

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
5 Firearms Restraining Order 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 "Firearms restraining order" means an order issued by the
12 court, prohibiting and enjoining a named person from having in
13 his or her custody or control, purchasing, possessing, or
14 receiving any firearms.

15 "Intimate partner" means a spouse, former spouse, a person
16 with whom the respondent has or allegedly has a child in
17 common, or a person with whom the respondent has or has had a
18 dating or engagement relationship.

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, purchasing, possessing,
3 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,
7 purchasing, possessing, or receiving a firearm.

8 Section 10. Commencement of action; procedure.

9 (a) Actions for a firearms restraining order are commenced
10 by filing a verified petition for a firearms restraining order
11 in any circuit court.

12 (b) A petition for a firearms restraining order may be
13 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 or other law
18 enforcement for service by the sheriff or other law enforcement
19 of a petition, rule, motion, or order in an action commenced
20 under this Section.

21 (d) The court shall provide, through the office of the
22 clerk of the court, simplified forms and clerical assistance to
23 help with the writing and filing of a petition under this
24 Section by any person not represented by counsel. In addition,
25 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 firearms
3 restraining orders.

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 firearms restraining order and supporting affidavits,
14 if any, and any emergency firearms restraining order that has
15 been issued. The enforcement of an order under Section 35 shall
16 not be affected by the lack of service, delivery, or notice,
17 provided the requirements of subsection (f) of that Section are
18 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

1 Section 35 of this Act, or by the Code of Civil Procedure,
2 Supreme Court Rules, or local rules.

3 Section 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, purchasing,
9 possessing, or receiving a firearm. The petition shall also
10 describe the type and location of any firearm or firearms
11 presently believed by the petitioner to be possessed or
12 controlled by the respondent.

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

1 notice to any or all intimate partners, the affidavit or
2 verified pleading should describe what efforts were made.

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

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

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

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

20 (f-5) If the court issues an emergency firearms restraining
21 order, it shall, upon a finding of probable cause that the
22 respondent possesses firearms, issue a search warrant
23 directing a law enforcement agency to seize the respondent's
24 firearms. The court may, as part of that warrant, direct the
25 law enforcement agency to search the respondent's residence and
26 other places where the court finds there is probable cause to

1 believe he or she is likely to possess the firearms.

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

3 (1) the respondent to refrain from having in his or her
4 custody or control, purchasing, possessing, or receiving
5 additional firearms for the duration of the order; and

6 (2) the respondent to turn over to the local law
7 enforcement agency any Firearm Owner's Identification Card
8 and concealed carry license in his or her possession. The
9 local law enforcement agency shall immediately mail the
10 card and concealed carry license to the Department of State
11 Police Firearm Services Bureau for safekeeping. The
12 firearm or firearms and Firearm Owner's Identification
13 Card and concealed carry license, if unexpired, shall be
14 returned to the respondent after the firearms restraining
15 order is terminated or expired.

16 (h) Except as otherwise provided in subsection (h-5) of
17 this Section, upon expiration of the period of safekeeping, if
18 the firearms or Firearm Owner's Identification Card and
19 concealed carry license cannot be returned to respondent
20 because respondent cannot be located, fails to respond to
21 requests to retrieve the firearms, or is not lawfully eligible
22 to possess a firearm, upon petition from the local law
23 enforcement agency, the court may order the local law
24 enforcement agency to destroy the firearms, use the firearms
25 for training purposes, or for any other application as deemed
26 appropriate by the local law enforcement agency.

1 (h-5) A respondent whose Firearm Owner's Identification
2 Card has been revoked or suspended may petition the court, if
3 the petitioner is present in court or has notice of the
4 respondent's petition, to transfer the respondent's firearm to
5 a person who is lawfully able to possess the firearm if the
6 person does not reside at the same address as the respondent.
7 Notice of the petition shall be served upon the person
8 protected by the emergency firearms restraining order. While
9 the order is in effect, the transferee who receives
10 respondent's firearms must swear or affirm by affidavit that he
11 or she shall not transfer the firearm to the respondent or to
12 anyone residing in the same residence as the respondent.

13 (h-6) If a person other than the respondent claims title to
14 any firearms surrendered under this Section, he or she may
15 petition the court, if the petitioner is present in court or
16 has notice of the petition, to have the firearm returned to him
17 or her. If the court determines that person to be the lawful
18 owner of the firearm, the firearm shall be returned to him or
19 her, provided that:

20 (1) the firearm is removed from the respondent's
21 custody, control, or possession and the lawful owner agrees
22 to store the firearm in a manner such that the respondent
23 does not have access to or control of the firearm; and

24 (2) the firearm is not otherwise unlawfully possessed
25 by the owner.

