admitting by
21 affirmation the existence of a father and child
22 relationship. Absent such an adjudication, no putative
23 father shall be granted temporary allocation of parental
24 responsibilities, including parenting time with the minor
25 child, or physical care and possession of the minor child,
26 nor shall an order of payment for support of the minor

1 child be entered.

2 (d) Balance of hardships; findings. If the court finds
3 that the balance of hardships does not support the granting of
4 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
5 subsection (b) of this Section, which may require such
6 balancing, the court's findings shall so indicate and shall
7 include a finding as to whether granting the remedy will
8 result in hardship to respondent that would substantially
9 outweigh the hardship to petitioner from denial of the remedy.
10 The findings shall be an official record or in writing.

11 (e) Denial of remedies. Denial of any remedy shall not be
12 based, in whole or in part, on evidence that:

13 (1) respondent has cause for any use of force, unless
14 that cause satisfies the standards for justifiable use of
15 force provided by Article 7 of the Criminal Code of 2012;

16 (2) respondent was voluntarily intoxicated;

17 (3) petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article 7 of the Criminal Code
20 of 2012;

21 (4) petitioner did not act in self-defense or defense
22 of another;

23 (5) petitioner left the residence or household to
24 avoid further abuse by respondent;

25 (6) petitioner did not leave the residence or
26 household to avoid further abuse by respondent; or

1 (7) conduct by any family or household member excused
2 the abuse by respondent, unless that same conduct would
3 have excused such abuse if the parties had not been family
4 or household members.

5 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
6 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

7 (725 ILCS 5/112A-14.7)

8 Sec. 112A-14.7. Stalking no contact order; remedies.

9 (a) The court may order any of the remedies listed in this
10 Section. The remedies listed in this Section shall be in
11 addition to other civil or criminal remedies available to
12 petitioner. A stalking no contact order shall order one or
13 more of the following:

14 (1) prohibit the respondent from threatening to commit
15 or committing stalking;

16 (2) order the respondent not to have any contact with
17 the petitioner or a third person specifically named by the
18 court;

19 (3) prohibit the respondent from knowingly coming
20 within, or knowingly remaining within a specified distance
21 of the petitioner or the petitioner's residence, school,
22 daycare, or place of employment, or any specified place
23 frequented by the petitioner; however, the court may order
24 the respondent to stay away from the respondent's own
25 residence, school, or place of employment only if the

1 respondent has been provided actual notice of the
2 opportunity to appear and be heard on the petition;

3 (4) prohibit the respondent from ~~possessing a Firearm~~
4 ~~Owners Identification Card,~~ or possessing or buying
5 firearms; and

6 (5) order other injunctive relief the court determines
7 to be necessary to protect the petitioner or third party
8 specifically named by the court.

9 (b) When the petitioner and the respondent attend the same
10 public, private, or non-public elementary, middle, or high
11 school, the court when issuing a stalking no contact order and
12 providing relief shall consider the severity of the act, any
13 continuing physical danger or emotional distress to the
14 petitioner, the educational rights guaranteed to the
15 petitioner and respondent under federal and State law, the
16 availability of a transfer of the respondent to another
17 school, a change of placement or a change of program of the
18 respondent, the expense, difficulty, and educational
19 disruption that would be caused by a transfer of the
20 respondent to another school, and any other relevant facts of
21 the case. The court may order that the respondent not attend
22 the public, private, or non-public elementary, middle, or high
23 school attended by the petitioner, order that the respondent
24 accept a change of placement or program, as determined by the
25 school district or private or non-public school, or place
26 restrictions on the respondent's movements within the school

1 attended by the petitioner. The respondent bears the burden of
2 proving by a preponderance of the evidence that a transfer,
3 change of placement, or change of program of the respondent is
4 not available. The respondent also bears the burden of
5 production with respect to the expense, difficulty, and
6 educational disruption that would be caused by a transfer of
7 the respondent to another school. A transfer, change of
8 placement, or change of program is not unavailable to the
9 respondent solely on the ground that the respondent does not
10 agree with the school district's or private or non-public
11 school's transfer, change of placement, or change of program
12 or solely on the ground that the respondent fails or refuses to
13 consent to or otherwise does not take an action required to
14 effectuate a transfer, change of placement, or change of
15 program. When a court orders a respondent to stay away from the
16 public, private, or non-public school attended by the
17 petitioner and the respondent requests a transfer to another
18 attendance center within the respondent's school district or
19 private or non-public school, the school district or private
20 or non-public school shall have sole discretion to determine
21 the attendance center to which the respondent is transferred.
22 If the court order results in a transfer of the minor
23 respondent to another attendance center, a change in the
24 respondent's placement, or a change of the respondent's
25 program, the parents, guardian, or legal custodian of the
26 respondent is responsible for transportation and other costs

1 associated with the transfer or change.

2 (c) The court may order the parents, guardian, or legal
3 custodian of a minor respondent to take certain actions or to
4 refrain from taking certain actions to ensure that the
5 respondent complies with the order. If the court orders a
6 transfer of the respondent to another school, the parents,
7 guardian, or legal custodian of the respondent are responsible
8 for transportation and other costs associated with the change
9 of school by the respondent.

10 (d) The court shall not hold a school district or private
11 or non-public school or any of its employees in civil or
12 criminal contempt unless the school district or private or
13 non-public school has been allowed to intervene.

14 (e) The court may hold the parents, guardian, or legal
15 custodian of a minor respondent in civil or criminal contempt
16 for a violation of any provision of any order entered under
17 this Article for conduct of the minor respondent in violation
18 of this Article if the parents, guardian, or legal custodian
19 directed, encouraged, or assisted the respondent minor in the
20 conduct.

21 (f) Monetary damages are not recoverable as a remedy.

22 (g) If the stalking no contact order prohibits the
23 respondent from ~~possessing a Firearm Owner's Identification~~
24 ~~Card,~~ ~~or~~ possessing or buying firearms; the court shall
25 confiscate the respondent's firearms and firearm ammunition
26 ~~Firearm Owner's Identification Card and immediately return the~~

1 ~~card to the Illinois State Police Firearm Owner's~~
2 ~~Identification Card Office.~~

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

4 (725 ILCS 5/112A-17.5)

5 Sec. 112A-17.5. Ex parte protective orders.

6 (a) The petitioner may request expedited consideration of
7 the petition for an ex parte protective order. The court shall
8 consider the request on an expedited basis without requiring
9 the respondent's presence or requiring notice to the
10 respondent.

11 (b) Issuance of ex parte protective orders in cases
12 involving domestic violence. An ex parte domestic violence
13 order of protection shall be issued if petitioner satisfies
14 the requirements of this subsection (b) for one or more of the
15 requested remedies. For each remedy requested, petitioner
16 shall establish that:

17 (1) the court has jurisdiction under Section 112A-9 of
18 this Code;

19 (2) the requirements of subsection (a) of Section
20 112A-11.5 of this Code are satisfied; and

21 (3) there is good cause to grant the remedy,
22 regardless of prior service of process or notice upon the
23 respondent, because:

24 (A) for the remedy of prohibition of abuse
25 described in paragraph (1) of subsection (b) of

1 Section 112A-14 of this Code; stay away order and
2 additional prohibitions described in paragraph (3) of
3 subsection (b) of Section 112A-14 of this Code;
4 removal or concealment of minor child described in
5 paragraph (8) of subsection (b) of Section 112A-14 of
6 this Code; order to appear described in paragraph (9)
7 of subsection (b) of Section 112A-14 of this Code;
8 physical care and possession of the minor child
9 described in paragraph (5) of subsection (b) of
10 Section 112A-14 of this Code; protection of property
11 described in paragraph (11) of subsection (b) of
12 Section 112A-14 of this Code; prohibition of entry
13 described in paragraph (14) of subsection (b) of
14 Section 112A-14 of this Code; prohibition of firearm
15 possession described in paragraph (14.5) of subsection
16 (b) of Section 112A-14 of this Code; prohibition of
17 access to records described in paragraph (15) of
18 subsection (b) of Section 112A-14 of this Code;
19 injunctive relief described in paragraph (16) of
20 subsection (b) of Section 112A-14 of this Code; and
21 telephone services described in paragraph (18) of
22 subsection (b) of Section 112A-14 of this Code, the
23 harm which that remedy is intended to prevent would be
24 likely to occur if the respondent were given any prior
25 notice, or greater notice than was actually given, of
26 the petitioner's efforts to obtain judicial relief;

1 (B) for the remedy of grant of exclusive
2 possession of residence described in paragraph (2) of
3 subsection (b) of Section 112A-14 of this Code; the
4 immediate danger of further abuse of the petitioner by
5 the respondent, if the petitioner chooses or had
6 chosen to remain in the residence or household while
7 the respondent was given any prior notice or greater
8 notice than was actually given of the petitioner's
9 efforts to obtain judicial relief outweighs the
10 hardships to the respondent of an emergency order
11 granting the petitioner exclusive possession of the
12 residence or household; and the remedy shall not be
13 denied because the petitioner has or could obtain
14 temporary shelter elsewhere while prior notice is
15 given to the respondent, unless the hardship to the
16 respondent from exclusion from the home substantially
17 outweigh the hardship to the petitioner; or

18 (C) for the remedy of possession of personal
19 property described in paragraph (10) of subsection (b)
20 of Section 112A-14 of this Code; improper disposition
21 of the personal property would be likely to occur if
22 the respondent were given any prior notice, or greater
23 notice than was actually given, of the petitioner's
24 efforts to obtain judicial relief or the petitioner
25 has an immediate and pressing need for the possession
26 of that property.

1 An ex parte domestic violence order of protection may not
2 include the counseling, custody, or payment of support or
3 monetary compensation remedies provided by paragraphs (4),
4 (12), (13), and (16) of subsection (b) of Section 112A-14 of
5 this Code.

6 (c) Issuance of ex parte civil no contact order in cases
7 involving sexual offenses. An ex parte civil no contact order
8 shall be issued if the petitioner establishes that:

9 (1) the court has jurisdiction under Section 112A-9 of
10 this Code;

11 (2) the requirements of subsection (a) of Section
12 112A-11.5 of this Code are satisfied; and

13 (3) there is good cause to grant the remedy,
14 regardless of prior service of process or of notice upon
15 the respondent, because the harm which that remedy is
16 intended to prevent would be likely to occur if the
17 respondent were given any prior notice, or greater notice
18 than was actually given, of the petitioner's efforts to
19 obtain judicial relief.

20 The court may order any of the remedies under Section
21 112A-14.5 of this Code.

22 (d) Issuance of ex parte stalking no contact order in
23 cases involving stalking offenses. An ex parte stalking no
24 contact order shall be issued if the petitioner establishes
25 that:

26 (1) the court has jurisdiction under Section 112A-9 of

1 this Code;

2 (2) the requirements of subsection (a) of Section
3 112A-11.5 of this Code are satisfied; and

4 (3) there is good cause to grant the remedy,
5 regardless of prior service of process or of notice upon
6 the respondent, because the harm which that remedy is
7 intended to prevent would be likely to occur if the
8 respondent were given any prior notice, or greater notice
9 than was actually given, of the petitioner's efforts to
10 obtain judicial relief.

11 The court may order any of the remedies under Section
12 112A-14.7 of this Code.

13 (e) Issuance of ex parte protective orders on court
14 holidays and evenings.

15 When the court is unavailable at the close of business,
16 the petitioner may file a petition for an ex parte protective
17 order before any available circuit judge or associate judge
18 who may grant relief under this Article. If the judge finds
19 that petitioner has satisfied the prerequisites in subsection
20 (b), (c), or (d) of this Section, the judge shall issue an ex
21 parte protective order.

22 The chief judge of the circuit court may designate for
23 each county in the circuit at least one judge to be reasonably
24 available to issue orally, by telephone, by facsimile, or
25 otherwise, an ex parte protective order at all times, whether
26 or not the court is in session.

1 The judge who issued the order under this Section shall
2 promptly communicate or convey the order to the sheriff to
3 facilitate the entry of the order into the Law Enforcement
4 Agencies Data System by the Illinois State Police under
5 Section 112A-28 of this Code. Any order issued under this
6 Section and any documentation in support of it shall be
7 certified on the next court day to the appropriate court. The
8 clerk of that court shall immediately assign a case number,
9 file the petition, order, and other documents with the court
10 and enter the order of record and file it with the sheriff for
11 service under subsection (f) of this Section. Failure to
12 comply with the requirements of this subsection (e) shall not
13 affect the validity of the order.

14 (f) Service of ex parte protective order on respondent.

15 (1) If an ex parte protective order is entered at the
16 time a summons or arrest warrant is issued for the
17 criminal charge, the petition for the protective order,
18 any supporting affidavits, if any, and the ex parte
19 protective order that has been issued shall be served with
20 the summons or arrest warrant. The enforcement of a
21 protective order under Section 112A-23 of this Code shall
22 not be affected by the lack of service or delivery,
23 provided the requirements of subsection (a) of Section
24 112A-23 of this Code are otherwise met.

25 (2) If an ex parte protective order is entered after a
26 summons or arrest warrant is issued and before the

1 respondent makes an initial appearance in the criminal
2 case, the summons shall be in the form prescribed by
3 subsection (d) of Supreme Court Rule 101, except that it
4 shall require respondent to answer or appear within 7 days
5 and shall be accompanied by the petition for the
6 protective order, any supporting affidavits, if any, and
7 the ex parte protective order that has been issued.

8 (3) If an ex parte protective order is entered after
9 the respondent has been served notice of a petition for a
10 final protective order and the respondent has requested a
11 continuance to respond to the petition, the ex parte
12 protective order shall be served: (A) in open court if the
13 respondent is present at the proceeding at which the order
14 was entered; or (B) by summons in the form prescribed by
15 subsection (d) of Supreme Court Rule 101.

16 (4) No fee shall be charged for service of summons.

17 (5) The summons shall be served by the sheriff or
18 other law enforcement officer at the earliest time and
19 shall take precedence over other summonses except those of
20 a similar emergency nature. Special process servers may be
21 appointed at any time, and their designation shall not
22 affect the responsibilities and authority of the sheriff
23 or other official process servers. In a county with a
24 population over 3,000,000, a special process server may
25 not be appointed if an ex parte protective order grants
26 the surrender of a child, ~~the surrender of a firearm or~~

1 ~~Firearm Owner's Identification Card,~~ or the exclusive
2 possession of a shared residence. Process may be served in
3 court.

4 (g) Upon 7 days' notice to the petitioner, or a shorter
5 notice period as the court may prescribe, a respondent subject
6 to an ex parte protective order may appear and petition the
7 court to re-hear the petition. Any petition to re-hear shall
8 be verified and shall allege the following:

9 (1) that respondent did not receive prior notice of
10 the initial hearing in which the ex parte protective order
11 was entered under Section 112A-17.5 of this Code; and

12 (2) that respondent had a meritorious defense to the
13 order or any of its remedies or that the order or any of
14 its remedies was not authorized under this Article.

15 The verified petition and affidavit shall set forth the
16 evidence of the meritorious defense that will be presented at
17 a hearing. If the court finds that the evidence presented at
18 the hearing on the petition establishes a meritorious defense
19 by a preponderance of the evidence, the court may decide to
20 vacate the protective order or modify the remedies.

21 (h) If the ex parte protective order granted petitioner
22 exclusive possession of the residence and the petition of
23 respondent seeks to re-open or vacate that grant, the court
24 shall set a date for hearing within 14 days on all issues
25 relating to exclusive possession. Under no circumstances shall
26 a court continue a hearing concerning exclusive possession

1 beyond the 14th day except by agreement of the petitioner and
2 the respondent. Other issues raised by the pleadings may be
3 consolidated for the hearing if the petitioner, the
4 respondent, and the court do not object.

5 (i) Duration of ex parte protective order. An ex parte
6 order shall remain in effect until the court considers the
7 request for a final protective order after notice has been
8 served on the respondent or a default final protective order
9 is entered, whichever occurs first. If a court date is
10 scheduled for the issuance of a default protective order and
11 the petitioner fails to personally appear or appear through
12 counsel or the prosecuting attorney, the petition shall be
13 dismissed and the ex parte order terminated.

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

15 Section 90. The Unified Code of Corrections is amended by
16 changing Sections 3-2-10.5, 3-2-13, 5-5-3, 5-5-3.2, and 5-6-3
17 as follows:

18 (730 ILCS 5/3-2-10.5)

19 Sec. 3-2-10.5. Retiring security employees and parole
20 agents; purchase of service firearm and badge. The Director
21 shall establish a program to allow a security employee or
22 parole agent of the Department who is honorably retiring in
23 good standing to purchase either one or both of the following:

24 (1) any badge previously issued to the security employee or

1 parole agent by the Department; or (2) ~~if the security~~
2 ~~employee or parole agent has a currently valid Firearm Owner's~~
3 ~~Identification Card,~~ the service firearm issued or previously
4 issued to the security employee or parole agent by the
5 Department. The badge must be permanently and conspicuously
6 marked in such a manner that the individual who possesses the
7 badge is not mistaken for an actively serving law enforcement
8 officer. The cost of the firearm shall be the replacement
9 value of the firearm and not the firearm's fair market value.

10 (Source: P.A. 102-719, eff. 5-6-22.)

11 (730 ILCS 5/3-2-13)

12 Sec. 3-2-13. Possession of a Firearm Owner's
13 Identification Card. The Department of Corrections shall not
14 make possession of a Firearm Owner's Identification Card a
15 condition of continued employment as a Department employee
16 authorized to possess firearms if the employee's Firearm
17 Owner's Identification Card is revoked or seized because the
18 employee has been a patient of a mental health facility and the
19 employee has not been determined to pose a clear and present
20 danger to himself, herself, or others as determined by a
21 physician, clinical psychologist, or qualified examiner.
22 Nothing in this Section shall otherwise impair the
23 Department's ability to determine an employee's fitness for
24 duty. A collective bargaining agreement already in effect on
25 this issue on January 1, 2022 (the effective date of Public Act

1 102-645) cannot be modified, ~~but on or after January 1, 2022~~
2 ~~(the effective date of Public Act 102-645), the Department~~
3 ~~cannot require a Firearm Owner's Identification Card as a~~
4 ~~condition of continued employment in a collective bargaining~~
5 ~~agreement.~~ The Department shall document if and why an
6 employee has been determined to pose a clear and present
7 danger. In this Section, "mental health facility" and
8 "qualified examiner" have the meanings provided in the Mental
9 Health and Developmental Disabilities Code.

