



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2354

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

See Index

Creates the Lethal Violence Order of Protection Act. Provides that a petitioner may request an emergency lethal violence order of protection by filing an affidavit or verified pleading alleging that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm. Provides that the petition shall also describe the type, and location of any firearm or firearms presently believed by the petitioner to be possessed or controlled by the respondent. Provides that the petitioner may be a family member of the respondent or a law enforcement officer, who files a petition alleging that the respondent poses a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm. Establishes factors that the court must consider before issuing a lethal violence order of protection. Provides for the issuance of ex parte orders and one year orders. Provides that if the court issues the order the respondent must: (1) refrain from having in his or her custody or control, owning, purchasing, possessing, or receiving additional firearms for the duration of the order; and (2) turn over to the local law enforcement agency any firearm, Firearm Owner's Identification Card, or concealed carry license in his or her possession. Establishes factors for renewing and terminating lethal violence orders of protection. Amends the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act to make conforming changes.

LRB100 05908 RLC 15934 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning orders of protection.

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

4 Section 1. Short title. This Act may be cited as the Lethal
5 Violence Order of Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Family member of the respondent" means a spouse, parent,
8 child, or step-child of the respondent, any other person
9 related by blood or present marriage to the respondent, or a
10 person who shares a common dwelling with the respondent.

11 "Intimate partner" means a spouse, former spouse, a person
12 with whom the respondent has or allegedly has a child in
13 common, or a person with whom the respondent has or has had a
14 dating or engagement relationship.

15 "Lethal violence order of protection" means an order issued
16 by the court, prohibiting and enjoining a named person from
17 having in his or her custody or control, owning, purchasing,
18 possessing, or receiving any firearms.

19 "Petitioner" means:

20 (1) a family member of the respondent as defined in
21 this Act; or

22 (2) a law enforcement officer, who files a petition
23 alleging that the respondent poses a danger of causing

1 personal injury to himself, herself, or another by having
2 in his or her custody or control, owning, purchasing,
3 possessing, or receiving a firearm.

4 "Respondent" means the person alleged in the petition to
5 pose a danger of causing personal injury to himself, herself,
6 or another by having in his or her custody or control, owning,
7 purchasing, possessing, or receiving a firearm.

8 Section 10. Commencement of action; procedure.

9 (a) Actions for a lethal violence order of protection are
10 commenced by filing a verified petition for a lethal violence
11 order of protection in any circuit court.

12 (b) A petition for a lethal violence order of protection
13 may be filed in any county where the respondent resides.

14 (c) No fee shall be charged by the clerk for filing,
15 amending, vacating, certifying, or photocopying petitions or
16 orders; or for issuing alias summons; or for any related filing
17 service. No fee shall be charged by the sheriff for service by
18 the sheriff of a petition, rule, motion, or order in an action
19 commenced under this Section.

20 (d) The court shall provide, through the office of the
21 clerk of the court, simplified forms and clerical assistance to
22 help with the writing and filing of a petition under this
23 Section by any person not represented by counsel. In addition,
24 that assistance may be provided by the State's Attorney.

1 Section 15. Subject matter jurisdiction. Each of the
2 circuit courts shall have the power to issue lethal violence
3 orders of protection.

4 Section 20. Jurisdiction over persons. The circuit courts
5 of this State have jurisdiction to bind (1) State residents and
6 (2) non-residents having minimum contacts with this State, to
7 the extent permitted by Section 2-209 of the Code of Civil
8 Procedure.

9 Section 25. Process. The summons shall be in the form
10 prescribed by Supreme Court Rule 101(d), except that it shall
11 require respondent to answer or appear within 7 days.
12 Attachments to the summons or notice shall include the petition
13 for the lethal violence order of protection and supporting
14 affidavits, if any, and any emergency lethal violence order of
15 protection that has been issued. The enforcement of an order
16 under Section 35 shall not be affected by the lack of service,
17 delivery, or notice, provided the requirements of subsection
18 (f) of that Section are otherwise met.