26 The person petitioning for the return of his or her firearm

1 must swear or affirm by affidavit that he or she: (i) is the
2 lawful owner of the firearm; (ii) shall not transfer the
3 firearm to the respondent; and (iii) will store the firearm in
4 a manner that the respondent does not have access to or control
5 of the firearm.

6 (i) In accordance with subsection (e) of this Section, the
7 court shall schedule a full hearing as soon as possible, but no
8 longer than 14 days from the issuance of an ex parte firearms
9 restraining order, to determine if a 6-month firearms
10 restraining order shall be issued. The court may extend an ex
11 parte order as needed, but not to exceed 14 days, to effectuate
12 service of the order or if necessary to continue protection.
13 The court may extend the order for a greater length of time by
14 mutual agreement of the parties.

15 Section 40. Six month orders.

16 (a) A petitioner may request a 6-month firearms restraining
17 order by filing an affidavit or verified pleading alleging that
18 the respondent poses a significant danger of causing personal
19 injury to himself, herself, or another in the near future by
20 having in his or her custody or control, purchasing,
21 possessing, or receiving a firearm. The petition shall also
22 describe the number, types, and locations of any firearms
23 presently believed by the petitioner to be possessed or
24 controlled by the respondent.

25 (b) If the respondent is alleged to pose a significant

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

15 (c) Every person who files a petition for a 6-month
16 firearms restraining order, knowing the information provided
17 to the court at any hearing or in the affidavit or verified
18 pleading to be false, is guilty of perjury under Section 32-2
19 of the Criminal Code of 2012.

20 (d) Upon receipt of a petition for a 6-month firearms
21 restraining order, the court shall order a hearing within 30
22 days.

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

26 (1) The unlawful and reckless use, display, or

1 brandishing of a firearm by the respondent.

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

5 (3) Any prior arrest of the respondent for a felony
6 offense.

7 (4) Evidence of the abuse of controlled substances or
8 alcohol by the respondent.

9 (5) A recent threat of violence or act of violence by
10 the respondent directed toward himself, herself, or
11 another.

12 (6) A violation of an emergency order of protection
13 issued under Section 217 of the Illinois Domestic Violence
14 Act of 1986 or Section 112A-17 of the Code of Criminal
15 Procedure of 1963 or of an order of protection issued under
16 Section 214 of the Illinois Domestic Violence Act of 1986
17 or Section 112A-14 of the Code of Criminal Procedure of
18 1963.

19 (7) A pattern of violent acts or violent threats,
20 including, but not limited to, threats of violence or acts
21 of violence by the respondent directed toward himself,
22 herself, or another.

23 (f) At the hearing, the petitioner shall have the burden of
24 proving, by clear and convincing evidence, that the respondent
25 poses a significant danger of personal injury to himself,
26 herself, or another by having in his or her custody or control,

1 purchasing, possessing, or receiving a firearm.

2 (g) If the court finds that there is clear and convincing
3 evidence to issue a firearms restraining order, the court shall
4 issue a firearms restraining order that shall be in effect for
5 6 months subject to renewal under Section 45 of this Act or
6 termination under that Section.

7 (g-5) If the court issues a 6-month firearms restraining
8 order, it shall, upon a finding of probable cause that the
9 respondent possesses firearms, issue a search warrant
10 directing a law enforcement agency to seize the respondent's
11 firearms. The court may, as part of that warrant, direct the
12 law enforcement agency to search the respondent's residence and
13 other places where the court finds there is probable cause to
14 believe he or she is likely to possess the firearms.

15 (h) A 6-month firearms restraining order shall require:

16 (1) the respondent to refrain from having in his or her
17 custody or control, purchasing, possessing or receiving
18 additional firearms for the duration of the order; and

19 (2) the respondent to turn over to the local law
20 enforcement agency any firearm or Firearm Owner's
21 Identification Card and concealed carry license in his or
22 her possession. The local law enforcement agency shall
23 immediately mail the card and concealed carry license to
24 the Department of State Police Firearm Services Bureau for
25 safekeeping. The firearm or firearms and Firearm Owner's
26 Identification Card and concealed carry license, if

1 unexpired shall be returned to the respondent after the
2 firearms restraining order is terminated or expired.