10 (Source: P.A. 102-645, eff. 1-1-22; 103-605, eff. 7-1-24.)

11 (730 ILCS 5/5-5-3)

12 Sec. 5-5-3. Disposition.

13 (a) (Blank).

14 (b) (Blank).

15 (c) (1) (Blank).

16 (2) A period of probation, a term of periodic imprisonment
17 or conditional discharge shall not be imposed for the
18 following offenses. The court shall sentence the offender to
19 not less than the minimum term of imprisonment set forth in
20 this Code for the following offenses, and may order a fine or
21 restitution or both in conjunction with such term of
22 imprisonment:

23 (A) First degree murder.

24 (B) Attempted first degree murder.

25 (C) A Class X felony.

1 (D) A violation of Section 401.1 or 407 of the
2 Illinois Controlled Substances Act, or a violation of
3 subdivision (c)(1.5) of Section 401 of that Act which
4 relates to more than 5 grams of a substance containing
5 fentanyl or an analog thereof.

6 (D-5) A violation of subdivision (c)(1) of Section 401
7 of the Illinois Controlled Substances Act which relates to
8 3 or more grams of a substance containing heroin or an
9 analog thereof.

10 (E) (Blank).

11 (F) A Class 1 or greater felony if the offender had
12 been convicted of a Class 1 or greater felony, including
13 any state or federal conviction for an offense that
14 contained, at the time it was committed, the same elements
15 as an offense now (the date of the offense committed after
16 the prior Class 1 or greater felony) classified as a Class
17 1 or greater felony, within 10 years of the date on which
18 the offender committed the offense for which he or she is
19 being sentenced, except as otherwise provided in Section
20 40-10 of the Substance Use Disorder Act.

21 (F-3) A Class 2 or greater felony sex offense or
22 felony firearm offense if the offender had been convicted
23 of a Class 2 or greater felony, including any state or
24 federal conviction for an offense that contained, at the
25 time it was committed, the same elements as an offense now
26 (the date of the offense committed after the prior Class 2

1 or greater felony) classified as a Class 2 or greater
2 felony, within 10 years of the date on which the offender
3 committed the offense for which he or she is being
4 sentenced, except as otherwise provided in Section 40-10
5 of the Substance Use Disorder Act.

6 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
7 of the Criminal Code of 1961 or the Criminal Code of 2012
8 for which imprisonment is prescribed in those Sections.

9 (G) Residential burglary, except as otherwise provided
10 in Section 40-10 of the Substance Use Disorder Act.

11 (H) Criminal sexual assault.

12 (I) Aggravated battery of a senior citizen as
13 described in Section 12-4.6 or subdivision (a)(4) of
14 Section 12-3.05 of the Criminal Code of 1961 or the
15 Criminal Code of 2012.

16 (J) A forcible felony if the offense was related to
17 the activities of an organized gang.

18 Before July 1, 1994, for the purposes of this
19 paragraph, "organized gang" means an association of 5 or
20 more persons, with an established hierarchy, that
21 encourages members of the association to perpetrate crimes
22 or provides support to the members of the association who
23 do commit crimes.

24 Beginning July 1, 1994, for the purposes of this
25 paragraph, "organized gang" has the meaning ascribed to it
26 in Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (K) Vehicular hijacking.

3 (L) A second or subsequent conviction for the offense
4 of hate crime when the underlying offense upon which the
5 hate crime is based is felony aggravated assault or felony
6 mob action.

7 (M) A second or subsequent conviction for the offense
8 of institutional vandalism if the damage to the property
9 exceeds \$300.

10 (N) A Class 3 felony violation of paragraph (1) of
11 subsection (a) of Section 2 of the Firearm Owners
12 Identification Card Act committed before the effective
13 date of this amendatory Act of the 104th General Assembly.

14 (O) A violation of Section 12-6.1 or 12-6.5 of the
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 (P) A violation of paragraph (1), (2), (3), (4), (5),
17 or (7) of subsection (a) of Section 11-20.1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 (P-5) A violation of paragraph (6) of subsection (a)
20 of Section 11-20.1 of the Criminal Code of 1961 or the
21 Criminal Code of 2012 if the victim is a household or
22 family member of the defendant.

23 (P-6) A violation of paragraph (2) of subsection (b)
24 of Section 11-20.4 of the Criminal Code of 2012.

25 (Q) A violation of subsection (b) or (b-5) of Section
26 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 (R) A violation of Section 24-3A of the Criminal Code
3 of 1961 or the Criminal Code of 2012.

4 (S) (Blank).

5 (T) (Blank).

6 (U) A second or subsequent violation of Section 6-303
7 of the Illinois Vehicle Code committed while his or her
8 driver's license, permit, or privilege was revoked because
9 of a violation of Section 9-3 of the Criminal Code of 1961
10 or the Criminal Code of 2012, relating to the offense of
11 reckless homicide, or a similar provision of a law of
12 another state.

13 (V) A violation of paragraph (4) of subsection (c) of
14 Section 11-20.1B or paragraph (4) of subsection (c) of
15 Section 11-20.3 of the Criminal Code of 1961, or paragraph
16 (6) of subsection (a) of Section 11-20.1 of the Criminal
17 Code of 2012 when the victim is under 13 years of age and
18 the defendant has previously been convicted under the laws
19 of this State or any other state of the offense of child
20 pornography, aggravated child pornography, aggravated
21 criminal sexual abuse, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, or any of
23 the offenses formerly known as rape, deviate sexual
24 assault, indecent liberties with a child, or aggravated
25 indecent liberties with a child where the victim was under
26 the age of 18 years or an offense that is substantially

1 equivalent to those offenses.

2 (V-5) A violation of paragraph (1) of subsection (b)
3 of Section 11-20.4 of the Criminal Code of 2012 when the
4 victim is under 13 years of age and the defendant has
5 previously been convicted under the laws of this State or
6 any other state of the offense of child pornography,
7 aggravated child pornography, aggravated criminal sexual
8 abuse, aggravated criminal sexual assault, predatory
9 criminal sexual assault of a child, or any of the offenses
10 formerly known as rape, deviate sexual assault, indecent
11 liberties with a child, or aggravated indecent liberties
12 with a child if the victim was under the age of 18 years or
13 an offense that is substantially equivalent to those
14 offenses.

15 (W) A violation of Section 24-3.5 of the Criminal Code
16 of 1961 or the Criminal Code of 2012.

17 (X) A violation of subsection (a) of Section 31-1a of
18 the Criminal Code of 1961 or the Criminal Code of 2012.

19 (Y) A conviction for unlawful possession of a firearm
20 by a street gang member when the firearm was loaded or
21 contained firearm ammunition.

22 (Z) A Class 1 felony committed while he or she was
23 serving a term of probation or conditional discharge for a
24 felony.

25 (AA) Theft of property exceeding \$500,000 and not
26 exceeding \$1,000,000 in value.

1 (BB) Laundering of criminally derived property of a
2 value exceeding \$500,000.

3 (CC) Knowingly selling, offering for sale, holding for
4 sale, or using 2,000 or more counterfeit items or
5 counterfeit items having a retail value in the aggregate
6 of \$500,000 or more.

7 (DD) A conviction for aggravated assault under
8 paragraph (6) of subsection (c) of Section 12-2 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 if the
10 firearm is aimed toward the person against whom the
11 firearm is being used.

12 (EE) A conviction for a violation of paragraph (2) of
13 subsection (a) of Section 24-3B of the Criminal Code of
14 2012.

15 (3) (Blank).

16 (4) A minimum term of imprisonment of not less than 10
17 consecutive days or 30 days of community service shall be
18 imposed for a violation of paragraph (c) of Section 6-303 of
19 the Illinois Vehicle Code.

20 (4.1) (Blank).

21 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
22 this subsection (c), a minimum of 100 hours of community
23 service shall be imposed for a second violation of Section
24 6-303 of the Illinois Vehicle Code.

25 (4.3) A minimum term of imprisonment of 30 days or 300
26 hours of community service, as determined by the court, shall

1 be imposed for a second violation of subsection (c) of Section
2 6-303 of the Illinois Vehicle Code.

3 (4.4) Except as provided in paragraphs (4.5), (4.6), and
4 (4.9) of this subsection (c), a minimum term of imprisonment
5 of 30 days or 300 hours of community service, as determined by
6 the court, shall be imposed for a third or subsequent
7 violation of Section 6-303 of the Illinois Vehicle Code. The
8 court may give credit toward the fulfillment of community
9 service hours for participation in activities and treatment as
10 determined by court services.

11 (4.5) A minimum term of imprisonment of 30 days shall be
12 imposed for a third violation of subsection (c) of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.6) Except as provided in paragraph (4.10) of this
15 subsection (c), a minimum term of imprisonment of 180 days
16 shall be imposed for a fourth or subsequent violation of
17 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

18 (4.7) A minimum term of imprisonment of not less than 30
19 consecutive days, or 300 hours of community service, shall be
20 imposed for a violation of subsection (a-5) of Section 6-303
21 of the Illinois Vehicle Code, as provided in subsection (b-5)
22 of that Section.

23 (4.8) A mandatory prison sentence shall be imposed for a
24 second violation of subsection (a-5) of Section 6-303 of the
25 Illinois Vehicle Code, as provided in subsection (c-5) of that
26 Section. The person's driving privileges shall be revoked for

1 a period of not less than 5 years from the date of his or her
2 release from prison.

3 (4.9) A mandatory prison sentence of not less than 4 and
4 not more than 15 years shall be imposed for a third violation
5 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
6 Code, as provided in subsection (d-2.5) of that Section. The
7 person's driving privileges shall be revoked for the remainder
8 of his or her life.

9 (4.10) A mandatory prison sentence for a Class 1 felony
10 shall be imposed, and the person shall be eligible for an
11 extended term sentence, for a fourth or subsequent violation
12 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
13 Code, as provided in subsection (d-3.5) of that Section. The
14 person's driving privileges shall be revoked for the remainder
15 of his or her life.

16 (5) The court may sentence a corporation or unincorporated
17 association convicted of any offense to:

18 (A) a period of conditional discharge;

19 (B) a fine;

20 (C) make restitution to the victim under Section 5-5-6
21 of this Code.

22 (5.1) In addition to any other penalties imposed, and
23 except as provided in paragraph (5.2) or (5.3), a person
24 convicted of violating subsection (c) of Section 11-907 of the
25 Illinois Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for at least 90 days but not

1 more than one year, if the violation resulted in damage to the
2 property of another person.

3 (5.2) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.3), a person convicted of
5 violating subsection (c) of Section 11-907 of the Illinois
6 Vehicle Code shall have his or her driver's license, permit,
7 or privileges suspended for at least 180 days but not more than
8 2 years, if the violation resulted in injury to another
9 person.

10 (5.3) In addition to any other penalties imposed, a person
11 convicted of violating subsection (c) of Section 11-907 of the
12 Illinois Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for 2 years, if the violation
14 resulted in the death of another person.

15 (5.4) In addition to any other penalties imposed, a person
16 convicted of violating Section 3-707 of the Illinois Vehicle
17 Code shall have his or her driver's license, permit, or
18 privileges suspended for 3 months and until he or she has paid
19 a reinstatement fee of \$100.

20 (5.5) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code during a period in which his or her driver's license,
23 permit, or privileges were suspended for a previous violation
24 of that Section shall have his or her driver's license,
25 permit, or privileges suspended for an additional 6 months
26 after the expiration of the original 3-month suspension and

1 until he or she has paid a reinstatement fee of \$100.

2 (6) (Blank).

3 (7) (Blank).

4 (8) (Blank).

5 (9) A defendant convicted of a second or subsequent
6 offense of ritualized abuse of a child may be sentenced to a
7 term of natural life imprisonment.

8 (10) (Blank).

9 (11) The court shall impose a minimum fine of \$1,000 for a
10 first offense and \$2,000 for a second or subsequent offense
11 upon a person convicted of or placed on supervision for
12 battery when the individual harmed was a sports official or
13 coach at any level of competition and the act causing harm to
14 the sports official or coach occurred within an athletic
15 facility or within the immediate vicinity of the athletic
16 facility at which the sports official or coach was an active
17 participant of the athletic contest held at the athletic
18 facility. For the purposes of this paragraph (11), "sports
19 official" means a person at an athletic contest who enforces
20 the rules of the contest, such as an umpire or referee;
21 "athletic facility" means an indoor or outdoor playing field
22 or recreational area where sports activities are conducted;
23 and "coach" means a person recognized as a coach by the
24 sanctioning authority that conducted the sporting event.

25 (12) A person may not receive a disposition of court
26 supervision for a violation of Section 5-16 of the Boat

1 Registration and Safety Act if that person has previously
2 received a disposition of court supervision for a violation of
3 that Section.

4 (13) A person convicted of or placed on court supervision
5 for an assault or aggravated assault when the victim and the
6 offender are family or household members as defined in Section
7 103 of the Illinois Domestic Violence Act of 1986 or convicted
8 of domestic battery or aggravated domestic battery may be
9 required to attend a Partner Abuse Intervention Program under
10 protocols set forth by the Illinois Department of Human
11 Services under such terms and conditions imposed by the court.
12 The costs of such classes shall be paid by the offender.

13 (d) In any case in which a sentence originally imposed is
14 vacated, the case shall be remanded to the trial court. The
15 trial court shall hold a hearing under Section 5-4-1 of this
16 Code which may include evidence of the defendant's life, moral
17 character and occupation during the time since the original
18 sentence was passed. The trial court shall then impose
19 sentence upon the defendant. The trial court may impose any
20 sentence which could have been imposed at the original trial
21 subject to Section 5-5-4 of this Code. If a sentence is vacated
22 on appeal or on collateral attack due to the failure of the
23 trier of fact at trial to determine beyond a reasonable doubt
24 the existence of a fact (other than a prior conviction)
25 necessary to increase the punishment for the offense beyond
26 the statutory maximum otherwise applicable, either the

1 defendant may be re-sentenced to a term within the range
2 otherwise provided or, if the State files notice of its
3 intention to again seek the extended sentence, the defendant
4 shall be afforded a new trial.

5 (e) In cases where prosecution for aggravated criminal
6 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 results in conviction
8 of a defendant who was a family member of the victim at the
9 time of the commission of the offense, the court shall
10 consider the safety and welfare of the victim and may impose a
11 sentence of probation only where:

12 (1) the court finds (A) or (B) or both are
13 appropriate:

14 (A) the defendant is willing to undergo a court
15 approved counseling program for a minimum duration of
16 2 years; or

17 (B) the defendant is willing to participate in a
18 court approved plan, including, but not limited to,
19 the defendant's:

20 (i) removal from the household;

21 (ii) restricted contact with the victim;

22 (iii) continued financial support of the
23 family;

24 (iv) restitution for harm done to the victim;

25 and

26 (v) compliance with any other measures that

1 the court may deem appropriate; and

2 (2) the court orders the defendant to pay for the
3 victim's counseling services, to the extent that the court
4 finds, after considering the defendant's income and
5 assets, that the defendant is financially capable of
6 paying for such services, if the victim was under 18 years
7 of age at the time the offense was committed and requires
8 counseling as a result of the offense.

9 Probation may be revoked or modified pursuant to Section
10 5-6-4; except where the court determines at the hearing that
11 the defendant violated a condition of his or her probation
12 restricting contact with the victim or other family members or
13 commits another offense with the victim or other family
14 members, the court shall revoke the defendant's probation and
15 impose a term of imprisonment.

16 For the purposes of this Section, "family member" and
17 "victim" shall have the meanings ascribed to them in Section
18 11-0.1 of the Criminal Code of 2012.

19 (f) (Blank).

20 (g) Whenever a defendant is convicted of an offense under
21 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
22 11-14.3, 11-14.4 except for an offense that involves keeping a
23 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
24 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
25 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, the defendant shall undergo medical

1 testing to determine whether the defendant has any sexually
2 transmissible disease, including a test for infection with
3 human immunodeficiency virus (HIV) or any other identified
4 causative agent of acquired immunodeficiency syndrome (AIDS).
5 Any such medical test shall be performed only by appropriately
6 licensed medical practitioners and may include an analysis of
7 any bodily fluids as well as an examination of the defendant's
8 person. Except as otherwise provided by law, the results of
9 such test shall be kept strictly confidential by all medical
10 personnel involved in the testing and must be personally
11 delivered in a sealed envelope to the judge of the court in
12 which the conviction was entered for the judge's inspection in
13 camera. Acting in accordance with the best interests of the
14 victim and the public, the judge shall have the discretion to
15 determine to whom, if anyone, the results of the testing may be
16 revealed. The court shall notify the defendant of the test
17 results. The court shall also notify the victim if requested
18 by the victim, and if the victim is under the age of 15 and if
19 requested by the victim's parents or legal guardian, the court
20 shall notify the victim's parents or legal guardian of the
21 test results. The court shall provide information on the
22 availability of HIV testing and counseling at Department of
23 Public Health facilities to all parties to whom the results of
24 the testing are revealed and shall direct the State's Attorney
25 to provide the information to the victim when possible. The
26 court shall order that the cost of any such test shall be paid

1 by the county and may be taxed as costs against the convicted
2 defendant.

3 (g-5) When an inmate is tested for an airborne
4 communicable disease, as determined by the Illinois Department
5 of Public Health, including, but not limited to, tuberculosis,
6 the results of the test shall be personally delivered by the
7 warden or his or her designee in a sealed envelope to the judge
8 of the court in which the inmate must appear for the judge's
9 inspection in camera if requested by the judge. Acting in
10 accordance with the best interests of those in the courtroom,
11 the judge shall have the discretion to determine what if any
12 precautions need to be taken to prevent transmission of the
13 disease in the courtroom.

