



Rep. Jonathan Carroll

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1 AMENDMENT TO SENATE BILL 2580

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2580 by replacing  
3 everything after the enacting clause with the following:

4 "Article 1. Gun Violence Restraining Order Act.

5 Section 1-1. Short title. This Article may be cited as the  
6 Gun Violence Restraining Order Act, and references in this  
7 Article to "this Act" mean this Article.

8 Section 1-5. Legislative findings. The General Assembly  
9 finds as a matter of legislative determination that to protect  
10 the safety and welfare of the public it is necessary to provide  
11 a system of identifying and disarming persons who pose a danger  
12 of imminent personal injury to themselves or others.

13 Section 1-10. Definitions. In this Act:

14 "Danger" means reasonably likely to cause death or serious

1       bodily injury.

2               "Firearm" has the same meaning ascribed to the term in  
3       Section 1.1 of the Firearm Owners Identification Card Act.

4               "Firearm ammunition" has the same meaning ascribed to the  
5       term in Section 1.1 of the Firearm Owners Identification Card  
6       Act.

7               "Immediate family member" means a spouse, child, sibling,  
8       parent, grandparent, or grandchild, and includes a  
9       step-parent, step-child, step-sibling, or adoptive or foster  
10       relationship, or any other person who regularly resides in the  
11       same household.

12               Section 1-15. Emergency gun violence restraining order.

13               (a) Upon written complaint for an emergency gun violence  
14       restraining order filed by a State's Attorney, assistant  
15       State's Attorney, law enforcement officer, or immediate family  
16       member supported by evidence submitted under oath or  
17       affirmation, subject to the penalties for perjury, and stating  
18       facts sufficient to show probable cause to believe that:

19               (1) the identified person poses an imminent danger of  
20       causing death or serious bodily injury to himself, herself,  
21       or any other person;

22               (2) the person possesses or has ready access to one or  
23       more firearms; and

24               (3) less restrictive alternatives either have been  
25       tried and found to be ineffective or would be inadequate or

1           inappropriate under the circumstances,  
2           any judge in the jurisdiction in which the person who is the  
3           subject of the complaint resides or is currently located may  
4           issue an emergency gun violence restraining order prohibiting  
5           the subject of the complaint from possessing, controlling,  
6           purchasing, receiving, or attempting to possess, control,  
7           purchase, or receive a firearm or firearm ammunition.

8           (a-5) Upon a finding by the court supported by a  
9           preponderance of the evidence that a complaint for an emergency  
10          gun violence restraining order is frivolous and filed for a  
11          vexatious reason, the court shall order the complaining party  
12          to pay any attorney's fees and court costs incurred by the  
13          person who is the subject of the complaint and to pay a civil  
14          penalty of at least \$500 and up to \$1000, to be paid in that  
15          order of priority.

16          (b) In all cases in which a complaint seeking an emergency  
17          gun violence restraining order pursuant to subsection (a) of  
18          this Section is filed by a person other than a State's Attorney  
19          or assistant State's Attorney, the judge receiving the  
20          complaint shall promptly notify the appropriate State's  
21          Attorney's office of the filing of the complaint and provide  
22          the State's Attorney or his or her representative an  
23          opportunity to be heard on the matter before issuing the  
24          requested order, provided such opportunity to be heard causes  
25          no material delay.

26          (c) The court issuing an emergency gun violence restraining

1 order under subsection (a) of this Section may order redaction  
2 of the name and any other personal identifying information of  
3 any affiant or witness other than a law enforcement officer or  
4 prosecutor in any copies of the complaint, order, or any  
5 related documents, provided that the unredacted original shall  
6 be maintained in an official court file that may be ordered  
7 sealed until further order of the court.

8 Section 1-20. Consideration of factors.

9 (a) In determining whether grounds exist to issue an  
10 emergency gun violence restraining order, the judge may  
11 consider, but is not limited to, evidence of:

12 (1) recent threats, acts, or attempted acts of violence  
13 by the person against himself, herself, or another person  
14 or persons;

15 (2) a history of threats, acts, or attempted acts of  
16 violence by the person against himself, herself, or another  
17 person or persons;

18 (3) recent acts of cruelty to animals as described in  
19 Section 3.01 of the Humane Care for Animals Act;

20 (4) social media posts or any other statements or  
21 actions by such person evidencing an intent or propensity  
22 to commit an act of violence resulting in personal injury  
23 to himself, herself, or any other person;

24 (5) any previous determination that the person poses a  
25 clear and present danger under subsection (d) of Section

1 8.1 of the Firearm Owners Identification Card Act and  
2 related administrative rules;

3 (6) failure to take medications prescribed to control a  
4 mental illness otherwise likely to result or has previously  
5 resulted in violent behavior;

6 (7) any disqualifying factor for eligibility for a  
7 Firearm Owner's Identification Card under the Firearm  
8 Owners Identification Card Act;

9 (8) the illegal use of controlled substances or  
10 excessive use of alcohol by the person; and

11 (9) any available evidence the person does not pose an  
12 imminent danger of causing death or serious bodily injury  
13 to himself, herself, or any other person.

14 (b) In considering the weight to be given to these and any  
15 other relevant factors, the judge shall consider the evidence  
16 as a whole.

17 (c) Any emergency gun violence restraining order issued  
18 shall expire no later than 14 days from the date the order is  
19 issued. The order shall state the date and time the order was  
20 entered and shall expire. The order shall also contain the  
21 following statement:

22 "Based on credible evidence presented to the Court, the  
23 Court finds: (1) there is probable cause to believe that  
24 the person identified above poses an imminent danger of  
25 causing death or serious bodily injury to himself, herself,  
26 or another person or persons; (2) the person identified

1 above possesses or has ready access to one or more  
2 firearms; and (3) less restrictive alternatives to  
3 entering this order either have been tried and found to be  
4 ineffective or would be inadequate or inappropriate under  
5 the circumstances. Based on those findings, the Court  
6 orders that the person identified above shall immediately  
7 surrender to the law enforcement officer or officers  
8 serving upon him or her a copy of this order all firearms  
9 and firearm ammunition he or she possesses, controls, or to  
10 which he or she has ready access. Further, the person  
11 identified above is prohibited from possessing,  
12 controlling, purchasing, receiving, or attempting to  
13 possess, control, purchase, or receive a firearm or firearm  
14 ammunition while this order is in effect. An evidentiary  
15 hearing shall be held within 14 days on the date and at the  
16 time and place stated below to determine whether this  
17 temporary emergency order should be made permanent for a  
18 period up to 6 months. At the hearing, the person  
19 identified above shall have the right to appear, present  
20 evidence, testify on his or her own behalf if he or she  
21 chooses to do so, make arguments to the court, and be  
22 represented by an attorney retained at his or her own  
23 expense."

24 The order shall also state the date, time, and place of the  
25 hearing.

26 (d) A copy of any emergency gun violence restraining order

1 entered shall be served on the subject of the complaint by one  
2 or more law enforcement officers as soon as reasonably possible  
3 after being entered. The officer or officers shall immediately  
4 take custody of all firearms and firearm ammunition surrendered  
5 by the subject of the complaint or in a location to which the  
6 officer or officers have or gain lawful access, which shall be  
7 maintained in the custody of the sheriff or law enforcement  
8 agency where the person resides or is found or the items are  
9 surrendered until further order of the court.

10 (e) If no further action is taken by the court by the date  
11 and time the order expires and if the person who is the subject  
12 of the order is lawfully entitled to possess a firearm, then  
13 any firearm or other items surrendered, seized, or transferred  
14 under the emergency gun violence restraining order shall be  
15 promptly returned to the person or transferred to an authorized  
16 representative lawfully entitled to possess them.

17 Section 1-25. Gun violence prevention search warrant.

18 (a) In any case in which a judge issues an emergency gun  
19 violence restraining order or gun violence restraining order,  
20 upon written application filed by a State's Attorney, assistant  
21 State's Attorney, or law enforcement officer supported by  
22 evidence submitted under oath or affirmation stating facts  
23 sufficient to show probable cause to believe that certifying  
24 that the applicant has conducted an independent investigation  
25 and determined that no reasonably available alternative will

1 prevent such person from causing death or serious bodily injury  
2 to himself, herself, or another person with a firearm or  
3 firearms, any judge with jurisdiction where the items are  
4 located may issue a search warrant for seizure of the firearm  
5 or firearms.

6 (b) An application for a gun violence prevention search  
7 warrant may incorporate by reference any previous complaint or  
8 other evidence submitted in the matter and the judge may take  
9 judicial notice of any evidence presented to the court and any  
10 judicial findings entered in any prior proceedings relating to  
11 the matter.

12 (c) Unless otherwise provided in this Act, the procedures  
13 for issuance and execution of a gun violence prevention search  
14 warrant shall conform to applicable provisions of Article 108  
15 of the Code of Criminal Procedure of 1963.

16 (d) In determining whether grounds exist to issue a gun  
17 violence prevention search warrant, the judge may consider, but  
18 is not limited to, the factors described in Section 1-20 of  
19 this Act.