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

13 (i-5) A respondent whose Firearm Owner's Identification
14 Card has been revoked or suspended may petition the court, if
15 the petitioner is present in court or has notice of the
16 respondent's petition, to transfer the respondent's firearm to
17 a person who is lawfully able to possess the firearm if the
18 person does not reside at the same address as the respondent.
19 Notice of the petition shall be served upon the person
20 protected by the emergency firearms restraining order. While
21 the order is in effect, the transferee who receives
22 respondent's firearms must swear or affirm by affidavit that he
23 or she shall not transfer the firearm to the respondent or to
24 any one residing in the same residence as the respondent.

25 (i-6) If a person other than the respondent claims title to
26 any firearms surrendered under this Section, he or she may

1 petition the court, if the petitioner is present in court or
2 has notice of the petition, to have the firearm returned to him
3 or her. If the court determines that person to be the lawful
4 owner of the firearm, the firearm shall be returned to him or
5 her, provided that:

6 (1) the firearm is removed from the respondent's
7 custody, control, or possession and the lawful owner agrees
8 to store the firearm in a manner such that the respondent
9 does not have access to or control of the firearm; and

10 (2) the firearm is not otherwise unlawfully possessed
11 by the owner.

12 The person petitioning for the return of his or her firearm
13 must swear or affirm by affidavit that he or she: (i) is the
14 lawful owner of the firearm; (ii) shall not transfer the
15 firearm to the respondent; and (iii) will store the firearm in
16 a manner that the respondent does not have access to or control
17 of the firearm.

18 (j) If the court does not issue a firearms restraining
19 order at the hearing, the court shall dissolve any emergency
20 firearms restraining order then in effect.

21 (k) When the court issues a firearms restraining order
22 under this Section, the court shall inform the respondent that
23 he or she is entitled to one hearing during the period of the
24 order to request a termination of the order, under Section 45
25 of this Act, and shall provide the respondent with a form to
26 request a hearing.

1 Section 45. Termination and renewal.

2 (a) A person subject to a firearms restraining order issued
3 under this Act may submit one written request at any time
4 during the effective period of the order for a hearing to
5 terminate the order.

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

12 (2) If the court finds after the hearing that the
13 respondent has met his or her burden, the court shall
14 terminate the order.

15 (b) A petitioner may request a renewal of a firearms
16 restraining order at any time within the 3 months before the
17 expiration of a firearms restraining order.

18 (1) A court shall, after notice and a hearing, renew a
19 firearms restraining order issued under this part if the
20 petitioner proves, by clear and convincing evidence, that
21 the respondent continues to pose a danger of causing
22 personal injury to himself, herself, or another in the near
23 future by having in his or her custody or control,
24 purchasing, possessing, or receiving a firearm.

25 (2) In determining whether to renew a firearms

1 restraining order issued under this Act, the court shall
2 consider evidence of the facts identified in subsection (e)
3 of Section 40 of this Act and any other evidence of an
4 increased risk for violence.

5 (3) At the hearing, the petitioner shall have the
6 burden of proving, by clear and convincing evidence that
7 the respondent continues to pose a danger of causing
8 personal injury to himself, herself, or another in the near
9 future by having in his or her custody or control,
10 purchasing, possessing, or receiving a firearm.

11 (4) The renewal of a firearms restraining order issued
12 under this Section shall be in effect for 6 months, subject
13 to termination by further order of the court at a hearing
14 held under this Section and further renewal by further
15 order of the court under this Section.

16 Section 50. Notice of orders.

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

25 (b) Filing with sheriff. The clerk of the issuing judge

1 shall, or the petitioner may, on the same day that a firearms
2 restraining order is issued, file a certified copy of that
3 order with the sheriff or other law enforcement officials
4 charged with maintaining Department of State Police records or
5 charged with serving the order upon respondent. If the order
6 was issued in accordance with Section 35 of this Act (emergency
7 firearms restraining order), the clerk shall on the next court
8 day, file a certified copy of the order with the sheriff or
9 other law enforcement officials charged with maintaining
10 Department of State Police records.

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

24 (d) Any order renewing or terminating any firearms
25 restraining order 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 firearms restraining order issued by the
5 court, and any foreign orders of protection filed by the clerk
6 of the court, and transmitted to the sheriff by the clerk of
7 the court under Section 50. Each firearms restraining order
8 shall be entered in the Law Enforcement Agencies Data System
9 (LEADS) on the same day it is issued by the court. If an
10 emergency firearms restraining order was issued in accordance
11 with Section 35 of this Act, the order shall be entered in the
12 Law Enforcement Agencies Data System (LEADS) as soon as
13 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 firearms restraining orders issued or filed under this
17 Act. The data shall be used to inform all dispatchers and law
18 enforcement officers at the scene of a violation of firearms
19 restraining order of the effective dates and terms of any
20 recorded order of protection.