19 Section 30. Service of notice of hearings. Service of
20 notice of hearings. Except as provided in Section 25, notice of
21 hearings on petitions or motions shall be served in accordance
22 with Supreme Court Rules 11 and 12, unless notice is excused by
23 Section 35 of this Act, or by the Code of Civil Procedure,

1 Supreme Court Rules, or local rules.

2 Section 35. Ex parte orders and emergency hearings.

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

12 (b) If the respondent is alleged to pose an immediate and
13 present danger of causing personal injury to an intimate
14 partner, or an intimate partner is alleged to have been the
15 target of a threat or act of violence by the respondent,
16 petitioner shall make a good faith effort to provide notice to
17 any and all intimate partners of the respondent. The notice
18 must include that the petitioner intends to petition the court
19 for an emergency lethal violence order, and, if petitioner is a
20 law enforcement officer, referral to relevant domestic
21 violence or stalking advocacy or counseling resources, if
22 appropriate. Petitioner shall attest to having provided the
23 notice in the filed affidavit or verified pleading. If after
24 making a good faith effort petitioner is unable to provide
25 notice to any or all intimate partners, the affidavit or

1 verified pleading should describe what efforts were made.

2 (c) Every person who files a petition for an emergency
3 lethal violence order, knowing the information provided to the
4 court at any hearing or in the affidavit or verified pleading
5 to be false, is guilty of perjury under Section 32-2 of the
6 Criminal Code of 2012.

7 (d) An emergency order of protection shall be issued on an
8 ex parte basis, that is, without notice to the respondent.

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

12 (f) If a circuit or associate judge finds reasonable cause
13 to believe that the respondent poses an immediate and present
14 danger of causing personal injury to himself, herself, or
15 another by having in his or her custody or control, owning,
16 purchasing, possessing, or receiving a firearm the circuit or
17 associate judge shall issue an emergency order.

18 (g) An emergency lethal violence order of protection shall
19 require:

20 (1) the respondent to refrain from having in his or her
21 custody or control, owning, purchasing, possessing, or
22 receiving additional firearms for the duration of the
23 order;

24 (2) the respondent to turn over to the local law
25 enforcement agency any Firearm Owner's Identification Card
26 and concealed carry license in his or her possession. The

1 local law enforcement agency shall immediately mail the
2 card and concealed carry license to the Department of State
3 Police Firearm Owner's Identification Card Office for
4 safekeeping. The firearm or firearms and Firearm Owner's
5 Identification Card and concealed carry license, if
6 unexpired, shall at the respondent's request, be returned
7 to the respondent after the lethal violence order of
8 protection is terminated or expired. It is the respondent's
9 responsibility to notify the Department of State Police
10 Firearm Owner's Identification Card Office; and

11 (3) any law-enforcement agency to forthwith search for
12 and seize firearms of the respondent upon probable cause
13 that the respondent has possession of a firearm, and
14 petitioner or the court can describe, with sufficient
15 particularity, the location of the firearm or firearms.

16 (h) Upon expiration of the period of safekeeping, if the
17 firearms or Firearm Owner's Identification Card and concealed
18 carry license cannot be returned to respondent because
19 respondent cannot be located, fails to respond to requests to
20 retrieve the firearms, or is not lawfully eligible to possess a
21 firearm, upon petition from the local law enforcement agency,
22 the court may order the local law enforcement agency to destroy
23 the firearms, use the firearms for training purposes, or for
24 any other application as deemed appropriate by the local law
25 enforcement agency.

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

1 court shall schedule a full hearing within 14 days of the
2 issuance of an ex parte lethal violence order of protection to
3 determine if a one-year lethal violence order of protection
4 shall be issued. The court may extend an ex parte order as
5 needed, but not to exceed 30 days, to effectuate service of the
6 order or if necessary to continue protection.