20 Section 1-30. Hearing; gun violence restraining order; and  
21 disposition of firearms.

22 (a) No later than 14 days after issuance of an emergency  
23 gun violence restraining order issued under Section 1-15 of  
24 this Act, a court with jurisdiction where the subject of the  
25 order resides or is found shall hold an evidentiary hearing to



1 determine whether a gun violence restraining order should be  
2 entered. At the hearing, the petitioner, or the State's  
3 Attorney if the petitioner was a law enforcement officer, shall  
4 have the burden of proving all material facts by clear and  
5 convincing evidence. At the hearing, the person who is the  
6 subject of the emergency gun violence restraining order shall  
7 have the right to appear, present evidence, testify on his or  
8 her own behalf if he or she chooses to do so or remain silent,  
9 make arguments to the court, and be represented by an attorney  
10 retained at his or her own expense.

11 (a-5) The hearing may be continued for up to 30 days at the  
12 request of the person who is the subject of the emergency gun  
13 violence restraining order. If the person who is the subject of  
14 the emergency gun violence restraining order fails to appear  
15 after being served with a copy of the emergency gun violence  
16 restraining order or after reasonable efforts to serve such  
17 order have failed, the evidentiary hearing may proceed in his  
18 or her absence.

19 (b) In determining whether grounds exist to issue a gun  
20 violence restraining order, the judge may consider, but is not  
21 limited to, the factors described in Section 1-20 of this Act.

22 (c) If, after a hearing held pursuant to subsection (a) of  
23 this Section, the judge finds by clear and convincing evidence  
24 that:

25 (1) the subject of the emergency gun violence  
26 restraining order poses an imminent danger of causing death

1 or serious bodily injury to himself, herself, or any other  
2 person;

3 (2) the person possesses or has ready access to one or  
4 more firearms; and

5 (3) less restrictive alternatives either have been  
6 tried and found to be ineffective or would be inadequate or  
7 inappropriate under the circumstances, the judge shall  
8 enter a gun violence restraining order containing the same  
9 prohibitions described in Section 1-15 of this Act and  
10 ordering that any firearm and firearm ammunition  
11 surrendered or seized under the emergency gun violence  
12 restraining order or gun violence prevention search  
13 warrant issued under this Act shall continue to be held for  
14 safekeeping by a designated law enforcement agency for a  
15 period not to exceed 6 months. Otherwise, the judge shall  
16 order that the surrendered or seized firearm and firearm  
17 ammunition be returned to the subject of the emergency  
18 order.

19 (c-5) All firearms and firearm ammunition surrendered or  
20 seized under this Act shall be maintained by the law  
21 enforcement agency having custody of the items in a location  
22 and such manner that when returned or transferred to their  
23 owner they shall be in the same physical and operating  
24 condition as when surrendered or seized.

25 (d) Any person whose firearm or firearm ammunition have  
26 been surrendered or ordered seized pursuant to this Act, or the

1 person's legal representative, may transfer ownership or  
2 possession of the items in accordance with the provisions of  
3 subsection (a) of Section 9.5 of the Firearm Owners  
4 Identification Card Act, or other applicable State or federal  
5 law, to any person eligible to possess a firearm under the  
6 Firearm Owners Identification Card Act, subject to an order by  
7 the court and agreement of the person receiving the items that  
8 they shall be maintained in a secure manner inaccessible to the  
9 subject of an emergency gun violence restraining order or gun  
10 violence restraining order while any such order is in effect.

11 (e) If the judge at any time determines that a firearm or  
12 other item surrendered or seized under an emergency gun  
13 violence restraining order, gun violence restraining order, or  
14 search warrant is owned by another person who is lawfully  
15 eligible to possess a firearm, the judge may order the law  
16 enforcement agency having custody of the firearm or item to  
17 deliver the firearm or item to the owner, subject to an order  
18 by the court and agreement of the person receiving the items  
19 that they shall be maintained in a secure manner inaccessible  
20 to the subject of an emergency gun violence restraining order  
21 or gun violence restraining order while any such order is in  
22 effect.

23 (f) At any time after a court orders a law enforcement  
24 agency to retain a person's firearm or firearm ammunition under  
25 this Act, the person may petition the court for return of the  
26 item. Upon receipt of the petition the court shall enter an

1 order setting a date for a hearing on the petition and inform  
2 the person and State's Attorney of the date, time, and location  
3 of the hearing. In a hearing on a petition under this  
4 subsection (f), the person whose firearm or firearm ammunition  
5 has been surrendered or seized may be represented by an  
6 attorney retained at his or her own expense; and shall have the  
7 burden of proving by a preponderance of the evidence that the  
8 person does not pose an imminent danger of causing serious  
9 bodily injury to himself, herself, or any other person.

10 (g) If, after a hearing held under subsection (f) of this  
11 Section, the judge finds that the person who is the subject of  
12 the complaint does not pose an imminent danger of serious  
13 bodily injury to himself, herself, or any other person and that  
14 the person is otherwise eligible to lawfully possess a firearm  
15 under the Firearm Owners Identification Card Act, the judge  
16 shall order the law enforcement agency having custody of the  
17 firearm or firearm ammunition to promptly return the item to  
18 the person or authorized representative. The court shall direct  
19 the Department of State Police to return and reinstate the  
20 person's Firearm Owner's Identification Card if not otherwise  
21 expired, suspended, or revoked. If the judge denies the  
22 person's petition, the judge shall order that the firearm or  
23 firearm ammunition surrendered or seized under this Act  
24 continue to be held by the sheriff or law enforcement agency  
25 having custody of them for a period not to exceed six months  
26 from the date of denial of the petition, and the person may not

1 file a subsequent petition until at least 90 days after the  
2 date on which the petition was denied.

3 (h) Upon expiration of the last order directing a law  
4 enforcement agency to retain a person's firearm or firearm  
5 ammunition under this Act, and upon request by the person who  
6 surrendered the items or from whom the items were seized, the  
7 law enforcement agency with custody of the items shall release  
8 the items to the person if the person is otherwise eligible to  
9 lawfully possess a firearm to lawfully possess a firearm under  
10 the Firearm Owners Identification Card Act. If the person fails  
11 to request return of the firearm or firearm ammunition and is  
12 ineligible to lawfully possess a firearm and fails to transfer  
13 the firearm or other item to another person pursuant to  
14 subsection (d) of this Section, the law enforcement agency  
15 shall continue to retain the firearm or other item until entry  
16 of a court order under subsection (i) of this Section.

17 (i) If, after 5 years from the expiration of the last order  
18 directing a law enforcement agency to retain a person's firearm  
19 or firearm ammunition under this Act, a firearm or firearm  
20 ammunition continues to be held by a law enforcement agency  
21 under the order and the person who is the subject of the order  
22 fails to request return of the item or is ineligible to  
23 lawfully possess a firearm and fails to transfer the firearm or  
24 other item to another person pursuant to subsection (d) of this  
25 Section, the court, after giving notice to the parties and  
26 conducting a hearing, may order the law enforcement agency

1 having custody of the firearm or other item to dispose of the  
2 firearm or other item in whatever manner the court deems  
3 appropriate.

4 Section 1-35. Suspension of Firearm Owner's Identification  
5 Card and concealed carry license.

6 (a) Upon issuance of an emergency gun violence restraining  
7 order under subsection (a) of Section 1-15 of this Act, the  
8 court shall immediately notify the Department of State Police.  
9 The local law enforcement agency, upon direction of the court,  
10 shall immediately mail the person's Firearm Owner's  
11 Identification Card and any concealed carry license to the  
12 Department of State Police Firearm Owners Identification Card  
13 Office for safekeeping. Upon receipt of the notice, the  
14 Department of State Police shall immediately suspend any  
15 Firearm Owner's Identification Card and Concealed Carry  
16 License of the person who is the subject of the order, pending  
17 the outcome of a hearing held pursuant to Section 1-30 of this  
18 Act. If, after the hearing, the court fails to issue a gun  
19 violence restraining order, the court shall immediately notify  
20 the Department of State Police. Upon receipt of the notice, the  
21 Department of State Police shall immediately reinstate and  
22 return the person's Firearm Owner's Identification Card and any  
23 concealed carry license at no cost to the person.

24 (b) Upon entry of a gun violence restraining order pursuant  
25 to Section 1-30 of this Act, the court shall immediately notify

1 the Department of State Police. Upon receipt of such notice,  
2 the Illinois State Police shall immediately suspend any Firearm  
3 Owner's Identification Card and concealed carry license of the  
4 person who is the subject of the order for the duration of the  
5 order.

6 Section 1-40. Military and police firearms and personnel.

7 (a) Notwithstanding any other provision of this Act, this  
8 Act shall not be construed or applied to restrict the Illinois  
9 National Guard or Armed Forces of the United States from  
10 issuing firearms to its personnel. Any firearm or firearm  
11 ammunition surrendered or seized under this Act issued by or  
12 otherwise constituting property of the Illinois National Guard  
13 or Armed Forces of the United States shall be promptly  
14 delivered to the Illinois National Guard or appropriate branch  
15 of the Armed Forces of the United States to be retained and  
16 used in whatever manner that entity deems appropriate. Notice  
17 of any order entered under this Act relating to a member of the  
18 Illinois National Guard or Armed Forces of the United States  
19 shall be promptly provided to the Illinois National Guard or  
20 appropriate branch of the Armed Forces of the United States.

