



Rep. Kathleen Willis

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1 AMENDMENT TO HOUSE BILL 2354

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2354 by replacing  
3 everything after the enacting clause with the following:

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

1 common, or a person with whom the respondent has or has had a  
2 dating or engagement relationship.

3 "Petitioner" means:

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

6 (2) a law enforcement officer, who files a petition  
7 alleging that the respondent poses a danger of causing  
8 personal injury to himself, herself, or another by having  
9 in his or her custody or control, purchasing, possessing,  
10 or receiving a firearm.

11 "Respondent" means the person alleged in the petition to  
12 pose a danger of causing personal injury to himself, herself,  
13 or another by having in his or her custody or control,  
14 purchasing, possessing, or receiving a firearm.

15 Section 10. Commencement of action; procedure.

16 (a) Actions for a firearms restraining order are commenced  
17 by filing a verified petition for a firearms restraining order  
18 in any circuit court.

19 (b) A petition for a firearms restraining order may be  
20 filed in any county where the respondent resides.

21 (c) No fee shall be charged by the clerk for filing,  
22 amending, vacating, certifying, or photocopying petitions or  
23 orders; or for issuing alias summons; or for any related filing  
24 service. No fee shall be charged by the sheriff or other law  
25 enforcement for service by the sheriff or other law enforcement

1 of a petition, rule, motion, or order in an action commenced  
2 under this Section.

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

8 Section 15. Subject matter jurisdiction. Each of the  
9 circuit courts shall have the power to issue firearms  
10 restraining orders.

11 Section 20. Jurisdiction over persons. The circuit courts  
12 of this State have jurisdiction to bind (1) State residents and  
13 (2) non-residents having minimum contacts with this State, to  
14 the extent permitted by Section 2-209 of the Code of Civil  
15 Procedure.

16 Section 25. Process. The summons shall be in the form  
17 prescribed by Supreme Court Rule 101(d), except that it shall  
18 require respondent to answer or appear within 7 days.  
19 Attachments to the summons or notice shall include the petition  
20 for the firearms restraining order and supporting affidavits,  
21 if any, and any emergency firearms restraining order that has  
22 been issued. The enforcement of an order under Section 35 shall  
23 not be affected by the lack of service, delivery, or notice,

1 provided the requirements of subsection (f) of that Section are  
2 otherwise met.

3 Section 30. Service of notice of hearings. Service of  
4 notice of hearings. Except as provided in Section 25, notice of  
5 hearings on petitions or motions shall be served in accordance  
6 with Supreme Court Rules 11 and 12, unless notice is excused by  
7 Section 35 of this Act, or by the Code of Civil Procedure,  
8 Supreme Court Rules, or local rules.

9 Section 35. Ex parte orders and emergency hearings.

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

19 (b) If the respondent is alleged to pose an immediate and  
20 present danger of causing personal injury to an intimate  
21 partner, or an intimate partner is alleged to have been the  
22 target of a threat or act of violence by the respondent,  
23 petitioner shall make a good faith effort to provide notice to  
24 any and all intimate partners of the respondent. The notice

1 must include that the petitioner intends to petition the court  
2 for an emergency firearms restraining order, and, if petitioner  
3 is a law enforcement officer, referral to relevant domestic  
4 violence or stalking advocacy or counseling resources, if  
5 appropriate. Petitioner shall attest to having provided the  
6 notice in the filed affidavit or verified pleading. If after  
7 making a good faith effort petitioner is unable to provide  
8 notice to any or all intimate partners, the affidavit or  
9 verified pleading should describe what efforts were made.

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

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

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

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

1 (f-5) If the court issues an emergency firearms restraining  
2 order, it shall, upon a finding of probable cause that the  
3 respondent possesses firearms, issue a search warrant  
4 directing a law enforcement agency to seize the respondent's  
5 firearms. The court may, as part of that warrant, direct the  
6 law enforcement agency to search the respondent's residence and  
7 other places where the court finds there is probable cause to  
8 believe he or she is likely to possess the firearms.

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

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

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

23 (h) Except as otherwise provided in subsection (h-5) of  
24 this Section, upon expiration of the period of safekeeping, if  
25 the firearms or Firearm Owner's Identification Card and  
26 concealed carry license cannot be returned to respondent

1 because respondent cannot be located, fails to respond to  
2 requests to retrieve the firearms, or is not lawfully eligible  
3 to possess a firearm, upon petition from the local law  
4 enforcement agency, the court may order the local law  
5 enforcement agency to destroy the firearms, use the firearms  
6 for training purposes, or for any other application as deemed  
7 appropriate by the local law enforcement agency.

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

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

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

5           (2) the firearm is not otherwise unlawfully possessed  
6           by the owner.

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

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

22          Section 40. Six month orders.

23          (a) A petitioner may request a 6-month firearms restraining  
24          order by filing an affidavit or verified pleading alleging that  
25          the respondent poses a significant danger of causing personal



1 injury to himself, herself, or another in the near future by  
2 having in his or her custody or control, purchasing,  
3 possessing, or receiving a firearm. The petition shall also  
4 describe the number, types, and locations of any firearms  
5 presently believed by the petitioner to be possessed or  
6 controlled by the respondent.