7 Section 40. One-year orders.

8 (a) A petitioner may request a one-year lethal violence
9 order of protection by filing an affidavit or verified pleading
10 alleging that the respondent poses a significant danger of
11 causing personal injury to himself, herself, or another in the
12 near future by having in his or her custody or control, owning,
13 purchasing, possessing, or receiving a firearm. The petition
14 shall also describe the number, types, and locations of any
15 firearms presently believed by the petitioner to be possessed
16 or controlled by the respondent.

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

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

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

12 (d) Upon receipt of a petition for a one-year lethal
13 violence order of protection, the court shall order a hearing
14 within 30 days.

15 (e) In determining whether to issue a lethal violence order
16 of protection under this Section, the court shall consider
17 evidence of:

18 (1) A recent threat of violence or act of violence by
19 the respondent directed toward himself, herself, or
20 another.

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

1 1963.

2 (3) A pattern of violent acts or violent threats,
3 including, but not limited to, threats of violence or acts
4 of violence by the respondent directed toward himself,
5 herself, or another.

6 (f) In determining whether to issue a lethal violence order
7 of protection under this Section, the court may consider
8 evidence including, but not limited to, the following:

9 (1) The unlawful and reckless use, display, or
10 brandishing of a firearm by the respondent.

11 (2) The history of use, attempted use, or threatened
12 use of physical force by the respondent against another
13 person.

14 (3) Any prior arrest of the respondent for a felony
15 offense.

16 (4) Evidence of the abuse of controlled substances or
17 alcohol by the respondent.

18 (5) Evidence of recent acquisition of firearms,
19 ammunition, or other deadly weapons.

20 (g) At the hearing, the petitioner shall have the burden of
21 proving, by preponderance of the evidence, that the respondent
22 poses a significant danger of personal injury to himself,
23 herself, or another by having in his or her custody or control,
24 owning, purchasing, possessing, or receiving a firearm.

25 (h) If the court finds that there is a preponderance of the
26 evidence to issue a lethal violence order of protection, the

1 court shall issue a lethal violence order of protection that
2 shall be in effect for one year subject to renewal under
3 Section 45 of this Act or termination under that Section.

4 (i) A one-year lethal violence order of protection shall
5 require:

6 (1) the respondent to refrain from having in his or her
7 custody or control, owning, purchasing, possessing or
8 receiving additional firearms for the duration of the
9 order;

10 (2) the respondent to turn over to the local law
11 enforcement agency any firearm or Firearm Owner's
12 Identification Card and concealed carry license in his or
13 her possession. The local law enforcement agency shall
14 immediately mail the card and concealed carry license to
15 the Department of State Police Firearm Owner's
16 Identification Card Office for safekeeping. The firearm or
17 firearms and Firearm Owner's Identification Card and
18 concealed carry license, if unexpired shall at the
19 respondent's request, be returned to the respondent after
20 the lethal violence order of protection is terminated or
21 expired. It is the respondent's responsibility to notify
22 the Department of State Police Firearm Owner's
23 Identification Card Office; and

24 (3) any law-enforcement agency to forthwith search for
25 and seize firearms of the respondent upon probable cause
26 that the respondent has possession of a firearm, and

1 petitioner can describe, with sufficient particularity,
2 the location of the firearm or firearms.

3 (j) Upon expiration of the period of safekeeping, if the
4 firearms or Firearm Owner's Identification Card cannot be
5 returned to respondent because respondent cannot be located,
6 fails to respond to requests to retrieve the firearms, or is
7 not lawfully eligible to possess a firearm, upon petition from
8 the local law enforcement agency, the court may order the local
9 law enforcement agency to destroy the firearms, use the
10 firearms for training purposes, or for any other application as
11 deemed appropriate by the local law enforcement agency.

12 (k) If the court does not issue a lethal violence order of
13 protection at the hearing, the court shall dissolve any
14 emergency lethal violence order of protection then in effect.

15 (l) When the court issues a lethal violence order of
16 protection under this Section, the court shall inform the
17 respondent that he or she is entitled to one hearing during the
18 period of the order to request a termination of the order,
19 under Section 45 of this Act, and shall provide the respondent
20 with a form to request a hearing.