21 (b) Any firearms or firearm ammunition surrendered or  
22 seized under this act issued by or otherwise constituting  
23 property of a law enforcement agency shall be promptly  
24 delivered to the law enforcement agency to be retained and used  
25 in whatever manner the agency deems appropriate, except that no

1 such firearm or firearm ammunition may be possessed by a person  
2 subject to an order entered under this Act. Notice of any order  
3 entered under this Act relating to a law enforcement officer  
4 shall be promptly provided to the person's law enforcement  
5 agency.

6 Section 1-45. Penalty. A person who knowingly violates an  
7 emergency gun violence restraining order or gun violence  
8 restraining order entered under this Act shall be guilty of a  
9 Class 4 felony.

10 Article 5. Gun Crime Charging and Sentencing Accountability and  
11 Transparency Act.

12 Section 5-1. Short title. This Article may be cited as the  
13 Gun Crime Charging and Sentencing Accountability and  
14 Transparency Act, and references in this Article to "this Act"  
15 mean this Article.

16 Section 5-5. Plea agreement; State's Attorney. In a  
17 criminal case, if a defendant is charged with an offense  
18 involving the illegal use or possession of a firearm and  
19 subsequently enters into a plea agreement in which in the  
20 charge will be reduced to a lesser offense or a non-weapons  
21 offense in exchange for a plea of guilty, at or before the time  
22 of sentencing, the State's Attorney shall file with the court a



1 written statement of his or her reasons in support of the plea  
2 agreement, which reasons shall specifically explain why the  
3 offense or offenses of conviction that result from the plea  
4 agreement do not include the originally charged weapons  
5 offense. The written statement shall be part of the court  
6 record in the case, and a copy shall be provided to any person  
7 upon request.

8 Section 5-10. Sentencing; judge. In a criminal case in  
9 which the original charge is or was for an offense involving  
10 the illegal use or possession of a firearm, if a defendant  
11 pleads guilty or is found guilty of the original charge or a  
12 lesser offense or a non-weapons offense, in imposing sentence  
13 the judge shall set forth in a written sentencing order his or  
14 her reasons for imposing the sentence or accepting the plea  
15 agreement. A copy of the written sentencing order shall be  
16 provided to any person upon request.

17 Article 10. Amendatory Provisions.

18 Section 10-5. The Counties Code is amended by changing  
19 Section 5-1006.7 as follows:

20 (55 ILCS 5/5-1006.7)

21 Sec. 5-1006.7. School facility and resources occupation  
22 taxes.

1 (a) In any county, a tax shall be imposed upon all persons  
2 engaged in the business of selling tangible personal property,  
3 other than personal property titled or registered with an  
4 agency of this State's government, at retail in the county on  
5 the gross receipts from the sales made in the course of  
6 business to provide revenue to be used exclusively for (i)  
7 school facility purposes or (ii) school resource officers and  
8 mental health professionals, or (iii) school facility  
9 purposes, school resource officers, and mental health  
10 professionals, if a proposition for the tax has been submitted  
11 to the electors of that county and approved by a majority of  
12 those voting on the question as provided in subsection (c). The  
13 tax under this Section shall be imposed only in one-quarter  
14 percent increments and may not exceed 1%.

15 This additional tax may not be imposed on the sale of food  
16 for human consumption that is to be consumed off the premises  
17 where it is sold (other than alcoholic beverages, soft drinks,  
18 and food that has been prepared for immediate consumption) and  
19 prescription and non-prescription medicines, drugs, medical  
20 appliances and insulin, urine testing materials, syringes and  
21 needles used by diabetics. The Department of Revenue has full  
22 power to administer and enforce this subsection, to collect all  
23 taxes and penalties due under this subsection, to dispose of  
24 taxes and penalties so collected in the manner provided in this  
25 subsection, and to determine all rights to credit memoranda  
26 arising on account of the erroneous payment of a tax or penalty

1 under this subsection. The Department shall deposit all taxes  
2 and penalties collected under this subsection into a special  
3 fund created for that purpose.

4 In the administration of and compliance with this  
5 subsection, the Department and persons who are subject to this  
6 subsection (i) have the same rights, remedies, privileges,  
7 immunities, powers, and duties, (ii) are subject to the same  
8 conditions, restrictions, limitations, penalties, and  
9 definitions of terms, and (iii) shall employ the same modes of  
10 procedure as are set forth in Sections 1 through 10, 2 through  
11 2-70 (in respect to all provisions contained in those Sections  
12 other than the State rate of tax), 2a through 2h, 3 (except as  
13 to the disposition of taxes and penalties collected), 4, 5, 5a,  
14 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,  
15 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation  
16 Tax Act and all provisions of the Uniform Penalty and Interest  
17 Act as if those provisions were set forth in this subsection.

18 The certificate of registration that is issued by the  
19 Department to a retailer under the Retailers' Occupation Tax  
20 Act permits the retailer to engage in a business that is  
21 taxable without registering separately with the Department  
22 under an ordinance or resolution under this subsection.

23 Persons subject to any tax imposed under the authority  
24 granted in this subsection may reimburse themselves for their  
25 seller's tax liability by separately stating that tax as an  
26 additional charge, which may be stated in combination, in a

1 single amount, with State tax that sellers are required to  
2 collect under the Use Tax Act, pursuant to any bracketed  
3 schedules set forth by the Department.

4 (b) If a tax has been imposed under subsection (a), then a  
5 service occupation tax must also be imposed at the same rate  
6 upon all persons engaged, in the county, in the business of  
7 making sales of service, who, as an incident to making those  
8 sales of service, transfer tangible personal property within  
9 the county as an incident to a sale of service.

10 This tax may not be imposed on sales of food for human  
11 consumption that is to be consumed off the premises where it is  
12 sold (other than alcoholic beverages, soft drinks, and food  
13 prepared for immediate consumption) and prescription and  
14 non-prescription medicines, drugs, medical appliances and  
15 insulin, urine testing materials, syringes, and needles used by  
16 diabetics.

17 The tax imposed under this subsection and all civil  
18 penalties that may be assessed as an incident thereof shall be  
19 collected and enforced by the Department and deposited into a  
20 special fund created for that purpose. The Department has full  
21 power to administer and enforce this subsection, to collect all  
22 taxes and penalties due under this subsection, to dispose of  
23 taxes and penalties so collected in the manner provided in this  
24 subsection, and to determine all rights to credit memoranda  
25 arising on account of the erroneous payment of a tax or penalty  
26 under this subsection.

1           In the administration of and compliance with this  
2 subsection, the Department and persons who are subject to this  
3 subsection shall (i) have the same rights, remedies,  
4 privileges, immunities, powers and duties, (ii) be subject to  
5 the same conditions, restrictions, limitations, penalties and  
6 definition of terms, and (iii) employ the same modes of  
7 procedure as are set forth in Sections 2 (except that that  
8 reference to State in the definition of supplier maintaining a  
9 place of business in this State means the county), 2a through  
10 2d, 3 through 3-50 (in respect to all provisions contained in  
11 those Sections other than the State rate of tax), 4 (except  
12 that the reference to the State shall be to the county), 5, 7,  
13 8 (except that the jurisdiction to which the tax is a debt to  
14 the extent indicated in that Section 8 is the county), 9  
15 (except as to the disposition of taxes and penalties  
16 collected), 10, 11, 12 (except the reference therein to Section  
17 2b of the Retailers' Occupation Tax Act), 13 (except that any  
18 reference to the State means the county), Section 15, 16, 17,  
19 18, 19, and 20 of the Service Occupation Tax Act and all  
20 provisions of the Uniform Penalty and Interest Act, as fully as  
21 if those provisions were set forth herein.

22           Persons subject to any tax imposed under the authority  
23 granted in this subsection may reimburse themselves for their  
24 serviceman's tax liability by separately stating the tax as an  
25 additional charge, which may be stated in combination, in a  
26 single amount, with State tax that servicemen are authorized to

1 collect under the Service Use Tax Act, pursuant to any  
2 bracketed schedules set forth by the Department.

3 (c) The tax under this Section may not be imposed until the  
4 question of imposing the tax has been submitted to the electors  
5 of the county at a regular election and approved by a majority  
6 of the electors voting on the question. For all regular  
7 elections held prior to August 23, 2011 (the effective date of  
8 Public Act 97-542), upon a resolution by the county board or a  
9 resolution by school district boards that represent at least  
10 51% of the student enrollment within the county, the county  
11 board must certify the question to the proper election  
12 authority in accordance with the Election Code.

13 For all regular elections held prior to August 23, 2011  
14 (the effective date of Public Act 97-542), the election  
15 authority must submit the question in substantially the  
16 following form:

17 Shall (name of county) be authorized to impose a  
18 retailers' occupation tax and a service occupation tax  
19 (commonly referred to as a "sales tax") at a rate of  
20 (insert rate) to be used exclusively for school facility  
21 purposes?

22 The election authority must record the votes as "Yes" or "No".

23 If a majority of the electors voting on the question vote  
24 in the affirmative, then the county may, thereafter, impose the  
25 tax.

26 For all regular elections held on or after August 23, 2011

1 (the effective date of Public Act 97-542), the regional  
2 superintendent of schools for the county must, upon receipt of  
3 a resolution or resolutions of school district boards that  
4 represent more than 50% of the student enrollment within the  
5 county, certify the question to the proper election authority  
6 for submission to the electors of the county at the next  
7 regular election at which the question lawfully may be  
8 submitted to the electors, all in accordance with the Election  
9 Code.