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

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

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

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

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

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

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

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

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

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

26                (7) A pattern of violent acts or violent threats,

1 including, but not limited to, threats of violence or acts  
2 of violence by the respondent directed toward himself,  
3 herself, or another.

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

9 (g) If the court finds that there is clear and convincing  
10 evidence to issue a firearms restraining order, the court shall  
11 issue a firearms restraining order that shall be in effect for  
12 6 months subject to renewal under Section 45 of this Act or  
13 termination under that Section.

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

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

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

26 (2) the respondent to turn over to the local law

1 enforcement agency any firearm or Firearm Owner's  
2 Identification Card and concealed carry license in his or  
3 her possession. The local law enforcement agency shall  
4 immediately mail the card and concealed carry license to  
5 the Department of State Police Firearm Services Bureau for  
6 safekeeping. The firearm or firearms and Firearm Owner's  
7 Identification Card and concealed carry license, if  
8 unexpired shall be returned to the respondent after the  
9 firearms restraining order is terminated or expired.

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

20 (i-5) A respondent whose Firearm Owner's Identification  
21 Card has been revoked or suspended may petition the court, if  
22 the petitioner is present in court or has notice of the  
23 respondent's petition, to transfer the respondent's firearm to  
24 a person who is lawfully able to possess the firearm if the  
25 person does not reside at the same address as the respondent.  
26 Notice of the petition shall be served upon the person

1 protected by the emergency firearms restraining order. While  
2 the order is in effect, the transferee who receives  
3 respondent's firearms must swear or affirm by affidavit that he  
4 or she shall not transfer the firearm to the respondent or to  
5 any one residing in the same residence as the respondent.

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

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

17 (2) the firearm is not otherwise unlawfully possessed  
18 by the owner.

19 The person petitioning for the return of his or her firearm  
20 must swear or affirm by affidavit that he or she: (i) is the  
21 lawful owner of the firearm; (ii) shall not transfer the  
22 firearm to the respondent; and (iii) will store the firearm in  
23 a manner that the respondent does not have access to or control  
24 of the firearm.

25 (j) If the court does not issue a firearms restraining  
26 order at the hearing, the court shall dissolve any emergency

1 firearms restraining order then in effect.

2 (k) When the court issues a firearms restraining order  
3 under this Section, the court shall inform the respondent that  
4 he or she is entitled to one hearing during the period of the  
5 order to request a termination of the order, under Section 45  
6 of this Act, and shall provide the respondent with a form to  
7 request a hearing.

8 Section 45. Termination and renewal.

9 (a) A person subject to a firearms restraining order issued  
10 under this Act may submit one written request at any time  
11 during the effective period of the order for a hearing to  
12 terminate the order.

13 (1) The respondent shall have the burden of proving by  
14 a preponderance of the evidence that the respondent does  
15 not pose a danger of causing personal injury to himself,  
16 herself, or another in the near future by having in his or  
17 her custody or control, purchasing, possessing, or  
18 receiving a firearm.

19 (2) If the court finds after the hearing that the  
20 respondent has met his or her burden, the court shall  
21 terminate the order.

22 (b) A petitioner may request a renewal of a firearms  
23 restraining order at any time within the 3 months before the  
24 expiration of a firearms restraining order.

25 (1) A court shall, after notice and a hearing, renew a

1 firearms restraining order issued under this part if the  
2 petitioner proves, by clear and convincing 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,  
6 purchasing, possessing, or receiving a firearm.

7 (2) In determining whether to renew a firearms  
8 restraining order issued under this Act, the court shall  
9 consider evidence of the facts identified in subsection (e)  
10 of Section 40 of this Act and any other evidence of an  
11 increased risk for violence.

12 (3) At the hearing, the petitioner shall have the  
13 burden of proving, by clear and convincing evidence that  
14 the respondent continues to pose a danger of causing  
15 personal injury to himself, herself, or another in the near  
16 future by having in his or her custody or control,  
17 purchasing, possessing, or receiving a firearm.

18 (4) The renewal of a firearms restraining order issued  
19 under this Section shall be in effect for 6 months, subject  
20 to termination by further order of the court at a hearing  
21 held under this Section and further renewal by further  
22 order of the court under this Section.

23 Section 50. Notice of orders.

24 (a) Entry and issuance. Upon issuance of any firearms  
25 restraining order, the clerk shall immediately, or on the next

1 court day if an emergency firearms restraining order is issued  
2 in accordance with Section 35 of this Act (emergency firearms  
3 restraining order), (i) enter the order on the record and file  
4 it in accordance with the circuit court procedures and (ii)  
5 provide a file stamped copy of the order to respondent, if  
6 present, and to petitioner.