21 Section 45. Termination and renewal.

22 (a) A person subject to a lethal violence order of
23 protection issued under this Act may submit one written request
24 at any time during the effective period of the order for a
25 hearing to terminate the order.

1 (1) The respondent shall have the burden of proving by
2 a preponderance of the evidence that the respondent does
3 not pose a danger of causing personal injury to himself,
4 herself, or another in the near future by having in his or
5 her custody or control, owning, purchasing, possessing, or
6 receiving a firearm.

7 (2) If the court finds after the hearing that the
8 respondent has met his or her burden, the court shall
9 terminate the order.

10 (b) A petitioner may request a renewal of a lethal violence
11 order of protection at any time within the 3 months before the
12 expiration of a lethal violence order of protection.

13 (1) A court shall, after notice and a hearing, renew a
14 lethal violence order of protection issued under this part
15 if the petitioner proves, by a preponderance of the
16 evidence, that the respondent continues to pose a danger of
17 causing personal injury to himself, herself, or another in
18 the near future by having in his or her custody or control,
19 owning, purchasing, possessing, or receiving a firearm.

20 (2) In determining whether to renew a lethal violence
21 order of protection issued under this Act, the court shall
22 consider evidence of the facts identified in subsection (e)
23 of Section 40 of this Act and any other evidence of an
24 increased risk for violence, including, but not limited to,
25 evidence of any of the factors identified in subsection (f)
26 of Section 40 of this Act.

1 (3) At the hearing, the petitioner shall have the
2 burden of proving, by a preponderance of the evidence that
3 the respondent continues to pose a danger of causing
4 personal injury to himself, herself, or another in the near
5 future by having in his or her custody or control, owning,
6 purchasing, possessing, or receiving a firearm.

7 (4) The renewal of a lethal violence order of
8 protection issued under this Section shall be in effect for
9 one year, subject to termination by further order of the
10 court at a hearing held under this Section and further
11 renewal by further order of the court under this Section.

12 Section 50. Notice of orders.

13 (a) Entry and issuance. Upon issuance of any lethal
14 violence order of protection, the clerk shall immediately, or
15 on the next court day if an emergency lethal violence order of
16 protection is issued in accordance with Section 35 of this Act
17 (emergency lethal violence order of protection), (i) enter the
18 order on the record and file it in accordance with the circuit
19 court procedures and (ii) provide a file stamped copy of the
20 order to respondent, if present, and to petitioner.

21 (b) Filing with sheriff. The clerk of the issuing judge
22 shall, or the petitioner may, on the same day that a lethal
23 violence order of protection is issued, file a certified copy
24 of that order with the sheriff or other law enforcement
25 officials charged with maintaining Department of State Police

1 records or charged with serving the order upon respondent. If
2 the order was issued in accordance with Section 35 of this Act
3 (emergency lethal violence order of protection), the clerk
4 shall on the next court day, file a certified copy of the order
5 with the sheriff or other law enforcement officials charged
6 with maintaining Department of State Police records.

7 (c) Service by sheriff. Unless respondent was present in
8 court when the order was issued, the sheriff, other law
9 enforcement official, or special process server shall promptly
10 serve that order upon respondent and file proof of the service,
11 in the manner provided for service of process in civil
12 proceedings. Instead of serving the order upon the respondent,
13 however, the sheriff, other law enforcement official, special
14 process server, or other persons defined in Section 112A-22.10
15 of the Criminal Code of 1963 may serve the respondent with a
16 short form notification as provided in that Section. If process
17 has not yet been served upon the respondent, it shall be served
18 with the order or short form notification if the service is
19 made by the sheriff, other law enforcement official, or special
20 process server. A single fee may be charged for service of an
21 order obtained in circuit court, or for service of the order
22 together with process, unless waived or deferred under
23 subsection (c) of Section 10 of this Act.

24 (d) Any order renewing or terminating any lethal violence
25 order of protection shall be promptly recorded, issued, and
26 served as provided in this Section.