14 (h) Whenever a defendant is convicted of an offense under
15 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
16 defendant shall undergo medical testing to determine whether
17 the defendant has been exposed to human immunodeficiency virus
18 (HIV) or any other identified causative agent of acquired
19 immunodeficiency syndrome (AIDS). Except as otherwise provided
20 by law, the results of such test shall be kept strictly
21 confidential by all medical personnel involved in the testing
22 and must be personally delivered in a sealed envelope to the
23 judge of the court in which the conviction was entered for the
24 judge's inspection in camera. Acting in accordance with the
25 best interests of the public, the judge shall have the
26 discretion to determine to whom, if anyone, the results of the

1 testing may be revealed. The court shall notify the defendant
2 of a positive test showing an infection with the human
3 immunodeficiency virus (HIV). The court shall provide
4 information on the availability of HIV testing and counseling
5 at Department of Public Health facilities to all parties to
6 whom the results of the testing are revealed and shall direct
7 the State's Attorney to provide the information to the victim
8 when possible. The court shall order that the cost of any such
9 test shall be paid by the county and may be taxed as costs
10 against the convicted defendant.

11 (i) All fines and penalties imposed under this Section for
12 any violation of Chapters 3, 4, 6, and 11 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, shall be collected and
16 disbursed by the circuit clerk as provided under the Criminal
17 and Traffic Assessment Act.

18 (j) In cases when prosecution for any violation of Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
20 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
21 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
22 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,
23 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, any violation of the Illinois
25 Controlled Substances Act, any violation of the Cannabis
26 Control Act, or any violation of the Methamphetamine Control

1 and Community Protection Act results in conviction, a
2 disposition of court supervision, or an order of probation
3 granted under Section 10 of the Cannabis Control Act, Section
4 410 of the Illinois Controlled Substances Act, or Section 70
5 of the Methamphetamine Control and Community Protection Act of
6 a defendant, the court shall determine whether the defendant
7 is employed by a facility or center as defined under the Child
8 Care Act of 1969, a public or private elementary or secondary
9 school, or otherwise works with children under 18 years of age
10 on a daily basis. When a defendant is so employed, the court
11 shall order the Clerk of the Court to send a copy of the
12 judgment of conviction or order of supervision or probation to
13 the defendant's employer by certified mail. If the employer of
14 the defendant is a school, the Clerk of the Court shall direct
15 the mailing of a copy of the judgment of conviction or order of
16 supervision or probation to the appropriate regional
17 superintendent of schools. The regional superintendent of
18 schools shall notify the State Board of Education of any
19 notification under this subsection.

20 (j-5) A defendant at least 17 years of age who is convicted
21 of a felony and who has not been previously convicted of a
22 misdemeanor or felony and who is sentenced to a term of
23 imprisonment in the Illinois Department of Corrections shall
24 as a condition of his or her sentence be required by the court
25 to attend educational courses designed to prepare the
26 defendant for a high school diploma and to work toward a high

1 school diploma or to work toward passing high school
2 equivalency testing or to work toward completing a vocational
3 training program offered by the Department of Corrections. If
4 a defendant fails to complete the educational training
5 required by his or her sentence during the term of
6 incarceration, the Prisoner Review Board shall, as a condition
7 of mandatory supervised release, require the defendant, at his
8 or her own expense, to pursue a course of study toward a high
9 school diploma or passage of high school equivalency testing.
10 The Prisoner Review Board shall revoke the mandatory
11 supervised release of a defendant who wilfully fails to comply
12 with this subsection (j-5) upon his or her release from
13 confinement in a penal institution while serving a mandatory
14 supervised release term; however, the inability of the
15 defendant after making a good faith effort to obtain financial
16 aid or pay for the educational training shall not be deemed a
17 wilful failure to comply. The Prisoner Review Board shall
18 recommit the defendant whose mandatory supervised release term
19 has been revoked under this subsection (j-5) as provided in
20 Section 3-3-9. This subsection (j-5) does not apply to a
21 defendant who has a high school diploma or has successfully
22 passed high school equivalency testing. This subsection (j-5)
23 does not apply to a defendant who is determined by the court to
24 be a person with a developmental disability or otherwise
25 mentally incapable of completing the educational or vocational
26 program.

1 (k) (Blank).

2 (l) (A) Except as provided in paragraph (C) of subsection
3 (l), whenever a defendant, who is not a citizen or national of
4 the United States, is convicted of any felony or misdemeanor
5 offense, the court after sentencing the defendant may, upon
6 motion of the State's Attorney, hold sentence in abeyance and
7 remand the defendant to the custody of the Attorney General of
8 the United States or his or her designated agent to be deported
9 when:

10 (1) a final order of deportation has been issued
11 against the defendant pursuant to proceedings under the
12 Immigration and Nationality Act, and

13 (2) the deportation of the defendant would not
14 deprecate the seriousness of the defendant's conduct and
15 would not be inconsistent with the ends of justice.

16 Otherwise, the defendant shall be sentenced as provided in
17 this Chapter V.

18 (B) If the defendant has already been sentenced for a
19 felony or misdemeanor offense, or has been placed on probation
20 under Section 10 of the Cannabis Control Act, Section 410 of
21 the Illinois Controlled Substances Act, or Section 70 of the
22 Methamphetamine Control and Community Protection Act, the
23 court may, upon motion of the State's Attorney to suspend the
24 sentence imposed, commit the defendant to the custody of the
25 Attorney General of the United States or his or her designated
26 agent when:

1 (1) a final order of deportation has been issued
2 against the defendant pursuant to proceedings under the
3 Immigration and Nationality Act, and

4 (2) the deportation of the defendant would not
5 deprecate the seriousness of the defendant's conduct and
6 would not be inconsistent with the ends of justice.

7 (C) This subsection (1) does not apply to offenders who
8 are subject to the provisions of paragraph (2) of subsection
9 (a) of Section 3-6-3.

10 (D) Upon motion of the State's Attorney, if a defendant
11 sentenced under this Section returns to the jurisdiction of
12 the United States, the defendant shall be recommitted to the
13 custody of the county from which he or she was sentenced.
14 Thereafter, the defendant shall be brought before the
15 sentencing court, which may impose any sentence that was
16 available under Section 5-5-3 at the time of initial
17 sentencing. In addition, the defendant shall not be eligible
18 for additional earned sentence credit as provided under
19 Section 3-6-3.

20 (m) A person convicted of criminal defacement of property
21 under Section 21-1.3 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, in which the property damage exceeds
23 \$300 and the property damaged is a school building, shall be
24 ordered to perform community service that may include cleanup,
25 removal, or painting over the defacement.

26 (n) The court may sentence a person convicted of a

1 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
2 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
3 of 1961 or the Criminal Code of 2012 (i) to an impact
4 incarceration program if the person is otherwise eligible for
5 that program under Section 5-8-1.1, (ii) to community service,
6 or (iii) if the person has a substance use disorder, as defined
7 in the Substance Use Disorder Act, to a treatment program
8 licensed under that Act.

9 (o) Whenever a person is convicted of a sex offense as
10 defined in Section 2 of the Sex Offender Registration Act, the
11 defendant's driver's license or permit shall be subject to
12 renewal on an annual basis in accordance with the provisions
13 of license renewal established by the Secretary of State.

14 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
15 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
16 1-1-24; 103-825, eff. 1-1-25.)

17 (730 ILCS 5/5-5-3.2)

18 Sec. 5-5-3.2. Factors in aggravation and extended-term
19 sentencing.

20 (a) The following factors shall be accorded weight in
21 favor of imposing a term of imprisonment or may be considered
22 by the court as reasons to impose a more severe sentence under
23 Section 5-8-1 or Article 4.5 of Chapter V:

24 (1) the defendant's conduct caused or threatened
25 serious harm;

1 (2) the defendant received compensation for committing
2 the offense;

3 (3) the defendant has a history of prior delinquency
4 or criminal activity;

5 (4) the defendant, by the duties of his office or by
6 his position, was obliged to prevent the particular
7 offense committed or to bring the offenders committing it
8 to justice;

9 (5) the defendant held public office at the time of
10 the offense, and the offense related to the conduct of
11 that office;

12 (6) the defendant utilized his professional reputation
13 or position in the community to commit the offense, or to
14 afford him an easier means of committing it;

15 (7) the sentence is necessary to deter others from
16 committing the same crime;

17 (8) the defendant committed the offense against a
18 person 60 years of age or older or such person's property;

19 (9) the defendant committed the offense against a
20 person who has a physical disability or such person's
21 property;

22 (10) by reason of another individual's actual or
23 perceived race, color, creed, religion, ancestry, gender,
24 sexual orientation, physical or mental disability, or
25 national origin, the defendant committed the offense
26 against (i) the person or property of that individual;

1 (ii) the person or property of a person who has an
2 association with, is married to, or has a friendship with
3 the other individual; or (iii) the person or property of a
4 relative (by blood or marriage) of a person described in
5 clause (i) or (ii). For the purposes of this Section,
6 "sexual orientation" has the meaning ascribed to it in
7 paragraph (O-1) of Section 1-103 of the Illinois Human
8 Rights Act;

9 (11) the offense took place in a place of worship or on
10 the grounds of a place of worship, immediately prior to,
11 during or immediately following worship services. For
12 purposes of this subparagraph, "place of worship" shall
13 mean any church, synagogue or other building, structure or
14 place used primarily for religious worship;

15 (12) the defendant was convicted of a felony committed
16 while he was on pretrial release or his own recognizance
17 pending trial for a prior felony and was convicted of such
18 prior felony, or the defendant was convicted of a felony
19 committed while he was serving a period of probation,
20 conditional discharge, or mandatory supervised release
21 under subsection (d) of Section 5-8-1 for a prior felony;

22 (13) the defendant committed or attempted to commit a
23 felony while he was wearing a bulletproof vest. For the
24 purposes of this paragraph (13), a bulletproof vest is any
25 device which is designed for the purpose of protecting the
26 wearer from bullets, shot or other lethal projectiles;

1 (14) the defendant held a position of trust or
2 supervision such as, but not limited to, family member as
3 defined in Section 11-0.1 of the Criminal Code of 2012,
4 teacher, scout leader, baby sitter, or day care worker, in
5 relation to a victim under 18 years of age, and the
6 defendant committed an offense in violation of Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
8 11-14.4 except for an offense that involves keeping a
9 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
10 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
11 or 12-16 of the Criminal Code of 1961 or the Criminal Code
12 of 2012 against that victim;

13 (15) the defendant committed an offense related to the
14 activities of an organized gang. For the purposes of this
15 factor, "organized gang" has the meaning ascribed to it in
16 Section 10 of the Streetgang Terrorism Omnibus Prevention
17 Act;

18 (16) the defendant committed an offense in violation
19 of one of the following Sections while in a school,
20 regardless of the time of day or time of year; on any
21 conveyance owned, leased, or contracted by a school to
22 transport students to or from school or a school related
23 activity; on the real property of a school; or on a public
24 way within 1,000 feet of the real property comprising any
25 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
26 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,

1 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
2 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
3 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
4 for subdivision (a)(4) or (g)(1), of the Criminal Code of
5 1961 or the Criminal Code of 2012;

6 (16.5) the defendant committed an offense in violation
7 of one of the following Sections while in a day care
8 center, regardless of the time of day or time of year; on
9 the real property of a day care center, regardless of the
10 time of day or time of year; or on a public way within
11 1,000 feet of the real property comprising any day care
12 center, regardless of the time of day or time of year:
13 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
14 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
15 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
16 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
17 18-2, or 33A-2, or Section 12-3.05 except for subdivision
18 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
19 Criminal Code of 2012;

20 (17) the defendant committed the offense by reason of
21 any person's activity as a community policing volunteer or
22 to prevent any person from engaging in activity as a
23 community policing volunteer. For the purpose of this
24 Section, "community policing volunteer" has the meaning
25 ascribed to it in Section 2-3.5 of the Criminal Code of
26 2012;

1 (18) the defendant committed the offense in a nursing
2 home or on the real property comprising a nursing home.
3 For the purposes of this paragraph (18), "nursing home"
4 means a skilled nursing or intermediate long term care
5 facility that is subject to license by the Illinois
6 Department of Public Health under the Nursing Home Care
7 Act, the Specialized Mental Health Rehabilitation Act of
8 2013, the ID/DD Community Care Act, or the MC/DD Act;

9 (19) the defendant was a federally licensed firearm
10 dealer and was previously convicted of a violation of
11 subsection (a) of Section 3 of the Firearm Owners
12 Identification Card Act before its repeal by this
13 amendatory Act of the 104th General Assembly and has now
14 committed ~~either a felony violation of the Firearm Owners~~
15 ~~Identification Card Act or~~ an act of armed violence while
16 armed with a firearm;

17 (20) the defendant (i) committed the offense of
18 reckless homicide under Section 9-3 of the Criminal Code
19 of 1961 or the Criminal Code of 2012 or the offense of
20 driving under the influence of alcohol, other drug or
21 drugs, intoxicating compound or compounds or any
22 combination thereof under Section 11-501 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance
24 and (ii) was operating a motor vehicle in excess of 20
25 miles per hour over the posted speed limit as provided in
26 Article VI of Chapter 11 of the Illinois Vehicle Code;

1 (21) the defendant (i) committed the offense of
2 reckless driving or aggravated reckless driving under
3 Section 11-503 of the Illinois Vehicle Code and (ii) was
4 operating a motor vehicle in excess of 20 miles per hour
5 over the posted speed limit as provided in Article VI of
6 Chapter 11 of the Illinois Vehicle Code;

7 (22) the defendant committed the offense against a
8 person that the defendant knew, or reasonably should have
9 known, was a member of the Armed Forces of the United
10 States serving on active duty. For purposes of this clause
11 (22), the term "Armed Forces" means any of the Armed
12 Forces of the United States, including a member of any
13 reserve component thereof or National Guard unit called to
14 active duty;

15 (23) the defendant committed the offense against a
16 person who was elderly or infirm or who was a person with a
17 disability by taking advantage of a family or fiduciary
18 relationship with the elderly or infirm person or person
19 with a disability;

20 (24) the defendant committed any offense under Section
21 11-20.1 of the Criminal Code of 1961 or the Criminal Code
22 of 2012 and possessed 100 or more images;

23 (25) the defendant committed the offense while the
24 defendant or the victim was in a train, bus, or other
25 vehicle used for public transportation;

26 (26) the defendant committed the offense of child

1 pornography or aggravated child pornography, specifically
2 including paragraph (1), (2), (3), (4), (5), or (7) of
3 subsection (a) of Section 11-20.1 of the Criminal Code of
4 1961 or the Criminal Code of 2012 where a child engaged in,
5 solicited for, depicted in, or posed in any act of sexual
6 penetration or bound, fettered, or subject to sadistic,
7 masochistic, or sadomasochistic abuse in a sexual context
8 and specifically including paragraph (1), (2), (3), (4),
9 (5), or (7) of subsection (a) of Section 11-20.1B or
10 Section 11-20.3 of the Criminal Code of 1961 where a child
11 engaged in, solicited for, depicted in, or posed in any
12 act of sexual penetration or bound, fettered, or subject
13 to sadistic, masochistic, or sadomasochistic abuse in a
14 sexual context;

15 (26.5) the defendant committed the offense of obscene
16 depiction of a purported child, specifically including
17 paragraph (2) of subsection (b) of Section 11-20.4 of the
18 Criminal Code of 2012 if a child engaged in, solicited
19 for, depicted in, or posed in any act of sexual
20 penetration or bound, fettered, or subject to sadistic,
21 masochistic, or sadomasochistic abuse in a sexual context;

22 (27) the defendant committed the offense of first
23 degree murder, assault, aggravated assault, battery,
24 aggravated battery, robbery, armed robbery, or aggravated
25 robbery against a person who was a veteran and the
26 defendant knew, or reasonably should have known, that the

1 person was a veteran performing duties as a representative
2 of a veterans' organization. For the purposes of this
3 paragraph (27), "veteran" means an Illinois resident who
4 has served as a member of the United States Armed Forces, a
5 member of the Illinois National Guard, or a member of the
6 United States Reserve Forces; and "veterans' organization"
7 means an organization comprised of members of which
8 substantially all are individuals who are veterans or
9 spouses, widows, or widowers of veterans, the primary
10 purpose of which is to promote the welfare of its members
11 and to provide assistance to the general public in such a
12 way as to confer a public benefit;

13 (28) the defendant committed the offense of assault,
14 aggravated assault, battery, aggravated battery, robbery,
15 armed robbery, or aggravated robbery against a person that
16 the defendant knew or reasonably should have known was a
17 letter carrier or postal worker while that person was
18 performing his or her duties delivering mail for the
19 United States Postal Service;

20 (29) the defendant committed the offense of criminal
21 sexual assault, aggravated criminal sexual assault,
22 criminal sexual abuse, or aggravated criminal sexual abuse
23 against a victim with an intellectual disability, and the
24 defendant holds a position of trust, authority, or
25 supervision in relation to the victim;

26 (30) the defendant committed the offense of promoting

1 juvenile prostitution, patronizing a prostitute, or
2 patronizing a minor engaged in prostitution and at the
3 time of the commission of the offense knew that the
4 prostitute or minor engaged in prostitution was in the
5 custody or guardianship of the Department of Children and
6 Family Services;

7 (31) the defendant (i) committed the offense of
8 driving while under the influence of alcohol, other drug
9 or drugs, intoxicating compound or compounds or any
10 combination thereof in violation of Section 11-501 of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance and (ii) the defendant during the commission of
13 the offense was driving his or her vehicle upon a roadway
14 designated for one-way traffic in the opposite direction
15 of the direction indicated by official traffic control
16 devices;

17 (32) the defendant committed the offense of reckless
18 homicide while committing a violation of Section 11-907 of
19 the Illinois Vehicle Code;

20 (33) the defendant was found guilty of an
21 administrative infraction related to an act or acts of
22 public indecency or sexual misconduct in the penal
23 institution. In this paragraph (33), "penal institution"
24 has the same meaning as in Section 2-14 of the Criminal
25 Code of 2012; or

26 (34) the defendant committed the offense of leaving

1 the scene of a crash in violation of subsection (b) of
2 Section 11-401 of the Illinois Vehicle Code and the crash
3 resulted in the death of a person and at the time of the
4 offense, the defendant was: (i) driving under the
5 influence of alcohol, other drug or drugs, intoxicating
6 compound or compounds or any combination thereof as
7 defined by Section 11-501 of the Illinois Vehicle Code; or
8 (ii) operating the motor vehicle while using an electronic
9 communication device as defined in Section 12-610.2 of the
10 Illinois Vehicle Code.