10 For all regular elections held on or after August 23, 2011  
11 (the effective date of Public Act 97-542) and before the  
12 effective date of this amendatory Act of the 100th General  
13 Assembly, the election authority must submit the question in  
14 substantially the following form:

15 Shall a retailers' occupation tax and a service  
16 occupation tax (commonly referred to as a "sales tax") be  
17 imposed in (name of county) at a rate of (insert rate) to  
18 be used exclusively for school facility purposes?

19 The election authority must record the votes as "Yes" or "No".

20 If a majority of the electors voting on the question vote  
21 in the affirmative, then the tax shall be imposed at the rate  
22 set forth in the question.

23 For all regular elections held on or after the effective  
24 date of this amendatory Act of the 100th General Assembly, the  
25 election authority must submit the question as provided in this  
26 paragraph. If the referendum is to expand the use of revenues

1 from a currently imposed tax to include school resource  
2 officers and mental health professionals, the question shall be  
3 in substantially the following form:

4 In addition to school facility purposes, shall (name of  
5 county) school districts be authorized to use revenues from  
6 the tax commonly referred to as the school facility sales  
7 tax that is currently imposed in (name of county) at a rate  
8 of (insert rate) for school resource officers and mental  
9 health professionals?

10 If the referendum is to increase the rate of a tax  
11 currently imposed at less than 1% and dedicate the additional  
12 revenues for school resource officers and mental health  
13 professionals, the question shall be in substantially the  
14 following form:

15 Shall the tax commonly referred to as the school  
16 facility sales tax that is currently imposed in (name of  
17 county) at the rate of (insert rate) be increased to a rate  
18 of (insert rate) with the additional revenues used  
19 exclusively for school resource officers and mental health  
20 professionals?

21 If the referendum is to impose a tax, in a county that has not  
22 previously imposed a tax under this Section, exclusively for  
23 school facility purposes, the question shall be in  
24 substantially the following form:

25 Shall a retailers' occupation tax and a service  
26 occupation tax (commonly referred to as a "sales tax") be



1 imposed in (name of county) at a rate of (insert rate) to  
2 be used exclusively for school facility purposes?

3 If the referendum is to impose a tax, in a county that has not  
4 previously imposed a tax under this Section, exclusively for  
5 school resource officers and mental health professionals, the  
6 question shall be in substantially the following form:

7 Shall a retailers' occupation tax and a service  
8 occupation tax (commonly referred to as a "sales tax") be  
9 imposed in (name of county) at a rate of (insert rate) to  
10 be used exclusively for school resource officers and mental  
11 health professionals?

12 If the referendum is to impose a tax, in a county that has  
13 not previously imposed a tax under this Section, exclusively  
14 for school facility purposes, school resource officers, and  
15 mental health professionals, the question shall be in  
16 substantially the following form:

17 Shall a retailers' occupation tax and a service  
18 occupation tax (commonly referred to as a "sales tax") be  
19 imposed in (name of county) at a rate of (insert rate) to  
20 be used exclusively for school facility purposes, school  
21 resource officers, and mental health professionals?

22 The election authority must record the votes as "Yes" or  
23 "No".

24 If a majority of the electors voting on the question vote  
25 in the affirmative, then the tax shall be imposed at the rate  
26 set forth in the question.

1           For the purposes of this subsection (c), "enrollment" means  
2 the head count of the students residing in the county on the  
3 last school day of September of each year, which must be  
4 reported on the Illinois State Board of Education Public School  
5 Fall Enrollment/Housing Report.

6           (d) The Department shall immediately pay over to the State  
7 Treasurer, ex officio, as trustee, all taxes and penalties  
8 collected under this Section to be deposited into the School  
9 Facility Occupation Tax Fund, which shall be an unappropriated  
10 trust fund held outside the State treasury.

11           On or before the 25th day of each calendar month, the  
12 Department shall prepare and certify to the Comptroller the  
13 disbursement of stated sums of money to the regional  
14 superintendents of schools in counties from which retailers or  
15 servicemen have paid taxes or penalties to the Department  
16 during the second preceding calendar month. The amount to be  
17 paid to each regional superintendent of schools and disbursed  
18 to him or her in accordance with Section 3-14.31 of the School  
19 Code, is equal to the amount (not including credit memoranda)  
20 collected from the county under this Section during the second  
21 preceding calendar month by the Department, (i) less 2% of that  
22 amount, which shall be deposited into the Tax Compliance and  
23 Administration Fund and shall be used by the Department,  
24 subject to appropriation, to cover the costs of the Department  
25 in administering and enforcing the provisions of this Section,  
26 on behalf of the county, (ii) plus an amount that the

1 Department determines is necessary to offset any amounts that  
2 were erroneously paid to a different taxing body; (iii) less an  
3 amount equal to the amount of refunds made during the second  
4 preceding calendar month by the Department on behalf of the  
5 county; and (iv) less any amount that the Department determines  
6 is necessary to offset any amounts that were payable to a  
7 different taxing body but were erroneously paid to the county.  
8 When certifying the amount of a monthly disbursement to a  
9 regional superintendent of schools under this Section, the  
10 Department shall increase or decrease the amounts by an amount  
11 necessary to offset any miscalculation of previous  
12 disbursements within the previous 6 months from the time a  
13 miscalculation is discovered.

14 Within 10 days after receipt by the Comptroller from the  
15 Department of the disbursement certification to the regional  
16 superintendents of the schools provided for in this Section,  
17 the Comptroller shall cause the orders to be drawn for the  
18 respective amounts in accordance with directions contained in  
19 the certification.

20 If the Department determines that a refund should be made  
21 under this Section to a claimant instead of issuing a credit  
22 memorandum, then the Department shall notify the Comptroller,  
23 who shall cause the order to be drawn for the amount specified  
24 and to the person named in the notification from the  
25 Department. The refund shall be paid by the Treasurer out of  
26 the School Facility Occupation Tax Fund.

1           (e) For the purposes of determining the local governmental  
2 unit whose tax is applicable, a retail sale by a producer of  
3 coal or another mineral mined in Illinois is a sale at retail  
4 at the place where the coal or other mineral mined in Illinois  
5 is extracted from the earth. This subsection does not apply to  
6 coal or another mineral when it is delivered or shipped by the  
7 seller to the purchaser at a point outside Illinois so that the  
8 sale is exempt under the United States Constitution as a sale  
9 in interstate or foreign commerce.

10           (f) Nothing in this Section may be construed to authorize a  
11 tax to be imposed upon the privilege of engaging in any  
12 business that under the Constitution of the United States may  
13 not be made the subject of taxation by this State.

14           (g) If a county board imposes a tax under this Section  
15 pursuant to a referendum held before August 23, 2011 (the  
16 effective date of Public Act 97-542) at a rate below the rate  
17 set forth in the question approved by a majority of electors of  
18 that county voting on the question as provided in subsection  
19 (c), then the county board may, by ordinance, increase the rate  
20 of the tax up to the rate set forth in the question approved by  
21 a majority of electors of that county voting on the question as  
22 provided in subsection (c). If a county board imposes a tax  
23 under this Section pursuant to a referendum held before August  
24 23, 2011 (the effective date of Public Act 97-542), then the  
25 board may, by ordinance, discontinue or reduce the rate of the  
26 tax. If a tax is imposed under this Section pursuant to a

1 referendum held on or after August 23, 2011 (the effective date  
2 of Public Act 97-542) and before the effective date of this  
3 amendatory Act of the 100th General Assembly, then the county  
4 board may reduce or discontinue the tax, but only in accordance  
5 with subsection (h-5) of this Section. If a tax is imposed  
6 under this Section pursuant to a referendum held on or after  
7 the effective date of this amendatory Act of the 100th General  
8 Assembly, then the county board may reduce or discontinue the  
9 tax, but only in accordance with subsection (h-10) of this  
10 Section. If, however, a school board issues bonds that are  
11 secured by the proceeds of the tax under this Section, then the  
12 county board may not reduce the tax rate or discontinue the tax  
13 if that rate reduction or discontinuance would adversely affect  
14 the school board's ability to pay the principal and interest on  
15 those bonds as they become due or necessitate the extension of  
16 additional property taxes to pay the principal and interest on  
17 those bonds. If the county board reduces the tax rate or  
18 discontinues the tax, then a referendum must be held in  
19 accordance with subsection (c) of this Section in order to  
20 increase the rate of the tax or to reimpose the discontinued  
21 tax.

22       Until January 1, 2014, the results of any election that  
23 imposes, reduces, or discontinues a tax under this Section must  
24 be certified by the election authority, and any ordinance that  
25 increases or lowers the rate or discontinues the tax must be  
26 certified by the county clerk and, in each case, filed with the

1 Illinois Department of Revenue either (i) on or before the  
2 first day of April, whereupon the Department shall proceed to  
3 administer and enforce the tax or change in the rate as of the  
4 first day of July next following the filing; or (ii) on or  
5 before the first day of October, whereupon the Department shall  
6 proceed to administer and enforce the tax or change in the rate  
7 as of the first day of January next following the filing.