1 Section 55. Data maintenance by law enforcement agencies.

2 (a) All sheriffs shall furnish to the Department of State
3 Police, daily, in the form and detail the Department requires,
4 copies of any recorded lethal violence order of protection
5 issued by the court, and any foreign orders of protection filed
6 by the clerk of the court, and transmitted to the sheriff by
7 the clerk of the court under Section 50. Each lethal violence
8 order of protection shall be entered in the Law Enforcement
9 Agencies Data System (LEADS) on the same day it is issued by
10 the court. If an emergency lethal violence order of protection
11 was issued in accordance with Section 35 of this Act, the order
12 shall be entered in the Law Enforcement Agencies Data System
13 (LEADS) as soon as possible after receipt from the clerk.

14 (b) The Department of State Police shall maintain a
15 complete and systematic record and index of all valid and
16 recorded lethal violence orders of protection issued or filed
17 under this Act. The data shall be used to inform all
18 dispatchers and law enforcement officers at the scene of a
19 violation of lethal violence order of protection of the
20 effective dates and terms of any recorded order of protection.

21 (c) The data, records and transmittals required under this
22 Section shall pertain to any valid emergency or one-year lethal
23 violence order of protection, whether issued in a civil or
24 criminal proceeding or authorized under the laws of another
25 state, tribe, or United States territory.

1 Section 60. Filing of a lethal violence order of protection
2 issued by another state.

3 (a) A person entitled to protection under a lethal violence
4 order of protection or similar order issued by the court of
5 another state, tribe, or United States territory may file a
6 certified copy of the lethal violence order of protection with
7 the clerk of the court in a judicial circuit in which the
8 person believes that enforcement may be necessary.

9 (b) The clerk shall:

10 (1) treat the foreign lethal violence order of
11 protection in the same manner as a judgment of the circuit
12 court for any county of this State in accordance with the
13 provisions of the Uniform Enforcement of Foreign Judgments
14 Act, except that the clerk shall not mail notice of the
15 filing of the foreign order to the respondent named in the
16 order; and

17 (2) on the same day that a foreign lethal violence
18 order of protection is filed, file a certified copy of that
19 order with the sheriff or other law enforcement officials
20 charged with maintaining Department of State Police
21 records as set forth in Section 55 of this Act.

22 (c) Neither residence in this State nor filing of a foreign
23 lethal violence order of protection shall be required for
24 enforcement of the order by this State. Failure to file the
25 foreign order shall not be an impediment to its treatment in

1 all respects as an Illinois lethal violence order of
2 protection.

3 (d) The clerk shall not charge a fee to file a foreign
4 order of protection under this Section.

5 Section 65. Enforcement; sanctions for violation of order.

6 (a) A respondent who knowingly violates a lethal violence
7 order of protection is guilty of a Class A misdemeanor.
8 Prosecution for a violation of a lethal violence order of
9 protection shall not bar concurrent prosecution for any other
10 crime, including any crime that may have been committed at the
11 time of the violation of the lethal violence order of
12 protection.

13 (b) A petitioner who files a petition for a lethal violence
14 order of protection knowing the information in the petition to
15 be false is guilty of a Class A misdemeanor.

16 Section 70. Non-preclusion of remedies. Nothing in this Act
17 shall preclude a petitioner or law-enforcement officer from
18 removing weapons under other authority, or filing criminal
19 charges when probable cause exists.

20 Section 135. The Firearm Owners Identification Card Act is
21 amended by changing Section 8.2 as follows:

22 (430 ILCS 65/8.2)

1 Sec. 8.2. Firearm Owner's Identification Card denial or
2 revocation. The Department of State Police shall deny an
3 application or shall revoke and seize a Firearm Owner's
4 Identification Card previously issued under this Act if the
5 Department finds that the applicant or person to whom such card
6 was issued is or was at the time of issuance subject to an
7 existing order of protection or lethal violence order of
8 protection.

9 (Source: P.A. 96-701, eff. 1-1-10.)