21 (c) The data, records and transmittals required under this
22 Section shall pertain to any valid emergency or 6-month
23 firearms restraining order, 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 firearms restraining order issued
2 by another state.

3 (a) A person who has sought a firearms restraining order or
4 similar order issued by the court of another state, tribe, or
5 United States territory may file a certified copy of the
6 firearms restraining order with the clerk of the court in a
7 judicial circuit in which the person believes that enforcement
8 may be necessary.

9 (b) The clerk shall:

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

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

21 (c) Neither residence in this State nor filing of a foreign
22 firearms restraining order shall be required for enforcement of
23 the order by this State. Failure to file the foreign order
24 shall not be an impediment to its treatment in all respects as
25 an Illinois firearms restraining order.

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

3 Section 65. Enforcement; sanctions for violation of order.
4 A respondent who knowingly violates a firearms restraining
5 order is guilty of a Class A misdemeanor. Prosecution for a
6 violation of a firearms restraining order shall not bar
7 concurrent prosecution for any other crime, including any crime
8 that may have been committed at the time of the violation of
9 the firearms restraining order.

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

14 Section 75. Limited law enforcement liability. Any act of
15 omission or commission by any law enforcement officer acting in
16 good faith in rendering emergency assistance or otherwise
17 enforcing this Act shall not impose civil liability upon the
18 law enforcement officer or his or her supervisor or employer,
19 unless the act is a result of willful or wanton misconduct.

20 Section 80. Expungement or sealing of order. If the court
21 denies issuance of a firearms restraining order against the
22 respondent, all records of the proceeding shall be immediately

1 expunged from the court records. If the firearms restraining
2 order is granted, all records of the proceeding shall, 3 years
3 after the expiration of the order, be sealed.

4 Section 135. The Firearm Owners Identification Card Act is
5 amended by changing Section 8.2 and adding Section 8.3 as
6 follows:

7 (430 ILCS 65/8.2)

8 Sec. 8.2. Firearm Owner's Identification Card denial or
9 revocation. The Department of State Police shall deny an
10 application or shall revoke and seize a Firearm Owner's
11 Identification Card previously issued under this Act if the
12 Department finds that the applicant or person to whom such card
13 was issued is or was at the time of issuance subject to an
14 existing order of protection or firearms restraining order.

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

16 (430 ILCS 65/8.3 new)

17 Sec. 8.3. Suspension of Firearm Owner's Identification
18 Card. The Department of State Police may, by rule in a manner
19 consistent with the Department's rules concerning revocation,
20 provide for the suspension of the Firearm Owner's
21 Identification Card of a person whose Firearm Owner's
22 Identification Card is subject to revocation and seizure under
23 this Act for the duration of the disqualification if the

1 disqualification is not a permanent grounds for revocation of a
2 Firearm Owner's Identification Card under this Act.

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

5 (430 ILCS 66/70)

6 Sec. 70. Violations.

7 (a) A license issued or renewed under this Act shall be
8 revoked if, at any time, the licensee is found to be ineligible
9 for a license under this Act or the licensee no longer meets
10 the eligibility requirements of the Firearm Owners
11 Identification Card Act.

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

1 time the licensee is served the order. The court, law
2 enforcement agency, or entity responsible for serving the order
3 of protection shall notify the Department within 7 days and
4 transmit the license to the Department.

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

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

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

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

1 any applicable court costs or fees.

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

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

1 denied. The observation of a concealed carry license in the
2 possession of a person whose license has been revoked,
3 suspended, or denied constitutes a sufficient basis for the
4 arrest of that person for violation of this subsection. A
5 violation of this subsection is a Class A misdemeanor.

6 (h) A license issued or renewed under this Act shall be
7 revoked if, at any time, the licensee is found ineligible for a
8 Firearm Owner's Identification Card, or the licensee no longer
9 possesses a valid Firearm Owner's Identification Card. A
10 licensee whose license is revoked under this subsection (h)
11 shall surrender his or her concealed carry license as provided
12 for in subsection (g) of this Section.

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

17 (i) A certified firearms instructor who knowingly provides
18 or offers to provide a false certification that an applicant
19 has completed firearms training as required under this Act is
20 guilty of a Class A misdemeanor. A person guilty of a violation
21 of this subsection (i) is not eligible for court supervision.
22 The Department shall permanently revoke the firearms
23 instructor certification of a person convicted under this
24 subsection (i).

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