8 Beginning January 1, 2014, the results of any election that  
9 imposes, reduces, or discontinues a tax under this Section must  
10 be certified by the election authority, and any ordinance that  
11 increases or lowers the rate or discontinues the tax must be  
12 certified by the county clerk and, in each case, filed with the  
13 Illinois Department of Revenue either (i) on or before the  
14 first day of May, whereupon the Department shall proceed to  
15 administer and enforce the tax or change in the rate as of the  
16 first day of July next following the filing; or (ii) on or  
17 before the first day of October, whereupon the Department shall  
18 proceed to administer and enforce the tax or change in the rate  
19 as of the first day of January next following the filing.

20 (h) For purposes of this Section, "school facility  
21 purposes" means (i) the acquisition, development,  
22 construction, reconstruction, rehabilitation, improvement,  
23 financing, architectural planning, and installation of capital  
24 facilities consisting of buildings, structures, and durable  
25 equipment and for the acquisition and improvement of real  
26 property and interest in real property required, or expected to

1 be required, in connection with the capital facilities and (ii)  
2 the payment of bonds or other obligations heretofore or  
3 hereafter issued, including bonds or other obligations  
4 heretofore or hereafter issued to refund or to continue to  
5 refund bonds or other obligations issued, for school facility  
6 purposes, provided that the taxes levied to pay those bonds are  
7 abated by the amount of the taxes imposed under this Section  
8 that are used to pay those bonds. "School-facility purposes"  
9 also includes fire prevention, safety, energy conservation,  
10 accessibility, school security, and specified repair purposes  
11 set forth under Section 17-2.11 of the School Code.

12 (h-5) A county board in a county where a tax has been  
13 imposed under this Section pursuant to a referendum held on or  
14 after August 23, 2011 (the effective date of Public Act 97-542)  
15 and before the effective date of this amendatory Act of the  
16 100th General Assembly may, by ordinance or resolution, submit  
17 to the voters of the county the question of reducing or  
18 discontinuing the tax. In the ordinance or resolution, the  
19 county board shall certify the question to the proper election  
20 authority in accordance with the Election Code. The election  
21 authority must submit the question in substantially the  
22 following form:

23 Shall the school facility retailers' occupation tax  
24 and service occupation tax (commonly referred to as the  
25 "school facility sales tax") currently imposed in (name of  
26 county) at a rate of (insert rate) be (reduced to (insert

1 rate)) (discontinued)?

2 If a majority of the electors voting on the question vote in  
3 the affirmative, then, subject to the provisions of subsection  
4 (g) of this Section, the tax shall be reduced or discontinued  
5 as set forth in the question.

6 (h-10) A county board in a county where a tax has been  
7 imposed under this Section pursuant to a referendum held on or  
8 after the effective date of this amendatory Act of the 100th  
9 General Assembly may, by ordinance or resolution, submit to the  
10 voters of the county the question of reducing or discontinuing  
11 the tax. In the ordinance or resolution, the county board shall  
12 certify the question to the proper election authority in  
13 accordance with the Election Code. The election authority must  
14 submit the question in substantially the following form:

15 Shall the school facility and resources retailers'  
16 occupation tax and service occupation tax (commonly  
17 referred to as the "school facility and resources sales  
18 tax") currently imposed in (name of county) at a rate of  
19 (insert rate) be (reduced to (insert rate)) (discontinued)?

20 If a majority of the electors voting on the question vote  
21 in the affirmative, then, subject to the provisions of  
22 subsection (g) of this Section, the tax shall be reduced or  
23 discontinued as set forth in the question.

24 (i) This Section does not apply to Cook County.

25 (j) This Section may be cited as the County School Facility  
26 and Resources Occupation Tax Law.



1 (Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15;  
2 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

3 Section 10-10. The Firearm Owners Identification Card Act  
4 is amended by adding Section 8.5 as follows:

5 (430 ILCS 65/8.5 new)

6 Sec. 8.5. Suspension of a Firearm Owner's Identification  
7 Card under the Gun Violence Restraining Order Act. The  
8 Department of State Police shall suspend a person's Firearm  
9 Owner's Identification Card for the duration of an emergency  
10 gun violence restraining order or a gun violence restraining  
11 order as provided in Section 1-35 of the Gun Violence  
12 Restraining Order Act.

13 Section 10-15. The Firearm Concealed Carry Act is amended  
14 by adding Section 42 as follows:

15 (430 ILCS 66/42 new)

16 Sec. 42. Suspension of a concealed carry license under the  
17 Gun Violence Restraining Order Act. The Department of State  
18 Police shall suspend a person's concealed carry license for the  
19 duration of an emergency gun violence restraining order or a  
20 gun violence restraining order as provided under Section 1-35  
21 of the Gun Violence Restraining Order Act.

1 Section 10-20. The Criminal Code of 2012 is amended by  
2 changing Sections 5-1, 24-1, and 24-3 and by adding Sections  
3 4-4.5, 5-2.5, and 9-1.5 as follows:

4 (720 ILCS 5/4-4.5 new)

5 Sec. 4-4.5. Purposely or purpose. In Section 5-2.5 and  
6 9-1.5 of this Code, a person acts purposely or with the purpose  
7 when his or her conscious objective is to cause the death of  
8 another human being.

9 (720 ILCS 5/5-1) (from Ch. 38, par. 5-1)

10 Sec. 5-1. Accountability for conduct of another. Except as  
11 provided in Section 5-2.5 of the Code a ~~A~~ person is responsible  
12 for conduct which is an element of an offense if the conduct is  
13 either that of the person himself, or that of another and he is  
14 legally accountable for such conduct as provided in Section 5-2  
15 of this Code, or both.

16 (Source: Laws 1961, p. 1983.)

17 (720 ILCS 5/5-2.5 new)

18 Sec. 5-2.5. Death penalty murder; accountability for acts  
19 of others. A person is legally accountable for the conduct of  
20 another in the commission of death penalty murder only when:

21 (1) having the purpose to cause the death of another  
22 human being without lawful justification, the person  
23 commands, induces, procures, or causes another to perform

1       the conduct; or

2           (2) the person agrees with one or more other persons to  
3       engage in conduct for the common purpose of causing the  
4       death of another human being without lawful justification,  
5       in which case all parties to the agreement shall be  
6       criminally liable for acts of other parties to the  
7       agreement committed during and in furtherance of the  
8       agreement.

9       (720 ILCS 5/9-1.5 new)

10       Sec. 9-1.5. Death penalty murder.

11       (a) In this Section, "human being" means a person who has  
12       been born and is alive.

13       (b) A person commits death penalty murder when at the time  
14       of the commission of the offense he or she has attained the age  
15       of 18 or more and he or she purposely causes the death of  
16       another human being without lawful justification if:

17           (1) at the time of the offense, the person caused the  
18       death of 2 or more other human beings without lawful  
19       justification; or

20           (2) the victim was a peace officer, as defined by  
21       Section 2-13 of this Code, killed in the course of  
22       performing his or her official duties, either to prevent  
23       the performance of the officer's duties or in retaliation  
24       for the performance of the officer's duties, and the person  
25       knew that the victim was a peace officer.

1       (c) The trier of fact regarding the charge of death penalty  
2 murder shall resolve any doubt regarding identification or any  
3 element of the offense in favor of the defendant. A defendant  
4 shall not be found guilty of the offense of death penalty  
5 murder unless each and every element of the offense is  
6 established beyond any doubt. If the trial is by jury, before  
7 the trial commences and again before jury deliberations  
8 commence, the jury shall be instructed that the penalty for  
9 death penalty murder is death.

10       (d) A defendant, who has been found guilty of death penalty  
11 murder, may, at a separate sentencing hearing, present evidence  
12 of mitigating circumstances not rising to the level of legal  
13 justification, including but not limited to evidence of  
14 intellectual disability as provided in Section 114-15 of the  
15 Code of Criminal Procedure of 1963. The prosecution may present  
16 rebuttal evidence. The hearing shall be before the trial judge.  
17 The judge shall sentence the defendant to death, unless he or  
18 she finds that the defendant has, by a preponderance of the  
19 evidence, presented sufficiently substantial evidence to prove  
20 intellectual disability or that imposition of the death penalty  
21 would result in a manifest miscarriage of justice, in which  
22 case the judge shall sentence the defendant to life  
23 imprisonment without the possibility of parole.

24       (e) On appeal from a conviction of death penalty murder,  
25 review of the facts shall be de novo. In conducting its de novo  
26 review of the trial evidence, the appellate court shall resolve

1 all doubt regarding identification and guilt in favor of the  
2 defendant. The appellate court shall conduct an independent  
3 review of the evidence without giving deference to the judgment  
4 of the trier of fact at trial.

5 (f) Sentence. The sentence for death penalty murder is  
6 death.