11 For the purposes of this Section:

12 "School" is defined as a public or private elementary or
13 secondary school, community college, college, or university.

14 "Day care center" means a public or private State
15 certified and licensed day care center as defined in Section
16 2.09 of the Child Care Act of 1969 that displays a sign in
17 plain view stating that the property is a day care center.

18 "Intellectual disability" means significantly subaverage
19 intellectual functioning which exists concurrently with
20 impairment in adaptive behavior.

21 "Public transportation" means the transportation or
22 conveyance of persons by means available to the general
23 public, and includes paratransit services.

24 "Traffic control devices" means all signs, signals,
25 markings, and devices that conform to the Illinois Manual on
26 Uniform Traffic Control Devices, placed or erected by

1 authority of a public body or official having jurisdiction,
2 for the purpose of regulating, warning, or guiding traffic.

3 (b) The following factors, related to all felonies, may be
4 considered by the court as reasons to impose an extended term
5 sentence under Section 5-8-2 upon any offender:

6 (1) When a defendant is convicted of any felony, after
7 having been previously convicted in Illinois or any other
8 jurisdiction of the same or similar class felony or
9 greater class felony, when such conviction has occurred
10 within 10 years after the previous conviction, excluding
11 time spent in custody, and such charges are separately
12 brought and tried and arise out of different series of
13 acts; or

14 (2) When a defendant is convicted of any felony and
15 the court finds that the offense was accompanied by
16 exceptionally brutal or heinous behavior indicative of
17 wanton cruelty; or

18 (3) When a defendant is convicted of any felony
19 committed against:

20 (i) a person under 12 years of age at the time of
21 the offense or such person's property;

22 (ii) a person 60 years of age or older at the time
23 of the offense or such person's property; or

24 (iii) a person who had a physical disability at
25 the time of the offense or such person's property; or

26 (4) When a defendant is convicted of any felony and

1 the offense involved any of the following types of
2 specific misconduct committed as part of a ceremony, rite,
3 initiation, observance, performance, practice or activity
4 of any actual or ostensible religious, fraternal, or
5 social group:

6 (i) the brutalizing or torturing of humans or
7 animals;

8 (ii) the theft of human corpses;

9 (iii) the kidnapping of humans;

10 (iv) the desecration of any cemetery, religious,
11 fraternal, business, governmental, educational, or
12 other building or property; or

13 (v) ritualized abuse of a child; or

14 (5) When a defendant is convicted of a felony other
15 than conspiracy and the court finds that the felony was
16 committed under an agreement with 2 or more other persons
17 to commit that offense and the defendant, with respect to
18 the other individuals, occupied a position of organizer,
19 supervisor, financier, or any other position of management
20 or leadership, and the court further finds that the felony
21 committed was related to or in furtherance of the criminal
22 activities of an organized gang or was motivated by the
23 defendant's leadership in an organized gang; or

24 (6) When a defendant is convicted of an offense
25 committed while using a firearm with a laser sight
26 attached to it. For purposes of this paragraph, "laser

1 sight" has the meaning ascribed to it in Section 26-7 of
2 the Criminal Code of 2012; or

3 (7) When a defendant who was at least 17 years of age
4 at the time of the commission of the offense is convicted
5 of a felony and has been previously adjudicated a
6 delinquent minor under the Juvenile Court Act of 1987 for
7 an act that if committed by an adult would be a Class X or
8 Class 1 felony when the conviction has occurred within 10
9 years after the previous adjudication, excluding time
10 spent in custody; or

11 (8) When a defendant commits any felony and the
12 defendant used, possessed, exercised control over, or
13 otherwise directed an animal to assault a law enforcement
14 officer engaged in the execution of his or her official
15 duties or in furtherance of the criminal activities of an
16 organized gang in which the defendant is engaged; or

17 (9) When a defendant commits any felony and the
18 defendant knowingly video or audio records the offense
19 with the intent to disseminate the recording.

20 (c) The following factors may be considered by the court
21 as reasons to impose an extended term sentence under Section
22 5-8-2 ~~(730 ILCS 5/5-8-2)~~ upon any offender for the listed
23 offenses:

24 (1) When a defendant is convicted of first degree
25 murder, after having been previously convicted in Illinois
26 of any offense listed under paragraph (c)(2) of Section

1 5-5-3 ~~(730 ILCS 5/5-5-3)~~, when that conviction has
2 occurred within 10 years after the previous conviction,
3 excluding time spent in custody, and the charges are
4 separately brought and tried and arise out of different
5 series of acts.

6 (1.5) When a defendant is convicted of first degree
7 murder, after having been previously convicted of domestic
8 battery ~~(720 ILCS 5/12-3.2)~~ or aggravated domestic battery
9 ~~(720 ILCS 5/12-3.3)~~ committed on the same victim or after
10 having been previously convicted of violation of an order
11 of protection ~~(720 ILCS 5/12-30)~~ in which the same victim
12 was the protected person.

13 (2) When a defendant is convicted of voluntary
14 manslaughter, second degree murder, involuntary
15 manslaughter, or reckless homicide in which the defendant
16 has been convicted of causing the death of more than one
17 individual.

18 (3) When a defendant is convicted of aggravated
19 criminal sexual assault or criminal sexual assault, when
20 there is a finding that aggravated criminal sexual assault
21 or criminal sexual assault was also committed on the same
22 victim by one or more other individuals, and the defendant
23 voluntarily participated in the crime with the knowledge
24 of the participation of the others in the crime, and the
25 commission of the crime was part of a single course of
26 conduct during which there was no substantial change in

1 the nature of the criminal objective.

2 (4) If the victim was under 18 years of age at the time
3 of the commission of the offense, when a defendant is
4 convicted of aggravated criminal sexual assault or
5 predatory criminal sexual assault of a child under
6 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
7 of Section 12-14.1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 ~~(720 ILCS 5/11-1.40 or 5/12-14.1)~~.

9 (5) When a defendant is convicted of a felony
10 violation of Section 24-1 of the Criminal Code of 1961 or
11 the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ and there is a
12 finding that the defendant is a member of an organized
13 gang.

14 (6) When a defendant was convicted of unlawful
15 possession of weapons under Section 24-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~
17 for possessing a weapon that is not readily
18 distinguishable as one of the weapons enumerated in
19 Section 24-1 of the Criminal Code of 1961 or the Criminal
20 Code of 2012 ~~(720 ILCS 5/24-1)~~.

21 (7) When a defendant is convicted of an offense
22 involving the illegal manufacture of a controlled
23 substance under Section 401 of the Illinois Controlled
24 Substances Act ~~(720 ILCS 570/401)~~, the illegal manufacture
25 of methamphetamine under Section 25 of the Methamphetamine
26 Control and Community Protection Act ~~(720 ILCS 646/25)~~, or

1 the illegal possession of explosives and an emergency
2 response officer in the performance of his or her duties
3 is killed or injured at the scene of the offense while
4 responding to the emergency caused by the commission of
5 the offense. In this paragraph, "emergency" means a
6 situation in which a person's life, health, or safety is
7 in jeopardy; and "emergency response officer" means a
8 peace officer, community policing volunteer, fireman,
9 emergency medical technician-ambulance, emergency medical
10 technician-intermediate, emergency medical
11 technician-paramedic, ambulance driver, other medical
12 assistance or first aid personnel, or hospital emergency
13 room personnel.

14 (8) When the defendant is convicted of attempted mob
15 action, solicitation to commit mob action, or conspiracy
16 to commit mob action under Section 8-1, 8-2, or 8-4 of the
17 Criminal Code of 2012, where the criminal object is a
18 violation of Section 25-1 of the Criminal Code of 2012,
19 and an electronic communication is used in the commission
20 of the offense. For the purposes of this paragraph (8),
21 "electronic communication" shall have the meaning provided
22 in Section 26.5-0.1 of the Criminal Code of 2012.

23 (d) For the purposes of this Section, "organized gang" has
24 the meaning ascribed to it in Section 10 of the Illinois
25 Streetgang Terrorism Omnibus Prevention Act.

26 (e) The court may impose an extended term sentence under

1 Article 4.5 of Chapter V upon an offender who has been
2 convicted of a felony violation of Section 11-1.20, 11-1.30,
3 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
4 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
5 when the victim of the offense is under 18 years of age at the
6 time of the commission of the offense and, during the
7 commission of the offense, the victim was under the influence
8 of alcohol, regardless of whether or not the alcohol was
9 supplied by the offender; and the offender, at the time of the
10 commission of the offense, knew or should have known that the
11 victim had consumed alcohol.

12 (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;
13 103-822, eff. 1-1-25; 103-825, eff. 1-1-25; revised 11-26-24.)

14 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

15 Sec. 5-6-3. Conditions of probation and of conditional
16 discharge.

17 (a) The conditions of probation and of conditional
18 discharge shall be that the person:

19 (1) not violate any criminal statute of any
20 jurisdiction;

21 (2) report to or appear in person before such person
22 or agency as directed by the court. To comply with the
23 provisions of this paragraph (2), in lieu of requiring the
24 person on probation or conditional discharge to appear in
25 person for the required reporting or meetings, the officer

1 may utilize technology, including cellular and other
2 electronic communication devices or platforms, that allow
3 for communication between the supervised person and the
4 officer in accordance with standards and guidelines
5 established by the Administrative Office of the Illinois
6 Courts;

7 (3) refrain from possessing a firearm or other
8 dangerous weapon where the offense is a felony or, if a
9 misdemeanor, the offense involved the intentional or
10 knowing infliction of bodily harm or threat of bodily
11 harm;

12 (4) not leave the State without the consent of the
13 court or, in circumstances in which the reason for the
14 absence is of such an emergency nature that prior consent
15 by the court is not possible, without the prior
16 notification and approval of the person's probation
17 officer. Transfer of a person's probation or conditional
18 discharge supervision to another state is subject to
19 acceptance by the other state pursuant to the Interstate
20 Compact for Adult Offender Supervision;

21 (5) permit the probation officer to visit him at his
22 home or elsewhere to the extent necessary to discharge his
23 duties;

24 (6) perform no less than 30 hours of community service
25 and not more than 120 hours of community service, if
26 community service is available in the jurisdiction and is

1 funded and approved by the county board where the offense
2 was committed, where the offense was related to or in
3 furtherance of the criminal activities of an organized
4 gang and was motivated by the offender's membership in or
5 allegiance to an organized gang. The community service
6 shall include, but not be limited to, the cleanup and
7 repair of any damage caused by a violation of Section
8 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
9 2012 and similar damage to property located within the
10 municipality or county in which the violation occurred.
11 When possible and reasonable, the community service should
12 be performed in the offender's neighborhood. For purposes
13 of this Section, "organized gang" has the meaning ascribed
14 to it in Section 10 of the Illinois Streetgang Terrorism
15 Omnibus Prevention Act. The court may give credit toward
16 the fulfillment of community service hours for
17 participation in activities and treatment as determined by
18 court services. Community service shall not interfere with
19 the school hours, school-related activities, or work
20 commitments of the minor or the minor's parent, guardian,
21 or legal custodian;

22 (7) if he or she is at least 17 years of age and has
23 been sentenced to probation or conditional discharge for a
24 misdemeanor or felony in a county of 3,000,000 or more
25 inhabitants and has not been previously convicted of a
26 misdemeanor or felony, may be required by the sentencing

1 court to attend educational courses designed to prepare
2 the defendant for a high school diploma and to work toward
3 a high school diploma or to work toward passing high
4 school equivalency testing or to work toward completing a
5 vocational training program approved by the court. The
6 person on probation or conditional discharge must attend a
7 public institution of education to obtain the educational
8 or vocational training required by this paragraph (7). The
9 court shall revoke the probation or conditional discharge
10 of a person who willfully fails to comply with this
11 paragraph (7). The person on probation or conditional
12 discharge shall be required to pay for the cost of the
13 educational courses or high school equivalency testing if
14 a fee is charged for those courses or testing. The court
15 shall resentence the offender whose probation or
16 conditional discharge has been revoked as provided in
17 Section 5-6-4. This paragraph (7) does not apply to a
18 person who has a high school diploma or has successfully
19 passed high school equivalency testing. This paragraph (7)
20 does not apply to a person who is determined by the court
21 to be a person with a developmental disability or
22 otherwise mentally incapable of completing the educational
23 or vocational program;

24 (8) if convicted of possession of a substance
25 prohibited by the Cannabis Control Act, the Illinois
26 Controlled Substances Act, or the Methamphetamine Control

1 and Community Protection Act after a previous conviction
2 or disposition of supervision for possession of a
3 substance prohibited by the Cannabis Control Act or
4 Illinois Controlled Substances Act or after a sentence of
5 probation under Section 10 of the Cannabis Control Act,
6 Section 410 of the Illinois Controlled Substances Act, or
7 Section 70 of the Methamphetamine Control and Community
8 Protection Act and upon a finding by the court that the
9 person is addicted, undergo treatment at a substance abuse
10 program approved by the court;

11 (8.5) if convicted of a felony sex offense as defined
12 in the Sex Offender Management Board Act, the person shall
13 undergo and successfully complete sex offender treatment
14 by a treatment provider approved by the Board and
15 conducted in conformance with the standards developed
16 under the Sex Offender Management Board Act;

17 (8.6) if convicted of a sex offense as defined in the
18 Sex Offender Management Board Act, refrain from residing
19 at the same address or in the same condominium unit or
20 apartment unit or in the same condominium complex or
21 apartment complex with another person he or she knows or
22 reasonably should know is a convicted sex offender or has
23 been placed on supervision for a sex offense; the
24 provisions of this paragraph do not apply to a person
25 convicted of a sex offense who is placed in a Department of
26 Corrections licensed transitional housing facility for sex

1 offenders;

2 (8.7) if convicted for an offense committed on or
3 after June 1, 2008 (the effective date of Public Act
4 95-464) that would qualify the accused as a child sex
5 offender as defined in Section 11-9.3 or 11-9.4 of the
6 Criminal Code of 1961 or the Criminal Code of 2012,
7 refrain from communicating with or contacting, by means of
8 the Internet, a person who is not related to the accused
9 and whom the accused reasonably believes to be under 18
10 years of age; for purposes of this paragraph (8.7),
11 "Internet" has the meaning ascribed to it in Section
12 16-0.1 of the Criminal Code of 2012; and a person is not
13 related to the accused if the person is not: (i) the
14 spouse, brother, or sister of the accused; (ii) a
15 descendant of the accused; (iii) a first or second cousin
16 of the accused; or (iv) a step-child or adopted child of
17 the accused;

18 (8.8) if convicted for an offense under Section 11-6,
19 11-9.1, 11-14.4 that involves soliciting for a juvenile
20 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
21 of the Criminal Code of 1961 or the Criminal Code of 2012,
22 or any attempt to commit any of these offenses, committed
23 on or after June 1, 2009 (the effective date of Public Act
24 95-983):

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,
2 except in connection with the offender's employment or
3 search for employment with the prior approval of the
4 offender's probation officer;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's probation
8 officer, a law enforcement officer, or assigned
9 computer or information technology specialist,
10 including the retrieval and copying of all data from
11 the computer or device and any internal or external
12 peripherals and removal of such information,
13 equipment, or device to conduct a more thorough
14 inspection;

15 (iii) submit to the installation on the offender's
16 computer or device with Internet capability, at the
17 offender's expense, of one or more hardware or
18 software systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a
21 computer or any other device with Internet capability
22 imposed by the offender's probation officer;

23 (8.9) if convicted of a sex offense as defined in the
24 Sex Offender Registration Act committed on or after
25 January 1, 2010 (the effective date of Public Act 96-262),
26 refrain from accessing or using a social networking

1 website as defined in Section 17-0.5 of the Criminal Code
2 of 2012;

3 (9) if convicted of a felony or of any misdemeanor
4 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
5 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
6 2012 that was determined, pursuant to Section 112A-11.1 of
7 the Code of Criminal Procedure of 1963, to trigger the
8 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
9 at a time and place designated by the court, ~~his or her~~
10 ~~Firearm Owner's Identification Card~~ and any and all
11 firearms in his or her possession. ~~The Court shall return~~
12 ~~to the Illinois State Police Firearm Owner's~~
13 ~~Identification Card Office the person's Firearm Owner's~~
14 ~~Identification Card;~~

15 (10) if convicted of a sex offense as defined in
16 subsection (a-5) of Section 3-1-2 of this Code, unless the
17 offender is a parent or guardian of the person under 18
18 years of age present in the home and no non-familial
19 minors are present, not participate in a holiday event
20 involving children under 18 years of age, such as
21 distributing candy or other items to children on
22 Halloween, wearing a Santa Claus costume on or preceding
23 Christmas, being employed as a department store Santa
24 Claus, or wearing an Easter Bunny costume on or preceding
25 Easter;

26 (11) if convicted of a sex offense as defined in

1 Section 2 of the Sex Offender Registration Act committed
2 on or after January 1, 2010 (the effective date of Public
3 Act 96-362) that requires the person to register as a sex
4 offender under that Act, may not knowingly use any
5 computer scrub software on any computer that the sex
6 offender uses;

7 (12) if convicted of a violation of the
8 Methamphetamine Control and Community Protection Act, the
9 Methamphetamine Precursor Control Act, or a
10 methamphetamine related offense:

11 (A) prohibited from purchasing, possessing, or
12 having under his or her control any product containing
13 pseudoephedrine unless prescribed by a physician; and

14 (B) prohibited from purchasing, possessing, or
15 having under his or her control any product containing
16 ammonium nitrate; and

17 (13) if convicted of a hate crime involving the
18 protected class identified in subsection (a) of Section
19 12-7.1 of the Criminal Code of 2012 that gave rise to the
20 offense the offender committed, perform public or
21 community service of no less than 200 hours and enroll in
22 an educational program discouraging hate crimes that
23 includes racial, ethnic, and cultural sensitivity training
24 ordered by the court.