7 (b) Filing with sheriff. The clerk of the issuing judge  
8 shall, or the petitioner may, on the same day that a firearms  
9 restraining order is issued, file a certified copy of that  
10 order with the sheriff or other law enforcement officials  
11 charged with maintaining Department of State Police records or  
12 charged with serving the order upon respondent. If the order  
13 was issued in accordance with Section 35 of this Act (emergency  
14 firearms restraining order), the clerk shall on the next court  
15 day, file a certified copy of the order with the sheriff or  
16 other law enforcement officials charged with maintaining  
17 Department of State Police records.

18 (c) Service by sheriff. Unless respondent was present in  
19 court when the order was issued, the sheriff or other law  
20 enforcement official shall promptly serve that order upon  
21 respondent and file proof of the service, in the manner  
22 provided for service of process in civil proceedings. Instead  
23 of serving the order upon the respondent, however, the sheriff,  
24 other law enforcement official, or other persons defined in  
25 Section 112A-22.10 of the Criminal Code of 1963 may serve the  
26 respondent with a short form notification as provided in that



1 Section. If process has not yet been served upon the  
2 respondent, it shall be served with the order or short form  
3 notification if the service is made by the sheriff, or other  
4 law enforcement official.

5 (d) Any order renewing or terminating any firearms  
6 restraining order shall be promptly recorded, issued, and  
7 served as provided in this Section.

8 Section 55. Data maintenance by law enforcement agencies.

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

21 (b) The Department of State Police shall maintain a  
22 complete and systematic record and index of all valid and  
23 recorded firearms restraining orders issued or filed under this  
24 Act. The data shall be used to inform all dispatchers and law  
25 enforcement officers at the scene of a violation of firearms

1 restraining order of the effective dates and terms of any  
2 recorded order of protection.

3 (c) The data, records and transmittals required under this  
4 Section shall pertain to any valid emergency or 6-month  
5 firearms restraining order, whether issued in a civil or  
6 criminal proceeding or authorized under the laws of another  
7 state, tribe, or United States territory.

8 Section 60. Filing of a firearms restraining order issued  
9 by another state.

10 (a) A person who has sought a firearms restraining order or  
11 similar order issued by the court of another state, tribe, or  
12 United States territory may file a certified copy of the  
13 firearms restraining order with the clerk of the court in a  
14 judicial circuit in which the person believes that enforcement  
15 may be necessary.

16 (b) The clerk shall:

17 (1) treat the foreign firearms restraining order in the  
18 same manner as a judgment of the circuit court for any  
19 county of this State in accordance with the provisions of  
20 the Uniform Enforcement of Foreign Judgments Act, except  
21 that the clerk shall not mail notice of the filing of the  
22 foreign order to the respondent named in the order; and

23 (2) on the same day that a foreign firearms restraining  
24 order is filed, file a certified copy of that order with  
25 the sheriff or other law enforcement officials charged with

1 maintaining Department of State Police records as set forth  
2 in Section 55 of this Act.

3 (c) Neither residence in this State nor filing of a foreign  
4 firearms restraining order shall be required for enforcement of  
5 the order by this State. Failure to file the foreign order  
6 shall not be an impediment to its treatment in all respects as  
7 an Illinois firearms restraining order.

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

10 Section 65. Enforcement; sanctions for violation of order.  
11 A respondent who knowingly violates a firearms restraining  
12 order is guilty of a Class A misdemeanor. Prosecution for a  
13 violation of a firearms restraining order shall not bar  
14 concurrent prosecution for any other crime, including any crime  
15 that may have been committed at the time of the violation of  
16 the firearms restraining order.

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

21 Section 75. Limited law enforcement liability. Any act of  
22 omission or commission by any law enforcement officer acting in  
23 good faith in rendering emergency assistance or otherwise

1 enforcing this Act shall not impose civil liability upon the  
2 law enforcement officer or his or her supervisor or employer,  
3 unless the act is a result of willful or wanton misconduct.

4 Section 80. Expungement or sealing of order. If the court  
5 denies issuance of a firearms restraining order against the  
6 respondent, all records of the proceeding shall be immediately  
7 expunged from the court records. If the firearms restraining  
8 order is granted, all records of the proceeding shall, 3 years  
9 after the expiration of the order, be sealed.

10 Section 135. The Firearm Owners Identification Card Act is  
11 amended by changing Section 8.2 and adding Section 8.3 as  
12 follows:

13 (430 ILCS 65/8.2)

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

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

22 (430 ILCS 65/8.3 new)

1       Sec. 8.3. Suspension of Firearm Owner's Identification  
2 Card. The Department of State Police may, by rule in a manner  
3 consistent with the Department's rules concerning revocation,  
4 provide for the suspension of the Firearm Owner's  
5 Identification Card of a person whose Firearm Owner's  
6 Identification Card is subject to revocation and seizure under  
7 this Act for the duration of the disqualification if the  
8 disqualification is not a permanent grounds for revocation of a  
9 Firearm Owner's Identification Card under this Act.

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 firearms restraining  
24 order, including an emergency firearms restraining order,

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