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

8 Sec. 24-1. Unlawful use of weapons.

9 (a) A person commits the offense of unlawful use of weapons  
10 when he knowingly:

11 (1) Sells, manufactures, purchases, possesses or  
12 carries any bludgeon, black-jack, slung-shot, sand-club,  
13 sand-bag, metal knuckles or other knuckle weapon  
14 regardless of its composition, throwing star, or any knife,  
15 commonly referred to as a switchblade knife, which has a  
16 blade that opens automatically by hand pressure applied to  
17 a button, spring or other device in the handle of the  
18 knife, or a ballistic knife, which is a device that propels  
19 a knifelike blade as a projectile by means of a coil  
20 spring, elastic material or compressed gas; or

21 (2) Carries or possesses with intent to use the same  
22 unlawfully against another, a dagger, dirk, billy,  
23 dangerous knife, razor, stiletto, broken bottle or other  
24 piece of glass, stun gun or taser or any other dangerous or  
25 deadly weapon or instrument of like character; or

1           (3) Carries on or about his person or in any vehicle, a  
2           tear gas gun projector or bomb or any object containing  
3           noxious liquid gas or substance, other than an object  
4           containing a non-lethal noxious liquid gas or substance  
5           designed solely for personal defense carried by a person 18  
6           years of age or older; or

7           (4) Carries or possesses in any vehicle or concealed on  
8           or about his person except when on his land or in his own  
9           abode, legal dwelling, or fixed place of business, or on  
10          the land or in the legal dwelling of another person as an  
11          invitee with that person's permission, any pistol,  
12          revolver, stun gun or taser or other firearm, except that  
13          this subsection (a) (4) does not apply to or affect  
14          transportation of weapons that meet one of the following  
15          conditions:

16                 (i) are broken down in a non-functioning state; or

17                 (ii) are not immediately accessible; or

18                 (iii) are unloaded and enclosed in a case, firearm  
19                 carrying box, shipping box, or other container by a  
20                 person who has been issued a currently valid Firearm  
21                 Owner's Identification Card; or

22                 (iv) are carried or possessed in accordance with  
23                 the Firearm Concealed Carry Act by a person who has  
24                 been issued a currently valid license under the Firearm  
25                 Concealed Carry Act; or

26           (5) Sets a spring gun; or

1           (6) Possesses any device or attachment of any kind  
2           designed, used or intended for use in silencing the report  
3           of any firearm; or

4           (7) Sells, manufactures, purchases, possesses or  
5           carries:

6           (i) a machine gun, which shall be defined for the  
7           purposes of this subsection as any weapon, which  
8           shoots, is designed to shoot, or can be readily  
9           restored to shoot, automatically more than one shot  
10          without manually reloading by a single function of the  
11          trigger, including the frame or receiver of any such  
12          weapon, or sells, manufactures, purchases, possesses,  
13          or carries any combination of parts designed or  
14          intended for use in converting any weapon into a  
15          machine gun, or any combination or parts from which a  
16          machine gun can be assembled if such parts are in the  
17          possession or under the control of a person;

18          (i-5) beginning 90 days after the effective date of  
19          this amendatory Act of the 100th General Assembly, a  
20          bump stock or trigger crank. As used in this clause  
21          (i-5):

22          "Bump stock" means any device for a weapon that  
23          increases the rate of fire achievable with the weapon  
24          by using energy from the recoil of the weapon to  
25          generate a reciprocating action that facilitates  
26          repeated activation of the trigger of the weapon.

1           "Trigger crank" means any device to be attached to  
2           a weapon that repeatedly activates the trigger of the  
3           weapon through the use of a lever or other part that is  
4           turned in a circular motion;

5           (ii) any rifle having one or more barrels less than  
6           16 inches in length or a shotgun having one or more  
7           barrels less than 18 inches in length or any weapon  
8           made from a rifle or shotgun, whether by alteration,  
9           modification, or otherwise, if such a weapon as  
10          modified has an overall length of less than 26 inches;  
11          or

12          (iii) any bomb, bomb-shell, grenade, bottle or  
13          other container containing an explosive substance of  
14          over one-quarter ounce for like purposes, such as, but  
15          not limited to, black powder bombs and Molotov  
16          cocktails or artillery projectiles; or

17          (8) Carries or possesses any firearm, stun gun or taser  
18          or other deadly weapon in any place which is licensed to  
19          sell intoxicating beverages, or at any public gathering  
20          held pursuant to a license issued by any governmental body  
21          or any public gathering at which an admission is charged,  
22          excluding a place where a showing, demonstration or lecture  
23          involving the exhibition of unloaded firearms is  
24          conducted.

25          This subsection (a) (8) does not apply to any auction or  
26          raffle of a firearm held pursuant to a license or permit



1 issued by a governmental body, nor does it apply to persons  
2 engaged in firearm safety training courses; or

3 (9) Carries or possesses in a vehicle or on or about  
4 his person any pistol, revolver, stun gun or taser or  
5 firearm or ballistic knife, when he is hooded, robed or  
6 masked in such manner as to conceal his identity; or

7 (10) Carries or possesses on or about his person, upon  
8 any public street, alley, or other public lands within the  
9 corporate limits of a city, village or incorporated town,  
10 except when an invitee thereon or therein, for the purpose  
11 of the display of such weapon or the lawful commerce in  
12 weapons, or except when on his land or in his own abode,  
13 legal dwelling, or fixed place of business, or on the land  
14 or in the legal dwelling of another person as an invitee  
15 with that person's permission, any pistol, revolver, stun  
16 gun or taser or other firearm, except that this subsection  
17 (a) (10) does not apply to or affect transportation of  
18 weapons that meet one of the following conditions:

19 (i) are broken down in a non-functioning state; or

20 (ii) are not immediately accessible; or

21 (iii) are unloaded and enclosed in a case, firearm  
22 carrying box, shipping box, or other container by a  
23 person who has been issued a currently valid Firearm  
24 Owner's Identification Card; or

25 (iv) are carried or possessed in accordance with  
26 the Firearm Concealed Carry Act by a person who has

1           been issued a currently valid license under the Firearm  
2           Concealed Carry Act.

3           A "stun gun or taser", as used in this paragraph (a)  
4           means (i) any device which is powered by electrical  
5           charging units, such as, batteries, and which fires one or  
6           several barbs attached to a length of wire and which, upon  
7           hitting a human, can send out a current capable of  
8           disrupting the person's nervous system in such a manner as  
9           to render him incapable of normal functioning or (ii) any  
10          device which is powered by electrical charging units, such  
11          as batteries, and which, upon contact with a human or  
12          clothing worn by a human, can send out current capable of  
13          disrupting the person's nervous system in such a manner as  
14          to render him incapable of normal functioning; or

15          (11) Sells, manufactures or purchases any explosive  
16          bullet. For purposes of this paragraph (a) "explosive  
17          bullet" means the projectile portion of an ammunition  
18          cartridge which contains or carries an explosive charge  
19          which will explode upon contact with the flesh of a human  
20          or an animal. "Cartridge" means a tubular metal case having  
21          a projectile affixed at the front thereof and a cap or  
22          primer at the rear end thereof, with the propellant  
23          contained in such tube between the projectile and the cap;  
24          or

25          (12) (Blank); or

26          (13) Carries or possesses on or about his or her person

1 while in a building occupied by a unit of government, a  
2 billy club, other weapon of like character, or other  
3 instrument of like character intended for use as a weapon.  
4 For the purposes of this Section, "billy club" means a  
5 short stick or club commonly carried by police officers  
6 which is either telescopic or constructed of a solid piece  
7 of wood or other man-made material.

8 (b) Sentence. A person convicted of a violation of  
9 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
10 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
11 Class A misdemeanor. A person convicted of a violation of  
12 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
13 person convicted of a violation of subsection 24-1(a)(6) or  
14 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
15 convicted of a violation of subsection 24-1(a)(7)(i) or  
16 24-1(a)(7)(i-5) commits a Class 2 felony and shall be sentenced  
17 to a term of imprisonment of not less than 3 years and not more  
18 than 7 years, unless the weapon or device is possessed in the  
19 passenger compartment of a motor vehicle as defined in Section  
20 1-146 of the Illinois Vehicle Code, or on the person, while the  
21 weapon is loaded or the device is attached to the loaded  
22 weapon, in which case it shall be a Class X felony. A person  
23 convicted of a second or subsequent violation of subsection  
24 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a  
25 Class 3 felony. The possession of each weapon or device in  
26 violation of this Section constitutes a single and separate

1 violation.

2 (c) Violations in specific places.

3 (1) A person who violates subsection 24-1(a)(6) or  
4 24-1(a)(7) in any school, regardless of the time of day or  
5 the time of year, in residential property owned, operated  
6 or managed by a public housing agency or leased by a public  
7 housing agency as part of a scattered site or mixed-income  
8 development, in a public park, in a courthouse, on the real  
9 property comprising any school, regardless of the time of  
10 day or the time of year, on residential property owned,  
11 operated or managed by a public housing agency or leased by  
12 a public housing agency as part of a scattered site or  
13 mixed-income development, on the real property comprising  
14 any public park, on the real property comprising any  
15 courthouse, in any conveyance owned, leased or contracted  
16 by a school to transport students to or from school or a  
17 school related activity, in any conveyance owned, leased,  
18 or contracted by a public transportation agency, or on any  
19 public way within 1,000 feet of the real property  
20 comprising any school, public park, courthouse, public  
21 transportation facility, or residential property owned,  
22 operated, or managed by a public housing agency or leased  
23 by a public housing agency as part of a scattered site or  
24 mixed-income development commits a Class 2 felony and shall  
25 be sentenced to a term of imprisonment of not less than 3  
26 years and not more than 7 years.