25 (b) The Court may in addition to other reasonable
26 conditions relating to the nature of the offense or the

1 rehabilitation of the defendant as determined for each
2 defendant in the proper discretion of the Court require that
3 the person:

4 (1) serve a term of periodic imprisonment under
5 Article 7 for a period not to exceed that specified in
6 paragraph (d) of Section 5-7-1;

7 (2) pay a fine and costs;

8 (3) work or pursue a course of study or vocational
9 training;

10 (4) undergo medical, psychological or psychiatric
11 treatment; or treatment for drug addiction or alcoholism;

12 (5) attend or reside in a facility established for the
13 instruction or residence of defendants on probation;

14 (6) support his dependents;

15 (7) and in addition, if a minor:

16 (i) reside with his parents or in a foster home;

17 (ii) attend school;

18 (iii) attend a non-residential program for youth;

19 (iv) provide nonfinancial contributions to his own
20 support at home or in a foster home;

21 (v) with the consent of the superintendent of the
22 facility, attend an educational program at a facility
23 other than the school in which the offense was
24 committed if he or she is convicted of a crime of
25 violence as defined in Section 2 of the Crime Victims
26 Compensation Act committed in a school, on the real

1 property comprising a school, or within 1,000 feet of
2 the real property comprising a school;

3 (8) make restitution as provided in Section 5-5-6 of
4 this Code;

5 (9) perform some reasonable public or community
6 service;

7 (10) serve a term of home confinement. In addition to
8 any other applicable condition of probation or conditional
9 discharge, the conditions of home confinement shall be
10 that the offender:

11 (i) remain within the interior premises of the
12 place designated for his confinement during the hours
13 designated by the court;

14 (ii) admit any person or agent designated by the
15 court into the offender's place of confinement at any
16 time for purposes of verifying the offender's
17 compliance with the conditions of his confinement; and

18 (iii) if further deemed necessary by the court or
19 the probation or court services department, be placed
20 on an approved electronic monitoring device, subject
21 to Article 8A of Chapter V;

22 (iv) for persons convicted of any alcohol,
23 cannabis or controlled substance violation who are
24 placed on an approved monitoring device as a condition
25 of probation or conditional discharge, the court shall
26 impose a reasonable fee for each day of the use of the

1 device, as established by the county board in
2 subsection (g) of this Section, unless after
3 determining the inability of the offender to pay the
4 fee, the court assesses a lesser fee or no fee as the
5 case may be. This fee shall be imposed in addition to
6 the fees imposed under subsections (g) and (i) of this
7 Section. The fee shall be collected by the clerk of the
8 circuit court, except as provided in an administrative
9 order of the Chief Judge of the circuit court. The
10 clerk of the circuit court shall pay all monies
11 collected from this fee to the county treasurer for
12 deposit in the substance abuse services fund under
13 Section 5-1086.1 of the Counties Code, except as
14 provided in an administrative order of the Chief Judge
15 of the circuit court.

16 The Chief Judge of the circuit court of the county
17 may by administrative order establish a program for
18 electronic monitoring of offenders, in which a vendor
19 supplies and monitors the operation of the electronic
20 monitoring device, and collects the fees on behalf of
21 the county. The program shall include provisions for
22 indigent offenders and the collection of unpaid fees.
23 The program shall not unduly burden the offender and
24 shall be subject to review by the Chief Judge.

25 The Chief Judge of the circuit court may suspend
26 any additional charges or fees for late payment,

1 interest, or damage to any device; and

2 (v) for persons convicted of offenses other than
3 those referenced in clause (iv) above and who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the defendant to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court, except as provided in an administrative
15 order of the Chief Judge of the circuit court. The
16 clerk of the circuit court shall pay all monies
17 collected from this fee to the county treasurer who
18 shall use the monies collected to defray the costs of
19 corrections. The county treasurer shall deposit the
20 fee collected in the probation and court services
21 fund. The Chief Judge of the circuit court of the
22 county may by administrative order establish a program
23 for electronic monitoring of offenders, in which a
24 vendor supplies and monitors the operation of the
25 electronic monitoring device, and collects the fees on
26 behalf of the county. The program shall include

1 provisions for indigent offenders and the collection
2 of unpaid fees. The program shall not unduly burden
3 the offender and shall be subject to review by the
4 Chief Judge.

5 The Chief Judge of the circuit court may suspend
6 any additional charges or fees for late payment,
7 interest, or damage to any device.

8 (11) comply with the terms and conditions of an order
9 of protection issued by the court pursuant to the Illinois
10 Domestic Violence Act of 1986, as now or hereafter
11 amended, or an order of protection issued by the court of
12 another state, tribe, or United States territory. A copy
13 of the order of protection shall be transmitted to the
14 probation officer or agency having responsibility for the
15 case;

16 (12) reimburse any "local anti-crime program" as
17 defined in Section 7 of the Anti-Crime Advisory Council
18 Act for any reasonable expenses incurred by the program on
19 the offender's case, not to exceed the maximum amount of
20 the fine authorized for the offense for which the
21 defendant was sentenced;

22 (13) contribute a reasonable sum of money, not to
23 exceed the maximum amount of the fine authorized for the
24 offense for which the defendant was sentenced, (i) to a
25 "local anti-crime program", as defined in Section 7 of the
26 Anti-Crime Advisory Council Act, or (ii) for offenses

1 under the jurisdiction of the Department of Natural
2 Resources, to the fund established by the Department of
3 Natural Resources for the purchase of evidence for
4 investigation purposes and to conduct investigations as
5 outlined in Section 805-105 of the Department of Natural
6 Resources (Conservation) Law;

7 (14) refrain from entering into a designated
8 geographic area except upon such terms as the court finds
9 appropriate. Such terms may include consideration of the
10 purpose of the entry, the time of day, other persons
11 accompanying the defendant, and advance approval by a
12 probation officer, if the defendant has been placed on
13 probation or advance approval by the court, if the
14 defendant was placed on conditional discharge;

15 (15) refrain from having any contact, directly or
16 indirectly, with certain specified persons or particular
17 types of persons, including, but not limited to, members
18 of street gangs and drug users or dealers;

19 (16) refrain from having in his or her body the
20 presence of any illicit drug prohibited by the Illinois
21 Controlled Substances Act or the Methamphetamine Control
22 and Community Protection Act, unless prescribed by a
23 physician, and submit samples of his or her blood or urine
24 or both for tests to determine the presence of any illicit
25 drug;

26 (17) if convicted for an offense committed on or after

1 June 1, 2008 (the effective date of Public Act 95-464)
2 that would qualify the accused as a child sex offender as
3 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
4 of 1961 or the Criminal Code of 2012, refrain from
5 communicating with or contacting, by means of the
6 Internet, a person who is related to the accused and whom
7 the accused reasonably believes to be under 18 years of
8 age; for purposes of this paragraph (17), "Internet" has
9 the meaning ascribed to it in Section 16-0.1 of the
10 Criminal Code of 2012; and a person is related to the
11 accused if the person is: (i) the spouse, brother, or
12 sister of the accused; (ii) a descendant of the accused;
13 (iii) a first or second cousin of the accused; or (iv) a
14 step-child or adopted child of the accused;

15 (18) if convicted for an offense committed on or after
16 June 1, 2009 (the effective date of Public Act 95-983)
17 that would qualify as a sex offense as defined in the Sex
18 Offender Registration Act:

19 (i) not access or use a computer or any other
20 device with Internet capability without the prior
21 written approval of the offender's probation officer,
22 except in connection with the offender's employment or
23 search for employment with the prior approval of the
24 offender's probation officer;

25 (ii) submit to periodic unannounced examinations
26 of the offender's computer or any other device with

1 Internet capability by the offender's probation
2 officer, a law enforcement officer, or assigned
3 computer or information technology specialist,
4 including the retrieval and copying of all data from
5 the computer or device and any internal or external
6 peripherals and removal of such information,
7 equipment, or device to conduct a more thorough
8 inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 subject's expense, of one or more hardware or software
12 systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a
15 computer or any other device with Internet capability
16 imposed by the offender's probation officer; and

17 (19) refrain from possessing a firearm or other
18 dangerous weapon where the offense is a misdemeanor that
19 did not involve the intentional or knowing infliction of
20 bodily harm or threat of bodily harm.

21 (c) The court may as a condition of probation or of
22 conditional discharge require that a person under 18 years of
23 age found guilty of any alcohol, cannabis or controlled
24 substance violation, refrain from acquiring a driver's license
25 during the period of probation or conditional discharge. If
26 such person is in possession of a permit or license, the court

1 may require that the minor refrain from driving or operating
2 any motor vehicle during the period of probation or
3 conditional discharge, except as may be necessary in the
4 course of the minor's lawful employment.

5 (d) An offender sentenced to probation or to conditional
6 discharge shall be given a certificate setting forth the
7 conditions thereof.

8 (e) Except where the offender has committed a fourth or
9 subsequent violation of subsection (c) of Section 6-303 of the
10 Illinois Vehicle Code, the court shall not require as a
11 condition of the sentence of probation or conditional
12 discharge that the offender be committed to a period of
13 imprisonment in excess of 6 months. This 6-month limit shall
14 not include periods of confinement given pursuant to a
15 sentence of county impact incarceration under Section 5-8-1.2.

16 Persons committed to imprisonment as a condition of
17 probation or conditional discharge shall not be committed to
18 the Department of Corrections.

19 (f) The court may combine a sentence of periodic
20 imprisonment under Article 7 or a sentence to a county impact
21 incarceration program under Article 8 with a sentence of
22 probation or conditional discharge.

23 (g) An offender sentenced to probation or to conditional
24 discharge and who during the term of either undergoes
25 mandatory drug or alcohol testing, or both, or is assigned to
26 be placed on an approved electronic monitoring device, shall

1 be ordered to pay all costs incidental to such mandatory drug
2 or alcohol testing, or both, and all costs incidental to such
3 approved electronic monitoring in accordance with the
4 defendant's ability to pay those costs. The county board with
5 the concurrence of the Chief Judge of the judicial circuit in
6 which the county is located shall establish reasonable fees
7 for the cost of maintenance, testing, and incidental expenses
8 related to the mandatory drug or alcohol testing, or both, and
9 all costs incidental to approved electronic monitoring,
10 involved in a successful probation program for the county. The
11 concurrence of the Chief Judge shall be in the form of an
12 administrative order. The fees shall be collected by the clerk
13 of the circuit court, except as provided in an administrative
14 order of the Chief Judge of the circuit court. The clerk of the
15 circuit court shall pay all moneys collected from these fees
16 to the county treasurer who shall use the moneys collected to
17 defray the costs of drug testing, alcohol testing, and
18 electronic monitoring. The county treasurer shall deposit the
19 fees collected in the county working cash fund under Section
20 6-27001 or Section 6-29002 of the Counties Code, as the case
21 may be. The Chief Judge of the circuit court of the county may
22 by administrative order establish a program for electronic
23 monitoring of offenders, in which a vendor supplies and
24 monitors the operation of the electronic monitoring device,
25 and collects the fees on behalf of the county. The program
26 shall include provisions for indigent offenders and the

1 collection of unpaid fees. The program shall not unduly burden
2 the offender and shall be subject to review by the Chief Judge.
3 A person shall not be assessed costs or fees for mandatory
4 testing for drugs, alcohol, or both, if the person is an
5 indigent person as defined in paragraph (2) of subsection (a)
6 of Section 5-105 of the Code of Civil Procedure.

7 The Chief Judge of the circuit court may suspend any
8 additional charges or fees for late payment, interest, or
9 damage to any device.

10 (h) Jurisdiction over an offender may be transferred from
11 the sentencing court to the court of another circuit with the
12 concurrence of both courts. Further transfers or retransfers
13 of jurisdiction are also authorized in the same manner. The
14 court to which jurisdiction has been transferred shall have
15 the same powers as the sentencing court. The probation
16 department within the circuit to which jurisdiction has been
17 transferred, or which has agreed to provide supervision, may
18 impose probation fees upon receiving the transferred offender,
19 as provided in subsection (i). For all transfer cases, as
20 defined in Section 9b of the Probation and Probation Officers
21 Act, the probation department from the original sentencing
22 court shall retain all probation fees collected prior to the
23 transfer. After the transfer, all probation fees shall be paid
24 to the probation department within the circuit to which
25 jurisdiction has been transferred.

26 (i) The court shall impose upon an offender sentenced to

1 probation after January 1, 1989 or to conditional discharge
2 after January 1, 1992 or to community service under the
3 supervision of a probation or court services department after
4 January 1, 2004, as a condition of such probation or
5 conditional discharge or supervised community service, a fee
6 of \$50 for each month of probation or conditional discharge
7 supervision or supervised community service ordered by the
8 court, unless after determining the inability of the person
9 sentenced to probation or conditional discharge or supervised
10 community service to pay the fee, the court assesses a lesser
11 fee. The court may not impose the fee on a minor who is placed
12 in the guardianship or custody of the Department of Children
13 and Family Services under the Juvenile Court Act of 1987 while
14 the minor is in placement. The fee shall be imposed only upon
15 an offender who is actively supervised by the probation and
16 court services department. The fee shall be collected by the
17 clerk of the circuit court. The clerk of the circuit court
18 shall pay all monies collected from this fee to the county
19 treasurer for deposit in the probation and court services fund
20 under Section 15.1 of the Probation and Probation Officers
21 Act.

22 A circuit court may not impose a probation fee under this
23 subsection (i) in excess of \$25 per month unless the circuit
24 court has adopted, by administrative order issued by the Chief
25 Judge, a standard probation fee guide determining an
26 offender's ability to pay. Of the amount collected as a

1 probation fee, up to \$5 of that fee collected per month may be
2 used to provide services to crime victims and their families.

3 The Court may only waive probation fees based on an
4 offender's ability to pay. The probation department may
5 re-evaluate an offender's ability to pay every 6 months, and,
6 with the approval of the Director of Court Services or the
7 Chief Probation Officer, adjust the monthly fee amount. An
8 offender may elect to pay probation fees due in a lump sum. Any
9 offender that has been assigned to the supervision of a
10 probation department, or has been transferred either under
11 subsection (h) of this Section or under any interstate
12 compact, shall be required to pay probation fees to the
13 department supervising the offender, based on the offender's
14 ability to pay.

15 Public Act 93-970 deletes the \$10 increase in the fee
16 under this subsection that was imposed by Public Act 93-616.
17 This deletion is intended to control over any other Act of the
18 93rd General Assembly that retains or incorporates that fee
19 increase.

20 (i-5) In addition to the fees imposed under subsection (i)
21 of this Section, in the case of an offender convicted of a
22 felony sex offense (as defined in the Sex Offender Management
23 Board Act) or an offense that the court or probation
24 department has determined to be sexually motivated (as defined
25 in the Sex Offender Management Board Act), the court or the
26 probation department shall assess additional fees to pay for

1 all costs of treatment, assessment, evaluation for risk and
2 treatment, and monitoring the offender, based on that
3 offender's ability to pay those costs either as they occur or
4 under a payment plan.

5 (j) All fines and costs imposed under this Section for any
6 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
7 Code, or a similar provision of a local ordinance, and any
8 violation of the Child Passenger Protection Act, or a similar
9 provision of a local ordinance, shall be collected and
10 disbursed by the circuit clerk as provided under the Criminal
11 and Traffic Assessment Act.

12 (k) Any offender who is sentenced to probation or
13 conditional discharge for a felony sex offense as defined in
14 the Sex Offender Management Board Act or any offense that the
15 court or probation department has determined to be sexually
16 motivated as defined in the Sex Offender Management Board Act
17 shall be required to refrain from any contact, directly or
18 indirectly, with any persons specified by the court and shall
19 be available for all evaluations and treatment programs
20 required by the court or the probation department.

21 (l) The court may order an offender who is sentenced to
22 probation or conditional discharge for a violation of an order
23 of protection be placed under electronic surveillance as
24 provided in Section 5-8A-7 of this Code.

25 (m) Except for restitution, and assessments issued for
26 adjudications under Section 5-125 of the Juvenile Court Act of

1 1987, fines and assessments, such as fees or administrative
2 costs, authorized under this Section shall not be ordered or
3 imposed on a minor subject to Article III, IV, or V of the
4 Juvenile Court Act of 1987, or a minor under the age of 18
5 transferred to adult court or excluded from juvenile court
6 jurisdiction under Article V of the Juvenile Court Act of
7 1987, or the minor's parent, guardian, or legal custodian.

8 (n) A person on probation, conditional discharge, or
9 supervision shall not be ordered to refrain from having
10 cannabis or alcohol in his or her body unless:

11 (1) the person is under 21 years old;

12 (2) the person was sentenced to probation, conditional
13 discharge, or supervision for an offense which had as an
14 element of the offense the presence of an intoxicating
15 compound in the person's body;

16 (3) the person is participating in a problem-solving
17 court certified by the Illinois Supreme Court;

18 (4) the person has undergone a validated clinical
19 assessment and the clinical treatment plan includes
20 alcohol or cannabis testing; or

21 (5) a court ordered evaluation recommends that the
22 person refrain from using alcohol or cannabis, provided
23 the evaluation is a validated clinical assessment and the
24 recommendation originates from a clinical treatment plan.

25 If the court has made findings that alcohol use was a
26 contributing factor in the commission of the underlying

1 offense, the court may order a person on probation,
2 conditional discharge, or supervision to refrain from having
3 alcohol in his or her body during the time between sentencing
4 and the completion of a validated clinical assessment,
5 provided that such order shall not exceed 30 days and shall be
6 terminated if the clinical treatment plan does not recommend
7 abstinence or testing, or both.

8 In this subsection (n), "validated clinical assessment"
9 and "clinical treatment plan" have the meanings ascribed to
10 them in Section 10 of the Drug Court Treatment Act.

11 In any instance in which the court orders testing for
12 cannabis or alcohol, the court shall state the reasonable
13 relation the condition has to the person's crime for which the
14 person was placed on probation, conditional discharge, or
15 supervision.

16 (o) A person on probation, conditional discharge, or
17 supervision shall not be ordered to refrain from use or
18 consumption of any substance lawfully prescribed by a medical
19 provider or authorized by the Compassionate Use of Medical
20 Cannabis Program Act, except where use is prohibited in
21 paragraph (3) or (4) of subsection (n).