10 Section 140. The Firearm Concealed Carry Act is amended by
11 changing Section 70 as follows:

12 (430 ILCS 66/70)

13 Sec. 70. Violations.

14 (a) A license issued or renewed under this Act shall be
15 revoked if, at any time, the licensee is found to be ineligible
16 for a license under this Act or the licensee no longer meets
17 the eligibility requirements of the Firearm Owners
18 Identification Card Act.

19 (b) A license shall be suspended if an order of protection,
20 including an emergency order of protection, plenary order of
21 protection, or interim order of protection under Article 112A
22 of the Code of Criminal Procedure of 1963 or under the Illinois
23 Domestic Violence Act of 1986, or if a lethal violence order of
24 protection, including an emergency lethal violence order of

1 protection, under the Lethal Violence Order of Protection Act,
2 is issued against a licensee for the duration of the order, or
3 if the Department is made aware of a similar order issued
4 against the licensee in any other jurisdiction. If an order of
5 protection is issued against a licensee, the licensee shall
6 surrender the license, as applicable, to the court at the time
7 the order is entered or to the law enforcement agency or entity
8 serving process at the time the licensee is served the order.
9 The court, law enforcement agency, or entity responsible for
10 serving the order of protection shall notify the Department
11 within 7 days and transmit the license to the Department.

12 (c) A license is invalid upon expiration of the license,
13 unless the licensee has submitted an application to renew the
14 license, and the applicant is otherwise eligible to possess a
15 license under this Act.

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

21 A licensee in violation of this subsection (d) shall be
22 guilty of a Class A misdemeanor for a first or second violation
23 and a Class 4 felony for a third violation. The Department may
24 suspend a license for up to 6 months for a second violation and
25 shall permanently revoke a license for a third violation.

26 (e) Except as otherwise provided, a licensee in violation

1 of this Act shall be guilty of a Class B misdemeanor. A second
2 or subsequent violation is a Class A misdemeanor. The
3 Department may suspend a license for up to 6 months for a
4 second violation and shall permanently revoke a license for 3
5 or more violations of Section 65 of this Act. Any person
6 convicted of a violation under this Section shall pay a \$150
7 fee to be deposited into the Mental Health Reporting Fund, plus
8 any applicable court costs or fees.

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

20 (g) A licensee whose license is revoked, suspended, or
21 denied shall, within 48 hours of receiving notice of the
22 revocation, suspension, or denial, surrender his or her
23 concealed carry license to the local law enforcement agency
24 where the person resides. The local law enforcement agency
25 shall provide the licensee a receipt and transmit the concealed
26 carry license to the Department of State Police. If the

1 licensee whose concealed carry license has been revoked,
2 suspended, or denied fails to comply with the requirements of
3 this subsection, the law enforcement agency where the person
4 resides may petition the circuit court to issue a warrant to
5 search for and seize the concealed carry license in the
6 possession and under the custody or control of the licensee
7 whose concealed carry license has been revoked, suspended, or
8 denied. The observation of a concealed carry license in the
9 possession of a person whose license has been revoked,
10 suspended, or denied constitutes a sufficient basis for the
11 arrest of that person for violation of this subsection. A
12 violation of this subsection is a Class A misdemeanor.

13 (h) A license issued or renewed under this Act shall be
14 revoked if, at any time, the licensee is found ineligible for a
15 Firearm Owner's Identification Card, or the licensee no longer
16 possesses a valid Firearm Owner's Identification Card. A
17 licensee whose license is revoked under this subsection (h)
18 shall surrender his or her concealed carry license as provided
19 for in subsection (g) of this Section.

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

24 (i) A certified firearms instructor who knowingly provides
25 or offers to provide a false certification that an applicant
26 has completed firearms training as required under this Act is

1 guilty of a Class A misdemeanor. A person guilty of a violation
2 of this subsection (i) is not eligible for court supervision.
3 The Department shall permanently revoke the firearms
4 instructor certification of a person convicted under this
5 subsection (i).

6 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,
7 eff. 8-15-14.)

1

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2

Statutes amended in order of appearance

3

New Act

4

430 ILCS 65/8.2

5

430 ILCS 66/70