1           (1.5) A person who violates subsection 24-1(a)(4),  
2           24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
3           time of day or the time of year, in residential property  
4           owned, operated, or managed by a public housing agency or  
5           leased by a public housing agency as part of a scattered  
6           site or mixed-income development, in a public park, in a  
7           courthouse, on the real property comprising any school,  
8           regardless of the time of day or the time of year, on  
9           residential property owned, operated, or managed by a  
10          public housing agency or leased by a public housing agency  
11          as part of a scattered site or mixed-income development, on  
12          the real property comprising any public park, on the real  
13          property comprising any courthouse, in any conveyance  
14          owned, leased, or contracted by a school to transport  
15          students to or from school or a school related activity, in  
16          any conveyance owned, leased, or contracted by a public  
17          transportation agency, or on any public way within 1,000  
18          feet of the real property comprising any school, public  
19          park, courthouse, public transportation facility, or  
20          residential property owned, operated, or managed by a  
21          public housing agency or leased by a public housing agency  
22          as part of a scattered site or mixed-income development  
23          commits a Class 3 felony.

24          (2) A person who violates subsection 24-1(a)(1),  
25          24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
26          time of day or the time of year, in residential property

1 owned, operated or managed by a public housing agency or  
2 leased by a public housing agency as part of a scattered  
3 site or mixed-income development, in a public park, in a  
4 courthouse, on the real property comprising any school,  
5 regardless of the time of day or the time of year, on  
6 residential property owned, operated or managed by a public  
7 housing agency or leased by a public housing agency as part  
8 of a scattered site or mixed-income development, on the  
9 real property comprising any public park, on the real  
10 property comprising any courthouse, in any conveyance  
11 owned, leased or contracted by a school to transport  
12 students to or from school or a school related activity, in  
13 any conveyance owned, leased, or contracted by a public  
14 transportation agency, or on any public way within 1,000  
15 feet of the real property comprising any school, public  
16 park, courthouse, public transportation facility, or  
17 residential property owned, operated, or managed by a  
18 public housing agency or leased by a public housing agency  
19 as part of a scattered site or mixed-income development  
20 commits a Class 4 felony. "Courthouse" means any building  
21 that is used by the Circuit, Appellate, or Supreme Court of  
22 this State for the conduct of official business.

23 (3) Paragraphs (1), (1.5), and (2) of this subsection  
24 (c) shall not apply to law enforcement officers or security  
25 officers of such school, college, or university or to  
26 students carrying or possessing firearms for use in

1 training courses, parades, hunting, target shooting on  
2 school ranges, or otherwise with the consent of school  
3 authorities and which firearms are transported unloaded  
4 enclosed in a suitable case, box, or transportation  
5 package.

6 (4) For the purposes of this subsection (c), "school"  
7 means any public or private elementary or secondary school,  
8 community college, college, or university.

9 (5) For the purposes of this subsection (c), "public  
10 transportation agency" means a public or private agency  
11 that provides for the transportation or conveyance of  
12 persons by means available to the general public, except  
13 for transportation by automobiles not used for conveyance  
14 of the general public as passengers; and "public  
15 transportation facility" means a terminal or other place  
16 where one may obtain public transportation.

17 (d) The presence in an automobile other than a public  
18 omnibus of any weapon, instrument or substance referred to in  
19 subsection (a)(7) is prima facie evidence that it is in the  
20 possession of, and is being carried by, all persons occupying  
21 such automobile at the time such weapon, instrument or  
22 substance is found, except under the following circumstances:  
23 (i) if such weapon, instrument or instrumentality is found upon  
24 the person of one of the occupants therein; or (ii) if such  
25 weapon, instrument or substance is found in an automobile  
26 operated for hire by a duly licensed driver in the due, lawful

1 and proper pursuit of his trade, then such presumption shall  
2 not apply to the driver.

3 (e) Exemptions.

4 (1) Crossbows, Common or Compound bows and Underwater  
5 Spearguns are exempted from the definition of ballistic  
6 knife as defined in paragraph (1) of subsection (a) of this  
7 Section.

8 (2) The provision of paragraph (1) of subsection (a) of  
9 this Section prohibiting the sale, manufacture, purchase,  
10 possession, or carrying of any knife, commonly referred to  
11 as a switchblade knife, which has a blade that opens  
12 automatically by hand pressure applied to a button, spring  
13 or other device in the handle of the knife, does not apply  
14 to a person who possesses a currently valid Firearm Owner's  
15 Identification Card previously issued in his or her name by  
16 the Department of State Police or to a person or an entity  
17 engaged in the business of selling or manufacturing  
18 switchblade knives.

19 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

21 Sec. 24-3. Unlawful sale or delivery of firearms.

22 (A) A person commits the offense of unlawful sale or  
23 delivery of firearms when he or she knowingly does any of the  
24 following:

25 (a) Sells or gives any firearm of a size which may be



1           concealed upon the person to any person under 18 years of  
2           age.

3           (b) Sells or gives any firearm to a person under 21  
4           years of age who has been convicted of a misdemeanor other  
5           than a traffic offense or adjudged delinquent.

6           (c) Sells or gives any firearm to any narcotic addict.

7           (d) Sells or gives any firearm to any person who has  
8           been convicted of a felony under the laws of this or any  
9           other jurisdiction.

10          (e) Sells or gives any firearm to any person who has  
11          been a patient in a mental institution within the past 5  
12          years. In this subsection (e):

13                 "Mental institution" means any hospital,  
14                 institution, clinic, evaluation facility, mental  
15                 health center, or part thereof, which is used primarily  
16                 for the care or treatment of persons with mental  
17                 illness.

18                 "Patient in a mental institution" means the person  
19                 was admitted, either voluntarily or involuntarily, to  
20                 a mental institution for mental health treatment,  
21                 unless the treatment was voluntary and solely for an  
22                 alcohol abuse disorder and no other secondary  
23                 substance abuse disorder or mental illness.

24          (f) Sells or gives any firearms to any person who is a  
25          person with an intellectual disability.

26          (g) Delivers any firearm ~~of a size which may be~~

1 ~~concealed upon the person~~, incidental to a sale, without  
2 withholding delivery of the ~~such~~ firearm for at least 72  
3 hours after application for its purchase has been made, or  
4 delivers ~~any rifle, shotgun or other long gun, or a stun~~  
5 gun or taser, incidental to a sale, without withholding  
6 delivery of the ~~such rifle, shotgun or other long gun, or a~~  
7 stun gun or taser for at least 24 hours after application  
8 for its purchase has been made. However, this paragraph (g)  
9 does not apply to: (1) the sale of a firearm to a law  
10 enforcement officer if the seller of the firearm knows that  
11 the person to whom he or she is selling the firearm is a  
12 law enforcement officer or the sale of a firearm to a  
13 person who desires to purchase a firearm for use in  
14 promoting the public interest incident to his or her  
15 employment as a bank guard, armed truck guard, or other  
16 similar employment; (2) a mail order sale of a firearm from  
17 a federally licensed firearms dealer to a nonresident of  
18 Illinois under which the firearm is mailed to a federally  
19 licensed firearms dealer outside the boundaries of  
20 Illinois; (3) the sale of a firearm to a nonresident of  
21 Illinois while at a firearm showing or display recognized  
22 by the Illinois Department of State Police; (4) the sale of  
23 a firearm to a dealer licensed as a federal firearms dealer  
24 under Section 923 of the federal Gun Control Act of 1968  
25 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,  
26 shotgun, or other long gun to a resident registered

1 competitor or attendee or non-resident registered  
2 competitor or attendee by any dealer licensed as a federal  
3 firearms dealer under Section 923 of the federal Gun  
4 Control Act of 1968 at competitive shooting events held at  
5 the World Shooting Complex sanctioned by a national  
6 governing body. For purposes of transfers or sales under  
7 subparagraph (5) of this paragraph (g), the Department of  
8 Natural Resources shall give notice to the Department of  
9 State Police at least 30 calendar days prior to any  
10 competitive shooting events at the World Shooting Complex  
11 sanctioned by a national governing body. The notification  
12 shall be made on a form prescribed by the Department of  
13 State Police. The sanctioning body shall provide a list of  
14 all registered competitors and attendees at least 24 hours  
15 before the events to the Department of State Police. Any  
16 changes to the list of registered competitors and attendees  
17 shall be forwarded to the Department of State Police as  
18 soon as practicable. The Department of State Police must  
19 destroy the list of registered competitors and attendees no  
20 later than 30 days after the date of the event. Nothing in  
21 this paragraph (g) relieves a federally licensed firearm  
22 dealer from the requirements of conducting a NICS  
23 background check through the Illinois Point of Contact  
24 under 18 U.S.C. 922(t). For purposes of this paragraph (g),  
25 "application" means when the buyer and seller reach an  
26 agreement to purchase a firearm. For purposes of this

1 paragraph (g), "national governing body" means a group of  
2 persons who adopt rules and formulate policy on behalf of a  
3 national firearm sporting organization.