22 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
23 103-271, eff. 1-1-24; 103-379, eff. 7-28-23; 103-391, eff.
24 1-1-24; 103-605, eff. 7-1-24.)

25 Section 95. The Stalking No Contact Order Act is amended

1 by changing Section 80 as follows:

2 (740 ILCS 21/80)

3 Sec. 80. Stalking no contact orders; remedies.

4 (a) If the court finds that the petitioner has been a
5 victim of stalking, a stalking no contact order shall issue;
6 provided that the petitioner must also satisfy the
7 requirements of Section 95 on emergency orders or Section 100
8 on plenary orders. The petitioner shall not be denied a
9 stalking no contact order because the petitioner or the
10 respondent is a minor. The court, when determining whether or
11 not to issue a stalking no contact order, may not require
12 physical injury on the person of the petitioner. Modification
13 and extension of prior stalking no contact orders shall be in
14 accordance with this Act.

15 (b) A stalking no contact order shall order one or more of
16 the following:

17 (1) prohibit the respondent from threatening to commit
18 or committing stalking;

19 (2) order the respondent not to have any contact with
20 the petitioner or a third person specifically named by the
21 court;

22 (3) prohibit the respondent from knowingly coming
23 within, or knowingly remaining within a specified distance
24 of the petitioner or the petitioner's residence, school,
25 daycare, or place of employment, or any specified place

1 frequented by the petitioner; however, the court may order
2 the respondent to stay away from the respondent's own
3 residence, school, or place of employment only if the
4 respondent has been provided actual notice of the
5 opportunity to appear and be heard on the petition;

6 (4) prohibit the respondent from ~~possessing a Firearm~~
7 ~~Owners Identification Card,~~ or possessing or buying
8 firearms;

9 (5) prohibit the respondent from using any electronic
10 tracking system or acquiring tracking information to
11 determine the petitioner's location, movement, or travel
12 pattern; and

13 (6) order other injunctive relief the court determines
14 to be necessary to protect the petitioner or third party
15 specifically named by the court.

16 (b-5) When the petitioner and the respondent attend the
17 same public, private, or non-public elementary, middle, or
18 high school, the court when issuing a stalking no contact
19 order and providing relief shall consider the severity of the
20 act, any continuing physical danger or emotional distress to
21 the petitioner, the educational rights guaranteed to the
22 petitioner and respondent under federal and State law, the
23 availability of a transfer of the respondent to another
24 school, a change of placement or a change of program of the
25 respondent, the expense, difficulty, and educational
26 disruption that would be caused by a transfer of the

1 respondent to another school, and any other relevant facts of
2 the case. The court may order that the respondent not attend
3 the public, private, or non-public elementary, middle, or high
4 school attended by the petitioner, order that the respondent
5 accept a change of placement or program, as determined by the
6 school district or private or non-public school, or place
7 restrictions on the respondent's movements within the school
8 attended by the petitioner. The respondent bears the burden of
9 proving by a preponderance of the evidence that a transfer,
10 change of placement, or change of program of the respondent is
11 not available. The respondent also bears the burden of
12 production with respect to the expense, difficulty, and
13 educational disruption that would be caused by a transfer of
14 the respondent to another school. A transfer, change of
15 placement, or change of program is not unavailable to the
16 respondent solely on the ground that the respondent does not
17 agree with the school district's or private or non-public
18 school's transfer, change of placement, or change of program
19 or solely on the ground that the respondent fails or refuses to
20 consent to or otherwise does not take an action required to
21 effectuate a transfer, change of placement, or change of
22 program. When a court orders a respondent to stay away from the
23 public, private, or non-public school attended by the
24 petitioner and the respondent requests a transfer to another
25 attendance center within the respondent's school district or
26 private or non-public school, the school district or private

1 or non-public school shall have sole discretion to determine
2 the attendance center to which the respondent is transferred.
3 In the event the court order results in a transfer of the minor
4 respondent to another attendance center, a change in the
5 respondent's placement, or a change of the respondent's
6 program, the parents, guardian, or legal custodian of the
7 respondent is responsible for transportation and other costs
8 associated with the transfer or change.

9 (b-6) The court may order the parents, guardian, or legal
10 custodian of a minor respondent to take certain actions or to
11 refrain from taking certain actions to ensure that the
12 respondent complies with the order. In the event the court
13 orders a transfer of the respondent to another school, the
14 parents, guardian, or legal custodian of the respondent are
15 responsible for transportation and other costs associated with
16 the change of school by the respondent.

17 (b-7) The court shall not hold a school district or
18 private or non-public school or any of its employees in civil
19 or criminal contempt unless the school district or private or
20 non-public school has been allowed to intervene.

21 (b-8) The court may hold the parents, guardian, or legal
22 custodian of a minor respondent in civil or criminal contempt
23 for a violation of any provision of any order entered under
24 this Act for conduct of the minor respondent in violation of
25 this Act if the parents, guardian, or legal custodian
26 directed, encouraged, or assisted the respondent minor in such

1 conduct.

2 (c) The court may award the petitioner costs and attorneys
3 fees if a stalking no contact order is granted.

4 (d) Monetary damages are not recoverable as a remedy.

5 (e) If the stalking no contact order prohibits the
6 respondent from ~~possessing a Firearm Owner's Identification~~
7 ~~Card, or~~ possessing or buying firearms; the court shall
8 confiscate the respondent's firearms ~~Firearm Owner's~~
9 ~~Identification Card and immediately return the card to the~~
10 ~~Illinois State Police Firearm Owner's Identification Card~~
11 ~~Office.~~

12 (Source: P.A. 102-538, eff. 8-20-21; 103-760, eff. 1-1-25.)

13 Section 100. The Mental Health and Developmental
14 Disabilities Confidentiality Act is amended by changing
15 Section 12 as follows:

16 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

17 Sec. 12. (a) If the United States Secret Service or the
18 Illinois State Police requests information from a mental
19 health or developmental disability facility, as defined in
20 Section 1-107 and 1-114 of the Mental Health and Developmental
21 Disabilities Code, relating to a specific recipient and the
22 facility director determines that disclosure of such
23 information may be necessary to protect the life of, or to
24 prevent the infliction of great bodily harm to, a public

1 official, or a person under the protection of the United
2 States Secret Service, only the following information may be
3 disclosed: the recipient's name, address, and age and the date
4 of any admission to or discharge from a facility; and any
5 information which would indicate whether or not the recipient
6 has a history of violence or presents a danger of violence to
7 the person under protection. Any information so disclosed
8 shall be used for investigative purposes only and shall not be
9 publicly disseminated. Any person participating in good faith
10 in the disclosure of such information in accordance with this
11 provision shall have immunity from any liability, civil,
12 criminal or otherwise, if such information is disclosed
13 relying upon the representation of an officer of the United
14 States Secret Service or the Illinois State Police that a
15 person is under the protection of the United States Secret
16 Service or is a public official.

17 For the purpose of this subsection (a), the term "public
18 official" means the Governor, Lieutenant Governor, Attorney
19 General, Secretary of State, State Comptroller, State
20 Treasurer, member of the General Assembly, member of the
21 United States Congress, Judge of the United States as defined
22 in 28 U.S.C. 451, Justice of the United States as defined in 28
23 U.S.C. 451, United States Magistrate Judge as defined in 28
24 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
25 Supreme, Appellate, Circuit, or Associate Judge of the State
26 of Illinois. The term shall also include the spouse, child or

1 children of a public official.

2 (b) The Department of Human Services (acting as successor
3 to the Department of Mental Health and Developmental
4 Disabilities) and all public or private hospitals and mental
5 health facilities are required, as hereafter described in this
6 subsection, to furnish the Illinois State Police only such
7 information as may be required for the sole purpose of
8 determining whether an individual who may be or may have been a
9 patient is disqualified because of that status from receiving
10 or retaining a firearm under paragraph (4) of subsection (a)
11 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
12 ~~Identification Card or falls within the federal prohibitors~~
13 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~
14 ~~of the Firearm Owners Identification Card Act~~, or falls within
15 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
16 physicians, clinical psychologists, or qualified examiners at
17 public or private mental health facilities or parts thereof as
18 defined in this subsection shall, in the form and manner
19 required by the Department, provide notice directly to the
20 Department of Human Services, or to his or her employer who
21 shall then report to the Department, within 24 hours after
22 determining that a person poses a clear and present danger to
23 himself, herself, or others, or within 7 days after a person 14
24 years or older is determined to be a person with a
25 developmental disability by a physician, clinical
26 psychologist, or qualified examiner as described in this

1 subsection (b) ~~Section 1.1 of the Firearm Owners~~
2 ~~Identification Card Act~~. If a person is a patient as described
3 in clause (2)(A) ~~(1)~~ of the definition of "patient" in this
4 subsection ~~Section 1.1 of the Firearm Owners Identification~~
5 ~~Card Act~~, this information shall be furnished within 7 days
6 after admission to a public or private hospital or mental
7 health facility or the provision of services. Any such
8 information disclosed under this subsection shall remain
9 privileged and confidential, and shall not be redisclosed,
10 except as required by clause (e)(2) of Section 24-4.5 of the
11 Criminal Code of 2012 ~~subsection (e) of Section 3.1 of the~~
12 ~~Firearm Owners Identification Card Act~~, nor utilized for any
13 other purpose. The method of requiring the providing of such
14 information shall guarantee that no information is released
15 beyond what is necessary for this purpose. In addition, the
16 information disclosed shall be provided by the Department
17 within the time period established by Section 24-3 of the
18 Criminal Code of 2012 regarding the delivery of firearms. The
19 method used shall be sufficient to provide the necessary
20 information within the prescribed time period, which may
21 include periodically providing lists to the Department of
22 Human Services or any public or private hospital or mental
23 health facility of ~~Firearm Owner's Identification Card~~
24 applicants for firearm purchases on which the Department or
25 hospital shall indicate the identities of those individuals
26 who are to its knowledge disqualified from having a firearm

1 ~~Firearm Owner's Identification Card~~ for reasons described
2 herein. The Department may provide for a centralized source of
3 information for the State on this subject under its
4 jurisdiction. The identity of the person reporting under this
5 subsection shall not be disclosed to the subject of the
6 report. For the purposes of this subsection, the physician,
7 clinical psychologist, or qualified examiner making the
8 determination and his or her employer shall not be held
9 criminally, civilly, or professionally liable for making or
10 not making the notification required under this subsection,
11 except for willful or wanton misconduct.

12 Any person, institution, or agency, under this Act,
13 participating in good faith in the reporting or disclosure of
14 records and communications otherwise in accordance with this
15 provision or with rules, regulations or guidelines issued by
16 the Department shall have immunity from any liability, civil,
17 criminal or otherwise, that might result by reason of the
18 action. For the purpose of any proceeding, civil or criminal,
19 arising out of a report or disclosure in accordance with this
20 provision, the good faith of any person, institution, or
21 agency so reporting or disclosing shall be presumed. The full
22 extent of the immunity provided in this subsection (b) shall
23 apply to any person, institution or agency that fails to make a
24 report or disclosure in the good faith belief that the report
25 or disclosure would violate federal regulations governing the
26 confidentiality of alcohol and drug abuse patient records

1 implementing 42 U.S.C. 290dd-3 and 290ee-3.

2 For purposes of this subsection (b) only, the following
3 terms shall have the meaning prescribed:

4 (1) (Blank).

5 (1.3) "Clear and present danger" has the meaning as
6 defined in Section 6-103.3 of the Mental Health and
7 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
8 ~~Identification Card Act.~~

9 (1.5) "Person with a developmental disability" has the
10 meaning as defined in Section 6-103.3 of the Mental Health
11 and Developmental Disabilities Code ~~1.1 of the Firearm~~
12 ~~Owners Identification Card Act.~~

13 (2) "Patient" means (A) a person who voluntarily
14 receives mental health treatment as an in-patient or
15 resident of any public or private mental health facility,
16 unless the treatment was solely for an alcohol abuse
17 disorder and no other secondary substance abuse disorder
18 or mental illness; or (B) a person who voluntarily
19 receives mental health treatment as an out-patient or is
20 provided services by a public or private mental health
21 facility, and who poses a clear and present danger to
22 himself, herself, or to others ~~has the meaning as defined~~
23 ~~in Section 1.1 of the Firearm Owners Identification Card~~
24 ~~Act.~~

25 (3) "Mental health facility" means any licensed
26 private hospital or hospital affiliate, institution, or

1 facility, or part thereof, and any facility, or part
2 thereof, operated by the State or a political subdivision
3 thereof which provide treatment of persons with mental
4 illness and includes all hospitals, institutions, clinics,
5 evaluation facilities, mental health centers, colleges,
6 universities, long-term care facilities, and nursing
7 homes, or parts thereof, which provide treatment of
8 persons with mental illness whether or not the primary
9 purpose is to provide treatment of persons with mental
10 illness ~~has the meaning as defined in Section 1.1 of the~~
11 ~~Firearm Owners Identification Card Act.~~

12 (c) Upon the request of a peace officer who takes a person
13 into custody and transports such person to a mental health or
14 developmental disability facility pursuant to Section 3-606 or
15 4-404 of the Mental Health and Developmental Disabilities Code
16 or who transports a person from such facility, a facility
17 director shall furnish said peace officer the name, address,
18 age and name of the nearest relative of the person transported
19 to or from the mental health or developmental disability
20 facility. In no case shall the facility director disclose to
21 the peace officer any information relating to the diagnosis,
22 treatment or evaluation of the person's mental or physical
23 health.

24 For the purposes of this subsection (c), the terms "mental
25 health or developmental disability facility", "peace officer"
26 and "facility director" shall have the meanings ascribed to

1 them in the Mental Health and Developmental Disabilities Code.

2 (d) Upon the request of a peace officer or prosecuting
3 authority who is conducting a bona fide investigation of a
4 criminal offense, or attempting to apprehend a fugitive from
5 justice, a facility director may disclose whether a person is
6 present at the facility. Upon request of a peace officer or
7 prosecuting authority who has a valid forcible felony warrant
8 issued, a facility director shall disclose: (1) whether the
9 person who is the subject of the warrant is present at the
10 facility and (2) the date of that person's discharge or future
11 discharge from the facility. The requesting peace officer or
12 prosecuting authority must furnish a case number and the
13 purpose of the investigation or an outstanding arrest warrant
14 at the time of the request. Any person, institution, or agency
15 participating in good faith in disclosing such information in
16 accordance with this subsection (d) is immune from any
17 liability, civil, criminal or otherwise, that might result by
18 reason of the action.

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

20 Section 105. The Illinois Domestic Violence Act of 1986 is
21 amended by changing Sections 210 and 214 as follows:

22 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

23 Sec. 210. Process.

24 (a) Summons. Any action for an order of protection,

1 whether commenced alone or in conjunction with another
2 proceeding, is a distinct cause of action and requires that a
3 separate summons be issued and served, except that in pending
4 cases the following methods may be used:

5 (1) By delivery of the summons to respondent
6 personally in open court in pending civil or criminal
7 cases.

8 (2) By notice in accordance with Section 210.1 in
9 civil cases in which the defendant has filed a general
10 appearance.

11 The summons shall be in the form prescribed by Supreme
12 Court Rule 101(d), except that it shall require respondent to
13 answer or appear within 7 days. Attachments to the summons or
14 notice shall include the petition for order of protection and
15 supporting affidavits, if any, and any emergency order of
16 protection that has been issued. The enforcement of an order
17 of protection under Section 223 shall not be affected by the
18 lack of service, delivery, or notice, provided the
19 requirements of subsection (d) of that Section are otherwise
20 met.

21 (b) Blank.

22 (c) Expedited service. The summons shall be served by the
23 sheriff or other law enforcement officer at the earliest time
24 and shall take precedence over other summonses except those of
25 a similar emergency nature. Special process servers may be
26 appointed at any time, and their designation shall not affect

1 the responsibilities and authority of the sheriff or other
2 official process servers. In counties with a population over
3 3,000,000, a special process server may not be appointed if
4 the order of protection grants the surrender of a child, the
5 surrender of a firearm ~~or firearm owners identification card,~~
6 or the exclusive possession of a shared residence.

7 (d) Remedies requiring actual notice. The counseling,
8 payment of support, payment of shelter services, and payment
9 of losses remedies provided by paragraphs 4, 12, 13, and 16 of
10 subsection (b) of Section 214 may be granted only if
11 respondent has been personally served with process, has
12 answered or has made a general appearance.

13 (e) Remedies upon constructive notice. Service of process
14 on a member of respondent's household or by publication shall
15 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
16 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
17 214, but only if: (i) petitioner has made all reasonable
18 efforts to accomplish actual service of process personally
19 upon respondent, but respondent cannot be found to effect such
20 service and (ii) petitioner files an affidavit or presents
21 sworn testimony as to those efforts.

22 (f) Default. A plenary order of protection may be entered
23 by default as follows:

24 (1) For any of the remedies sought in the petition, if
25 respondent has been served or given notice in accordance
26 with subsection (a) and if respondent then fails to appear

1 as directed or fails to appear on any subsequent
2 appearance or hearing date agreed to by the parties or set
3 by the court; or

4 (2) For any of the remedies provided in accordance
5 with subsection (e), if respondent fails to answer or
6 appear in accordance with the date set in the publication
7 notice or the return date indicated on the service of a
8 household member.

9 (g) Emergency orders. If an order is granted under
10 subsection (c) of Section 217, the court shall immediately
11 file a certified copy of the order with the sheriff or other
12 law enforcement official charged with maintaining Department
13 of State Police records.

14 (Source: P.A. 101-508, eff. 1-1-20.)

15 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

16 Sec. 214. Order of protection; remedies.

17 (a) Issuance of order. If the court finds that petitioner
18 has been abused by a family or household member or that
19 petitioner is a high-risk adult who has been abused,
20 neglected, or exploited, as defined in this Act, an order of
21 protection prohibiting the abuse, neglect, or exploitation
22 shall issue; provided that petitioner must also satisfy the
23 requirements of one of the following Sections, as appropriate:
24 Section 217 on emergency orders, Section 218 on interim
25 orders, or Section 219 on plenary orders. Petitioner shall not

1 be denied an order of protection because petitioner or
2 respondent is a minor. The court, when determining whether or
3 not to issue an order of protection, shall not require
4 physical manifestations of abuse on the person of the victim.
5 Modification and extension of prior orders of protection shall
6 be in accordance with this Act.

7 (b) Remedies and standards. The remedies to be included in
8 an order of protection shall be determined in accordance with
9 this Section and one of the following Sections, as
10 appropriate: Section 217 on emergency orders, Section 218 on
11 interim orders, and Section 219 on plenary orders. The
12 remedies listed in this subsection shall be in addition to
13 other civil or criminal remedies available to petitioner.

14 (1) Prohibition of abuse, neglect, or exploitation.
15 Prohibit respondent's harassment, interference with
16 personal liberty, intimidation of a dependent, physical
17 abuse, or willful deprivation, neglect or exploitation, as
18 defined in this Act, or stalking of the petitioner, as
19 defined in Section 12-7.3 of the Criminal Code of 2012, if
20 such abuse, neglect, exploitation, or stalking has
21 occurred or otherwise appears likely to occur if not
22 prohibited.

23 (2) Grant of exclusive possession of residence.
24 Prohibit respondent from entering or remaining in any
25 residence, household, or premises of the petitioner,
26 including one owned or leased by respondent, if petitioner

1 has a right to occupancy thereof. The grant of exclusive
2 possession of the residence, household, or premises shall
3 not affect title to real property, nor shall the court be
4 limited by the standard set forth in subsection (c-2) of
5 Section 501 of the Illinois Marriage and Dissolution of
6 Marriage Act.

7 (A) Right to occupancy. A party has a right to
8 occupancy of a residence or household if it is solely
9 or jointly owned or leased by that party, that party's
10 spouse, a person with a legal duty to support that
11 party or a minor child in that party's care, or by any
12 person or entity other than the opposing party that
13 authorizes that party's occupancy (e.g., a domestic
14 violence shelter). Standards set forth in subparagraph
15 (B) shall not preclude equitable relief.

16 (B) Presumption of hardships. If petitioner and
17 respondent each has the right to occupancy of a
18 residence or household, the court shall balance (i)
19 the hardships to respondent and any minor child or
20 dependent adult in respondent's care resulting from
21 entry of this remedy with (ii) the hardships to
22 petitioner and any minor child or dependent adult in
23 petitioner's care resulting from continued exposure to
24 the risk of abuse (should petitioner remain at the
25 residence or household) or from loss of possession of
26 the residence or household (should petitioner leave to

1 avoid the risk of abuse). When determining the balance
2 of hardships, the court shall also take into account
3 the accessibility of the residence or household.
4 Hardships need not be balanced if respondent does not
5 have a right to occupancy.

6 The balance of hardships is presumed to favor
7 possession by petitioner unless the presumption is
8 rebutted by a preponderance of the evidence, showing
9 that the hardships to respondent substantially
10 outweigh the hardships to petitioner and any minor
11 child or dependent adult in petitioner's care. The
12 court, on the request of petitioner or on its own
13 motion, may order respondent to provide suitable,
14 accessible, alternate housing for petitioner instead
15 of excluding respondent from a mutual residence or
16 household.

17 (3) Stay away order and additional prohibitions. Order
18 respondent to stay away from petitioner or any other
19 person protected by the order of protection, or prohibit
20 respondent from entering or remaining present at
21 petitioner's school, place of employment, or other
22 specified places at times when petitioner is present, or
23 both, if reasonable, given the balance of hardships.
24 Hardships need not be balanced for the court to enter a
25 stay away order or prohibit entry if respondent has no
26 right to enter the premises.

1 (A) If an order of protection grants petitioner
2 exclusive possession of the residence, or prohibits
3 respondent from entering the residence, or orders
4 respondent to stay away from petitioner or other
5 protected persons, then the court may allow respondent
6 access to the residence to remove items of clothing
7 and personal adornment used exclusively by respondent,
8 medications, and other items as the court directs. The
9 right to access shall be exercised on only one
10 occasion as the court directs and in the presence of an
11 agreed-upon adult third party or law enforcement
12 officer.

13 (B) When the petitioner and the respondent attend
14 the same public, private, or non-public elementary,
15 middle, or high school, the court when issuing an
16 order of protection and providing relief shall
17 consider the severity of the act, any continuing
18 physical danger or emotional distress to the
19 petitioner, the educational rights guaranteed to the
20 petitioner and respondent under federal and State law,
21 the availability of a transfer of the respondent to
22 another school, a change of placement or a change of
23 program of the respondent, the expense, difficulty,
24 and educational disruption that would be caused by a
25 transfer of the respondent to another school, and any
26 other relevant facts of the case. The court may order

1 that the respondent not attend the public, private, or
2 non-public elementary, middle, or high school attended
3 by the petitioner, order that the respondent accept a
4 change of placement or change of program, as
5 determined by the school district or private or
6 non-public school, or place restrictions on the
7 respondent's movements within the school attended by
8 the petitioner. The respondent bears the burden of
9 proving by a preponderance of the evidence that a
10 transfer, change of placement, or change of program of
11 the respondent is not available. The respondent also
12 bears the burden of production with respect to the
13 expense, difficulty, and educational disruption that
14 would be caused by a transfer of the respondent to
15 another school. A transfer, change of placement, or
16 change of program is not unavailable to the respondent
17 solely on the ground that the respondent does not
18 agree with the school district's or private or
19 non-public school's transfer, change of placement, or
20 change of program or solely on the ground that the
21 respondent fails or refuses to consent or otherwise
22 does not take an action required to effectuate a
23 transfer, change of placement, or change of program.
24 When a court orders a respondent to stay away from the
25 public, private, or non-public school attended by the
26 petitioner and the respondent requests a transfer to

1 another attendance center within the respondent's
2 school district or private or non-public school, the
3 school district or private or non-public school shall
4 have sole discretion to determine the attendance
5 center to which the respondent is transferred. In the
6 event the court order results in a transfer of the
7 minor respondent to another attendance center, a
8 change in the respondent's placement, or a change of
9 the respondent's program, the parents, guardian, or
10 legal custodian of the respondent is responsible for
11 transportation and other costs associated with the
12 transfer or change.

13 (C) The court may order the parents, guardian, or
14 legal custodian of a minor respondent to take certain
15 actions or to refrain from taking certain actions to
16 ensure that the respondent complies with the order. In
17 the event the court orders a transfer of the
18 respondent to another school, the parents, guardian,
19 or legal custodian of the respondent is responsible
20 for transportation and other costs associated with the
21 change of school by the respondent.

22 (4) Counseling. Require or recommend the respondent to
23 undergo counseling for a specified duration with a social
24 worker, psychologist, clinical psychologist,
25 psychiatrist, family service agency, alcohol or substance
26 abuse program, mental health center guidance counselor,

1 agency providing services to elders, program designed for
2 domestic violence abusers or any other guidance service
3 the court deems appropriate. The Court may order the
4 respondent in any intimate partner relationship to report
5 to an Illinois Department of Human Services protocol
6 approved partner abuse intervention program for an
7 assessment and to follow all recommended treatment.

8 (5) Physical care and possession of the minor child.
9 In order to protect the minor child from abuse, neglect,
10 or unwarranted separation from the person who has been the
11 minor child's primary caretaker, or to otherwise protect
12 the well-being of the minor child, the court may do either
13 or both of the following: (i) grant petitioner physical
14 care or possession of the minor child, or both, or (ii)
15 order respondent to return a minor child to, or not remove
16 a minor child from, the physical care of a parent or person
17 in loco parentis.

18 If a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 103) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding physical care to respondent would not be in the
22 minor child's best interest.

23 (6) Temporary allocation of parental responsibilities:
24 significant decision-making. Award temporary
25 decision-making responsibility to petitioner in accordance
26 with this Section, the Illinois Marriage and Dissolution

1 of Marriage Act, the Illinois Parentage Act of 2015, and
2 this State's Uniform Child-Custody Jurisdiction and
3 Enforcement Act.

4 If a court finds, after a hearing, that respondent has
5 committed abuse (as defined in Section 103) of a minor
6 child, there shall be a rebuttable presumption that
7 awarding temporary significant decision-making
8 responsibility to respondent would not be in the child's
9 best interest.

10 (7) Parenting time. Determine the parenting time, if
11 any, of respondent in any case in which the court awards
12 physical care or allocates temporary significant
13 decision-making responsibility of a minor child to
14 petitioner. The court shall restrict or deny respondent's
15 parenting time with a minor child if the court finds that
16 respondent has done or is likely to do any of the
17 following: (i) abuse or endanger the minor child during
18 parenting time; (ii) use the parenting time as an
19 opportunity to abuse or harass petitioner or petitioner's
20 family or household members; (iii) improperly conceal or
21 detain the minor child; or (iv) otherwise act in a manner
22 that is not in the best interests of the minor child. The
23 court shall not be limited by the standards set forth in
24 Section 603.10 of the Illinois Marriage and Dissolution of
25 Marriage Act. If the court grants parenting time, the
26 order shall specify dates and times for the parenting time

1 to take place or other specific parameters or conditions
2 that are appropriate. No order for parenting time shall
3 refer merely to the term "reasonable parenting time".

4 Petitioner may deny respondent access to the minor
5 child if, when respondent arrives for parenting time,
6 respondent is under the influence of drugs or alcohol and
7 constitutes a threat to the safety and well-being of
8 petitioner or petitioner's minor children or is behaving
9 in a violent or abusive manner.

10 If necessary to protect any member of petitioner's
11 family or household from future abuse, respondent shall be
12 prohibited from coming to petitioner's residence to meet
13 the minor child for parenting time, and the parties shall
14 submit to the court their recommendations for reasonable
15 alternative arrangements for parenting time. A person may
16 be approved to supervise parenting time only after filing
17 an affidavit accepting that responsibility and
18 acknowledging accountability to the court.

19 (8) Removal or concealment of minor child. Prohibit
20 respondent from removing a minor child from the State or
21 concealing the child within the State.

22 (9) Order to appear. Order the respondent to appear in
23 court, alone or with a minor child, to prevent abuse,
24 neglect, removal or concealment of the child, to return
25 the child to the custody or care of the petitioner or to
26 permit any court-ordered interview or examination of the

1 child or the respondent.

2 (10) Possession of personal property. Grant petitioner
3 exclusive possession of personal property and, if
4 respondent has possession or control, direct respondent to
5 promptly make it available to petitioner, if:

6 (i) petitioner, but not respondent, owns the
7 property; or

8 (ii) the parties own the property jointly; sharing
9 it would risk abuse of petitioner by respondent or is
10 impracticable; and the balance of hardships favors
11 temporary possession by petitioner.

12 If petitioner's sole claim to ownership of the
13 property is that it is marital property, the court may
14 award petitioner temporary possession thereof under the
15 standards of subparagraph (ii) of this paragraph only if a
16 proper proceeding has been filed under the Illinois
17 Marriage and Dissolution of Marriage Act, as now or
18 hereafter amended.

19 No order under this provision shall affect title to
20 property.

21 (11) Protection of property. Forbid the respondent
22 from taking, transferring, encumbering, concealing,
23 damaging or otherwise disposing of any real or personal
24 property, except as explicitly authorized by the court,
25 if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly, and the
3 balance of hardships favors granting this remedy.

4 If petitioner's sole claim to ownership of the
5 property is that it is marital property, the court may
6 grant petitioner relief under subparagraph (ii) of this
7 paragraph only if a proper proceeding has been filed under
8 the Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended.

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the
15 exclusive care, custody, or control of any animal owned,
16 possessed, leased, kept, or held by either the petitioner
17 or the respondent or a minor child residing in the
18 residence or household of either the petitioner or the
19 respondent and order the respondent to stay away from the
20 animal and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or over whom the petitioner has been
26 allocated parental responsibility, when the respondent has

1 a legal obligation to support that person, in accordance
2 with the Illinois Marriage and Dissolution of Marriage
3 Act, which shall govern, among other matters, the amount
4 of support, payment through the clerk and withholding of
5 income to secure payment. An order for child support may
6 be granted to a petitioner with lawful physical care of a
7 child, or an order or agreement for physical care of a
8 child, prior to entry of an order allocating significant
9 decision-making responsibility. Such a support order shall
10 expire upon entry of a valid order allocating parental
11 responsibility differently and vacating the petitioner's
12 significant decision-making authority, unless otherwise
13 provided in the order.

14 (13) Order for payment of losses. Order respondent to
15 pay petitioner for losses suffered as a direct result of
16 the abuse, neglect, or exploitation. Such losses shall
17 include, but not be limited to, medical expenses, lost
18 earnings or other support, repair or replacement of
19 property damaged or taken, reasonable attorney's fees,
20 court costs and moving or other travel expenses, including
21 additional reasonable expenses for temporary shelter and
22 restaurant meals.

23 (i) Losses affecting family needs. If a party is
24 entitled to seek maintenance, child support or
25 property distribution from the other party under the
26 Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended, the court may order
2 respondent to reimburse petitioner's actual losses, to
3 the extent that such reimbursement would be
4 "appropriate temporary relief", as authorized by
5 subsection (a) (3) of Section 501 of that Act.

6 (ii) Recovery of expenses. In the case of an
7 improper concealment or removal of a minor child, the
8 court may order respondent to pay the reasonable
9 expenses incurred or to be incurred in the search for
10 and recovery of the minor child, including but not
11 limited to legal fees, court costs, private
12 investigator fees, and travel costs.

13 (14) Prohibition of entry. Prohibit the respondent
14 from entering or remaining in the residence or household
15 while the respondent is under the influence of alcohol or
16 drugs and constitutes a threat to the safety and
17 well-being of the petitioner or the petitioner's children.

18 (14.5) Prohibition of firearm possession.

19 (a) Prohibit a respondent against whom an order of
20 protection was issued from possessing any firearms
21 during the duration of the order if the order:

22 (1) was issued after a hearing of which such
23 person received actual notice, and at which such
24 person had an opportunity to participate;

25 (2) restrains such person from harassing,
26 stalking, or threatening an intimate partner of

1 such person or child of such intimate partner or
2 person, or engaging in other conduct that would
3 place an intimate partner in reasonable fear of
4 bodily injury to the partner or child; and

5 (3) (i) includes a finding that such person
6 represents a credible threat to the physical
7 safety of such intimate partner or child; or (ii)
8 by its terms explicitly prohibits the use,
9 attempted use, or threatened use of physical force
10 against such intimate partner or child that would
11 reasonably be expected to cause bodily injury.

12 ~~Any Firearm Owner's Identification Card in the~~
13 ~~possession of the respondent, except as provided in~~
14 ~~subsection (b), shall be ordered by the court to be~~
15 ~~turned over to the local law enforcement agency. The~~
16 ~~local law enforcement agency shall immediately mail~~
17 ~~the card to the Illinois State Police Firearm Owner's~~
18 ~~Identification Card Office for safekeeping. The court~~
19 shall issue a warrant for seizure of any firearm in the
20 possession of the respondent, to be kept by the local
21 law enforcement agency for safekeeping, except as
22 provided in subsection (b). The period of safekeeping
23 shall be for the duration of the order of protection.
24 The firearm or firearms ~~and Firearm Owner's~~
25 ~~Identification Card, if unexpired,~~ shall at the
26 respondent's request, be returned to the respondent at

1 the end of the order of protection. It is the
2 respondent's responsibility to notify the Illinois
3 State Police ~~Firearm Owner's Identification Card~~
4 ~~Office~~.

5 (b) If the respondent is a peace officer as
6 defined in Section 2-13 of the Criminal Code of 2012,
7 the court shall order that any firearms used by the
8 respondent in the performance of his or her duties as a
9 peace officer be surrendered to the chief law
10 enforcement executive of the agency in which the
11 respondent is employed, who shall retain the firearms
12 for safekeeping for the duration of the order of
13 protection.

14 (c) Upon expiration of the period of safekeeping,
15 if the firearms ~~or Firearm Owner's Identification Card~~
16 cannot be returned to respondent because respondent
17 cannot be located, fails to respond to requests to
18 retrieve the firearms, or is not lawfully eligible to
19 possess a firearm, upon petition from the local law
20 enforcement agency, the court may order the local law
21 enforcement agency to destroy the firearms, use the
22 firearms for training purposes, or for any other
23 application as deemed appropriate by the local law
24 enforcement agency; or that the firearms be turned
25 over to a third party who is lawfully eligible to
26 possess firearms, and who does not reside with

1 respondent.

2 (15) Prohibition of access to records. If an order of
3 protection prohibits respondent from having contact with
4 the minor child, or if petitioner's address is omitted
5 under subsection (b) of Section 203, or if necessary to
6 prevent abuse or wrongful removal or concealment of a
7 minor child, the order shall deny respondent access to,
8 and prohibit respondent from inspecting, obtaining, or
9 attempting to inspect or obtain, school or any other
10 records of the minor child who is in the care of
11 petitioner.

12 (16) Order for payment of shelter services. Order
13 respondent to reimburse a shelter providing temporary
14 housing and counseling services to the petitioner for the
15 cost of the services, as certified by the shelter and
16 deemed reasonable by the court.

17 (17) Order for injunctive relief. Enter injunctive
18 relief necessary or appropriate to prevent further abuse
19 of a family or household member or further abuse, neglect,
20 or exploitation of a high-risk adult with disabilities or
21 to effectuate one of the granted remedies, if supported by
22 the balance of hardships. If the harm to be prevented by
23 the injunction is abuse or any other harm that one of the
24 remedies listed in paragraphs (1) through (16) of this
25 subsection is designed to prevent, no further evidence is
26 necessary that the harm is an irreparable injury.

1 (18) Telephone services.

2 (A) Unless a condition described in subparagraph
3 (B) of this paragraph exists, the court may, upon
4 request by the petitioner, order a wireless telephone
5 service provider to transfer to the petitioner the
6 right to continue to use a telephone number or numbers
7 indicated by the petitioner and the financial
8 responsibility associated with the number or numbers,
9 as set forth in subparagraph (C) of this paragraph.
10 For purposes of this paragraph (18), the term
11 "wireless telephone service provider" means a provider
12 of commercial mobile service as defined in 47 U.S.C.
13 332. The petitioner may request the transfer of each
14 telephone number that the petitioner, or a minor child
15 in his or her custody, uses. The clerk of the court
16 shall serve the order on the wireless telephone
17 service provider's agent for service of process
18 provided to the Illinois Commerce Commission. The
19 order shall contain all of the following:

20 (i) The name and billing telephone number of
21 the account holder including the name of the
22 wireless telephone service provider that serves
23 the account.

24 (ii) Each telephone number that will be
25 transferred.

26 (iii) A statement that the provider transfers

1 to the petitioner all financial responsibility for
2 and right to the use of any telephone number
3 transferred under this paragraph.

4 (B) A wireless telephone service provider shall
5 terminate the respondent's use of, and shall transfer
6 to the petitioner use of, the telephone number or
7 numbers indicated in subparagraph (A) of this
8 paragraph unless it notifies the petitioner, within 72
9 hours after it receives the order, that one of the
10 following applies:

11 (i) The account holder named in the order has
12 terminated the account.

13 (ii) A difference in network technology would
14 prevent or impair the functionality of a device on
15 a network if the transfer occurs.

16 (iii) The transfer would cause a geographic or
17 other limitation on network or service provision
18 to the petitioner.

19 (iv) Another technological or operational
20 issue would prevent or impair the use of the
21 telephone number if the transfer occurs.

22 (C) The petitioner assumes all financial
23 responsibility for and right to the use of any
24 telephone number transferred under this paragraph. In
25 this paragraph, "financial responsibility" includes
26 monthly service costs and costs associated with any

1 mobile device associated with the number.

2 (D) A wireless telephone service provider may
3 apply to the petitioner its routine and customary
4 requirements for establishing an account or
5 transferring a number, including requiring the
6 petitioner to provide proof of identification,
7 financial information, and customer preferences.

8 (E) Except for willful or wanton misconduct, a
9 wireless telephone service provider is immune from
10 civil liability for its actions taken in compliance
11 with a court order issued under this paragraph.

12 (F) All wireless service providers that provide
13 services to residential customers shall provide to the
14 Illinois Commerce Commission the name and address of
15 an agent for service of orders entered under this
16 paragraph (18). Any change in status of the registered
17 agent must be reported to the Illinois Commerce
18 Commission within 30 days of such change.

19 (G) The Illinois Commerce Commission shall
20 maintain the list of registered agents for service for
21 each wireless telephone service provider on the
22 Commission's website. The Commission may consult with
23 wireless telephone service providers and the Circuit
24 Court Clerks on the manner in which this information
25 is provided and displayed.

26 (c) Relevant factors; findings.

1 (1) In determining whether to grant a specific remedy,
2 other than payment of support, the court shall consider
3 relevant factors, including but not limited to the
4 following:

5 (i) the nature, frequency, severity, pattern and
6 consequences of the respondent's past abuse, neglect
7 or exploitation of the petitioner or any family or
8 household member, including the concealment of his or
9 her location in order to evade service of process or
10 notice, and the likelihood of danger of future abuse,
11 neglect, or exploitation to petitioner or any member
12 of petitioner's or respondent's family or household;
13 and

14 (ii) the danger that any minor child will be
15 abused or neglected or improperly relocated from the
16 jurisdiction, improperly concealed within the State or
17 improperly separated from the child's primary
18 caretaker.

19 (2) In comparing relative hardships resulting to the
20 parties from loss of possession of the family home, the
21 court shall consider relevant factors, including but not
22 limited to the following:

23 (i) availability, accessibility, cost, safety,
24 adequacy, location and other characteristics of
25 alternate housing for each party and any minor child
26 or dependent adult in the party's care;

1 (ii) the effect on the party's employment; and

2 (iii) the effect on the relationship of the party,
3 and any minor child or dependent adult in the party's
4 care, to family, school, church and community.

5 (3) Subject to the exceptions set forth in paragraph
6 (4) of this subsection, the court shall make its findings
7 in an official record or in writing, and shall at a minimum
8 set forth the following:

9 (i) That the court has considered the applicable
10 relevant factors described in paragraphs (1) and (2)
11 of this subsection.

12 (ii) Whether the conduct or actions of respondent,
13 unless prohibited, will likely cause irreparable harm
14 or continued abuse.

15 (iii) Whether it is necessary to grant the
16 requested relief in order to protect petitioner or
17 other alleged abused persons.

18 (4) For purposes of issuing an ex parte emergency
19 order of protection, the court, as an alternative to or as
20 a supplement to making the findings described in
21 paragraphs (c)(3)(i) through (c)(3)(iii) of this
22 subsection, may use the following procedure:

23 When a verified petition for an emergency order of
24 protection in accordance with the requirements of Sections
25 203 and 217 is presented to the court, the court shall
26 examine petitioner on oath or affirmation. An emergency

1 order of protection shall be issued by the court if it
2 appears from the contents of the petition and the
3 examination of petitioner that the averments are
4 sufficient to indicate abuse by respondent and to support
5 the granting of relief under the issuance of the emergency
6 order of protection.

7 (5) Never married parties. No rights or
8 responsibilities for a minor child born outside of
9 marriage attach to a putative father until a father and
10 child relationship has been established under the Illinois
11 Parentage Act of 1984, the Illinois Parentage Act of 2015,
12 the Illinois Public Aid Code, Section 12 of the Vital
13 Records Act, the Juvenile Court Act of 1987, the Probate
14 Act of 1975, the Revised Uniform Reciprocal Enforcement of
15 Support Act, the Uniform Interstate Family Support Act,
16 the Expedited Child Support Act of 1990, any judicial,
17 administrative, or other act of another state or
18 territory, any other Illinois statute, or by any foreign
19 nation establishing the father and child relationship, any
20 other proceeding substantially in conformity with the
21 Personal Responsibility and Work Opportunity
22 Reconciliation Act of 1996 (Pub. L. 104-193), or where
23 both parties appeared in open court or at an
24 administrative hearing acknowledging under oath or
25 admitting by affirmation the existence of a father and
26 child relationship. Absent such an adjudication, finding,

1 or acknowledgment, no putative father shall be granted
2 temporary allocation of parental responsibilities,
3 including parenting time with the minor child, or physical
4 care and possession of the minor child, nor shall an order
5 of payment for support of the minor child be entered.

6 (d) Balance of hardships; findings. If the court finds
7 that the balance of hardships does not support the granting of
8 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
9 subsection (b) of this Section, which may require such
10 balancing, the court's findings shall so indicate and shall
11 include a finding as to whether granting the remedy will
12 result in hardship to respondent that would substantially
13 outweigh the hardship to petitioner from denial of the remedy.
14 The findings shall be an official record or in writing.

15 (e) Denial of remedies. Denial of any remedy shall not be
16 based, in whole or in part, on evidence that:

17 (1) Respondent has cause for any use of force, unless
18 that cause satisfies the standards for justifiable use of
19 force provided by Article 7 of the Criminal Code of 2012;

20 (2) Respondent was voluntarily intoxicated;

21 (3) Petitioner acted in self-defense or defense of
22 another, provided that, if petitioner utilized force, such
23 force was justifiable under Article 7 of the Criminal Code
24 of 2012;

25 (4) Petitioner did not act in self-defense or defense
26 of another;

1 (5) Petitioner left the residence or household to
2 avoid further abuse, neglect, or exploitation by
3 respondent;

4 (6) Petitioner did not leave the residence or
5 household to avoid further abuse, neglect, or exploitation
6 by respondent;

7 (7) Conduct by any family or household member excused
8 the abuse, neglect, or exploitation by respondent, unless
9 that same conduct would have excused such abuse, neglect,
10 or exploitation if the parties had not been family or
11 household members.

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

13 Section 110. The Revised Uniform Unclaimed Property Act is
14 amended by changing Section 15-705 as follows:

15 (765 ILCS 1026/15-705)

16 Sec. 15-705. Exceptions to the sale of tangible property.
17 The administrator shall dispose of tangible property
18 identified by this Section in accordance with this Section.

19 (a) Military medals or decorations. The administrator may
20 not sell a medal or decoration awarded for military service in
21 the armed forces of the United States. Instead, the
22 administrator, with the consent of the respective organization
23 under paragraph (1), agency under paragraph (2), or entity
24 under paragraph (3), may deliver a medal or decoration to be

1 held in custody for the owner, to:

2 (1) a military veterans organization qualified under
3 Section 501(c)(19) of the Internal Revenue Code;

4 (2) the agency that awarded the medal or decoration;
5 or

6 (3) a governmental entity.

7 After delivery, the administrator is not responsible for
8 the safekeeping of the medal or decoration.

9 (b) Property with historical value. Property that the
10 administrator reasonably believes may have historical value
11 may be, at his or her discretion, loaned to an accredited
12 museum in the United States where it will be kept until such
13 time as the administrator orders it to be returned to his or
14 her custody.

15 (c) Human remains. If human remains are delivered to the
16 administrator under this Act, the administrator shall deliver
17 those human remains to the coroner of the county in which the
18 human remains were abandoned for disposition under Section
19 3-3034 of the Counties Code. The only human remains that may be
20 delivered to the administrator under this Act and that the
21 administrator may receive are those that are reported and
22 delivered as contents of a safe deposit box.

23 (d) Evidence in a criminal investigation. Property that
24 may have been used in the commission of a crime or that may
25 assist in the investigation of a crime, as determined after
26 consulting with the Illinois State Police, shall be delivered

1 to the Illinois State Police or other appropriate law
2 enforcement authority to allow law enforcement to determine
3 whether a criminal investigation should take place. Any such
4 property delivered to a law enforcement authority shall be
5 held in accordance with existing statutes and rules related to
6 the gathering, retention, and release of evidence.

7 (e) Firearms.

8 (1) The administrator, in cooperation with the
9 Illinois State Police, shall develop a procedure to
10 determine whether a firearm delivered to the administrator
11 under this Act has been stolen or used in the commission of
12 a crime. The Illinois State Police shall determine the
13 appropriate disposition of a firearm that has been stolen
14 or used in the commission of a crime. The administrator
15 shall attempt to return a firearm that has not been stolen
16 or used in the commission of a crime to the rightful owner
17 if the Illinois State Police determines that the owner may
18 lawfully possess the firearm.

19 (2) If the administrator is unable to return a firearm
20 to its owner, the administrator shall transfer custody of
21 the firearm to the Illinois State Police. Legal title to a
22 firearm transferred to the Illinois State Police under
23 this subsection (e) is vested in the Illinois State Police
24 by operation of law if:

25 (i) the administrator cannot locate the owner of
26 the firearm;

1 (ii) the owner of the firearm may not lawfully
2 possess the firearm;

3 (iii) the apparent owner does not respond to
4 notice published under Section 15-503 of this Act; or

5 (iv) the apparent owner responds to notice
6 published under Section 15-502 and states that he or
7 she no longer claims an interest in the firearm.

8 (3) With respect to a firearm whose title is
9 transferred to the Illinois State Police under this
10 subsection (e), the Illinois State Police may:

11 (i) retain the firearm for use by the crime
12 laboratory system, for training purposes, or for any
13 other application as deemed appropriate by the
14 Department;

15 (ii) transfer the firearm to the Illinois State
16 Museum if the firearm has historical value; or

17 (iii) destroy the firearm if it is not retained
18 pursuant to subparagraph (i) or transferred pursuant
19 to subparagraph (ii).

20 As used in this subsection, "firearm" has the meaning
21 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
22 ~~Firearm Owners Identification Card Act.~~

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

24 Section 115. The Consumer Fraud and Deceptive Business
25 Practices Act is amended by changing Section 2DDDD as follows:

1 (815 ILCS 505/2DDDD)

2 Sec. 2DDDD. Sale and marketing of firearms.

3 (a) As used in this Section:

4 "Firearm" has the meaning set forth in Section 2-7.5 of
5 the Criminal Code of 2012 ~~1.1 of the Firearm Owners~~
6 ~~Identification Card Act.~~

7 "Firearm accessory" means an attachment or device designed
8 or adapted to be inserted into, affixed onto, or used in
9 conjunction with a firearm that is designed, intended, or
10 functions to alter or enhance (i) the firing capabilities of a
11 firearm, frame, or receiver, (ii) the lethality of the
12 firearm, or (iii) a shooter's ability to hold and use a
13 firearm.

14 "Firearm ammunition" has the meaning set forth in Section
15 2-7.1 of the Criminal Code of 2012 ~~1.1 of the Firearm Owners~~
16 ~~Identification Card Act.~~

17 "Firearm industry member" means a person, firm,
18 corporation, company, partnership, society, joint stock
19 company, or any other entity or association engaged in the
20 design, manufacture, distribution, importation, marketing,
21 wholesale, or retail sale of firearm-related products,
22 including sales by mail, telephone, or Internet or in-person
23 sales.

24 "Firearm-related product" means a firearm, firearm
25 ammunition, a firearm precursor part, a firearm component, or

1 a firearm accessory that meets any of the following
2 conditions:

3 (1) the item is sold, made, or distributed in
4 Illinois;

5 (2) the item is intended to be sold or distributed in
6 Illinois; or

7 (3) the item is or was possessed in Illinois, and it
8 was reasonably foreseeable that the item would be
9 possessed in Illinois.

10 "Straw purchaser" means a person who (i) knowingly
11 purchases or attempts to purchase a firearm-related product
12 with intent to deliver that firearm-related product to another
13 person who is prohibited by federal or State law from
14 possessing a firearm-related product or (ii) intentionally
15 provides false or misleading information on a Bureau of
16 Alcohol, Tobacco, Firearms and Explosives firearms transaction
17 record form to purchase a firearm-related product with the
18 intent to deliver that firearm-related product to another
19 person.

20 "Unlawful paramilitary or private militia" means a group
21 of armed individuals, organized privately, in violation of the
22 Military Code of Illinois and Section 2 of Article XII of the
23 Illinois Constitution.

24 (b) It is an unlawful practice within the meaning of this
25 Act for any firearm industry member, through the sale,
26 manufacturing, importing, or marketing of a firearm-related

1 product, to do any of the following:

2 (1) Knowingly create, maintain, or contribute to a
3 condition in Illinois that endangers the safety or health
4 of the public by conduct either unlawful in itself or
5 unreasonable under all circumstances, including failing to
6 establish or utilize reasonable controls. Reasonable
7 controls include reasonable procedures, safeguards, and
8 business practices that are designed to:

9 (A) prevent the sale or distribution of a
10 firearm-related product to a straw purchaser, a person
11 prohibited by law from possessing a firearm, or a
12 person who the firearm industry member has reasonable
13 cause to believe is at substantial risk of using a
14 firearm-related product to harm themselves or another
15 individual or of possessing or using a firearm-related
16 product unlawfully;

17 (B) prevent the loss or theft of a firearm-related
18 product from the firearm industry member; or

19 (C) comply with all provisions of applicable
20 local, State, and federal law, and do not otherwise
21 promote the unlawful manufacture, sale, possession,
22 marketing, or use of a firearm-related product.

23 (2) Advertise, market, or promote a firearm-related
24 product in a manner that reasonably appears to support,
25 recommend, or encourage individuals to engage in unlawful
26 paramilitary or private militia activity in Illinois, or

1 individuals who are not in the National Guard, United
2 States armed forces reserves, United States armed forces,
3 or any duly authorized military organization to use a
4 firearm-related product for a military-related purpose in
5 Illinois.

6 (3) Except as otherwise provided, advertise, market,
7 promote, design, or sell any firearm-related product in a
8 manner that reasonably appears to support, recommend, or
9 encourage persons under 18 years of age to unlawfully
10 purchase or possess or use a firearm-related product in
11 Illinois.

12 (A) In determining whether the conduct of a
13 firearm industry member, as described in this
14 paragraph, reasonably appears to support, recommend,
15 or encourage persons under 18 years of age to
16 unlawfully purchase a firearm-related product, a court
17 shall consider the totality of the circumstances,
18 including, but not limited to, whether the marketing,
19 advertising promotion, design, or sale:

20 (i) uses caricatures that reasonably appear to
21 be minors or cartoon characters;

22 (ii) offers brand name merchandise for minors,
23 including, but not limited to, clothing, toys,
24 games, or stuffed animals, that promotes a firearm
25 industry member or firearm-related product;

26 (iii) offers firearm-related products in

1 sizes, colors, or designs that are specifically
2 designed to be used by, or appeal to, minors;

3 (iv) is part of a marketing, advertising, or
4 promotion campaign designed with the intent to
5 appeal to minors;

6 (v) uses images or depictions of minors in
7 advertising or marketing, or promotion materials,
8 to depict the use of firearm-related products; or

9 (vi) is placed in a publication created for
10 the purpose of reaching an audience that is
11 predominantly composed of minors and not intended
12 for a more general audience composed of adults.

13 (B) This paragraph does not apply to
14 communications or promotional materials regarding
15 lawful recreational activity with a firearm, such as,
16 but not limited to, practice shooting at targets on
17 established public or private target ranges or
18 hunting, trapping, or fishing in accordance with the
19 Wildlife Code or the Fish and Aquatic Life Code.

20 (4) Otherwise engage in unfair methods of competition
21 or unfair or deceptive acts or practices declared unlawful
22 under Section 2 of this Act.

23 (c) Paragraphs (2), (3), and (4) of subsection (b) are
24 declarative of existing law and shall not be construed as new
25 enactments. The provisions of these paragraphs shall apply to
26 all actions commenced or pending on or after August 14, 2023

1 (the effective date of Public Act 103-559).

2 (d) The provisions of this Section are severable under
3 Section 1.31 of the Statute on Statutes.

4 (Source: P.A. 103-559, eff. 8-14-23; 103-605, eff. 7-1-24.)

5 Section 950. No acceleration or delay. Where this Act
6 makes changes in a statute that is represented in this Act by
7 text that is not yet or no longer in effect (for example, a
8 Section represented by multiple versions), the use of that
9 text does not accelerate or delay the taking effect of (i) the
10 changes made by this Act or (ii) provisions derived from any
11 other Public Act.

12 Section 999. Effective date. This Act takes effect upon
13 becoming law.

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