4 (h) While holding any license as a dealer, importer,  
5 manufacturer or pawnbroker under the federal Gun Control  
6 Act of 1968, manufactures, sells or delivers to any  
7 unlicensed person a handgun having a barrel, slide, frame  
8 or receiver which is a die casting of zinc alloy or any  
9 other nonhomogeneous metal which will melt or deform at a  
10 temperature of less than 800 degrees Fahrenheit. For  
11 purposes of this paragraph, (1) "firearm" is defined as in  
12 the Firearm Owners Identification Card Act; and (2)  
13 "handgun" is defined as a firearm designed to be held and  
14 fired by the use of a single hand, and includes a  
15 combination of parts from which such a firearm can be  
16 assembled.

17 (i) Sells or gives a firearm of any size to any person  
18 under 18 years of age who does not possess a valid Firearm  
19 Owner's Identification Card.

20 (j) Sells or gives a firearm while engaged in the  
21 business of selling firearms at wholesale or retail without  
22 being licensed as a federal firearms dealer under Section  
23 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
24 In this paragraph (j):

25 A person "engaged in the business" means a person who  
26 devotes time, attention, and labor to engaging in the

1 activity as a regular course of trade or business with the  
2 principal objective of livelihood and profit, but does not  
3 include a person who makes occasional repairs of firearms  
4 or who occasionally fits special barrels, stocks, or  
5 trigger mechanisms to firearms.

6 "With the principal objective of livelihood and  
7 profit" means that the intent underlying the sale or  
8 disposition of firearms is predominantly one of obtaining  
9 livelihood and pecuniary gain, as opposed to other intents,  
10 such as improving or liquidating a personal firearms  
11 collection; however, proof of profit shall not be required  
12 as to a person who engages in the regular and repetitive  
13 purchase and disposition of firearms for criminal purposes  
14 or terrorism.

15 (k) Sells or transfers ownership of a firearm to a  
16 person who does not display to the seller or transferor of  
17 the firearm either: (1) a currently valid Firearm Owner's  
18 Identification Card that has previously been issued in the  
19 transferee's name by the Department of State Police under  
20 the provisions of the Firearm Owners Identification Card  
21 Act; or (2) a currently valid license to carry a concealed  
22 firearm that has previously been issued in the transferee's  
23 name by the Department of State Police under the Firearm  
24 Concealed Carry Act. This paragraph (k) does not apply to  
25 the transfer of a firearm to a person who is exempt from  
26 the requirement of possessing a Firearm Owner's

1 Identification Card under Section 2 of the Firearm Owners  
2 Identification Card Act. For the purposes of this Section,  
3 a currently valid Firearm Owner's Identification Card  
4 means (i) a Firearm Owner's Identification Card that has  
5 not expired or (ii) an approval number issued in accordance  
6 with subsection (a-10) of subsection 3 or Section 3.1 of  
7 the Firearm Owners Identification Card Act shall be proof  
8 that the Firearm Owner's Identification Card was valid.

9 (1) In addition to the other requirements of this  
10 paragraph (k), all persons who are not federally  
11 licensed firearms dealers must also have complied with  
12 subsection (a-10) of Section 3 of the Firearm Owners  
13 Identification Card Act by determining the validity of  
14 a purchaser's Firearm Owner's Identification Card.

15 (2) All sellers or transferors who have complied  
16 with the requirements of subparagraph (1) of this  
17 paragraph (k) shall not be liable for damages in any  
18 civil action arising from the use or misuse by the  
19 transferee of the firearm transferred, except for  
20 willful or wanton misconduct on the part of the seller  
21 or transferor.

22 (1) Not being entitled to the possession of a firearm,  
23 delivers the firearm, knowing it to have been stolen or  
24 converted. It may be inferred that a person who possesses a  
25 firearm with knowledge that its serial number has been  
26 removed or altered has knowledge that the firearm is stolen

1 or converted.

2 (B) Paragraph (h) of subsection (A) does not include  
3 firearms sold within 6 months after enactment of Public Act  
4 78-355 (approved August 21, 1973, effective October 1, 1973),  
5 nor is any firearm legally owned or possessed by any citizen or  
6 purchased by any citizen within 6 months after the enactment of  
7 Public Act 78-355 subject to confiscation or seizure under the  
8 provisions of that Public Act. Nothing in Public Act 78-355  
9 shall be construed to prohibit the gift or trade of any firearm  
10 if that firearm was legally held or acquired within 6 months  
11 after the enactment of that Public Act.

12 (C) Sentence.

13 (1) Any person convicted of unlawful sale or delivery  
14 of firearms in violation of paragraph (c), (e), (f), (g),  
15 or (h) of subsection (A) commits a Class 4 felony.

16 (2) Any person convicted of unlawful sale or delivery  
17 of firearms in violation of paragraph (b) or (i) of  
18 subsection (A) commits a Class 3 felony.

19 (3) Any person convicted of unlawful sale or delivery  
20 of firearms in violation of paragraph (a) of subsection (A)  
21 commits a Class 2 felony.

22 (4) Any person convicted of unlawful sale or delivery  
23 of firearms in violation of paragraph (a), (b), or (i) of  
24 subsection (A) in any school, on the real property  
25 comprising a school, within 1,000 feet of the real property  
26 comprising a school, at a school related activity, or on or

1 within 1,000 feet of any conveyance owned, leased, or  
2 contracted by a school or school district to transport  
3 students to or from school or a school related activity,  
4 regardless of the time of day or time of year at which the  
5 offense was committed, commits a Class 1 felony. Any person  
6 convicted of a second or subsequent violation of unlawful  
7 sale or delivery of firearms in violation of paragraph (a),  
8 (b), or (i) of subsection (A) in any school, on the real  
9 property comprising a school, within 1,000 feet of the real  
10 property comprising a school, at a school related activity,  
11 or on or within 1,000 feet of any conveyance owned, leased,  
12 or contracted by a school or school district to transport  
13 students to or from school or a school related activity,  
14 regardless of the time of day or time of year at which the  
15 offense was committed, commits a Class 1 felony for which  
16 the sentence shall be a term of imprisonment of no less  
17 than 5 years and no more than 15 years.

18 (5) Any person convicted of unlawful sale or delivery  
19 of firearms in violation of paragraph (a) or (i) of  
20 subsection (A) in residential property owned, operated, or  
21 managed by a public housing agency or leased by a public  
22 housing agency as part of a scattered site or mixed-income  
23 development, in a public park, in a courthouse, on  
24 residential property owned, operated, or managed by a  
25 public housing agency or leased by a public housing agency  
26 as part of a scattered site or mixed-income development, on



1 the real property comprising any public park, on the real  
2 property comprising any courthouse, or on any public way  
3 within 1,000 feet of the real property comprising any  
4 public park, courthouse, or residential property owned,  
5 operated, or managed by a public housing agency or leased  
6 by a public housing agency as part of a scattered site or  
7 mixed-income development commits a Class 2 felony.

8 (6) Any person convicted of unlawful sale or delivery  
9 of firearms in violation of paragraph (j) of subsection (A)  
10 commits a Class A misdemeanor. A second or subsequent  
11 violation is a Class 4 felony.

12 (7) Any person convicted of unlawful sale or delivery  
13 of firearms in violation of paragraph (k) of subsection (A)  
14 commits a Class 4 felony, except that a violation of  
15 subparagraph (1) of paragraph (k) of subsection (A) shall  
16 not be punishable as a crime or petty offense. A third or  
17 subsequent conviction for a violation of paragraph (k) of  
18 subsection (A) is a Class 1 felony.

19 (8) A person 18 years of age or older convicted of  
20 unlawful sale or delivery of firearms in violation of  
21 paragraph (a) or (i) of subsection (A), when the firearm  
22 that was sold or given to another person under 18 years of  
23 age was used in the commission of or attempt to commit a  
24 forcible felony, shall be fined or imprisoned, or both, not  
25 to exceed the maximum provided for the most serious  
26 forcible felony so committed or attempted by the person

1 under 18 years of age who was sold or given the firearm.

2 (9) Any person convicted of unlawful sale or delivery  
3 of firearms in violation of paragraph (d) of subsection (A)  
4 commits a Class 3 felony.

5 (10) Any person convicted of unlawful sale or delivery  
6 of firearms in violation of paragraph (l) of subsection (A)  
7 commits a Class 2 felony if the delivery is of one firearm.  
8 Any person convicted of unlawful sale or delivery of  
9 firearms in violation of paragraph (l) of subsection (A)  
10 commits a Class 1 felony if the delivery is of not less  
11 than 2 and not more than 5 firearms at the same time or  
12 within a one year period. Any person convicted of unlawful  
13 sale or delivery of firearms in violation of paragraph (l)  
14 of subsection (A) commits a Class X felony for which he or  
15 she shall be sentenced to a term of imprisonment of not  
16 less than 6 years and not more than 30 years if the  
17 delivery is of not less than 6 and not more than 10  
18 firearms at the same time or within a 2 year period. Any  
19 person convicted of unlawful sale or delivery of firearms  
20 in violation of paragraph (l) of subsection (A) commits a  
21 Class X felony for which he or she shall be sentenced to a  
22 term of imprisonment of not less than 6 years and not more  
23 than 40 years if the delivery is of not less than 11 and  
24 not more than 20 firearms at the same time or within a 3  
25 year period. Any person convicted of unlawful sale or  
26 delivery of firearms in violation of paragraph (l) of

1 subsection (A) commits a Class X felony for which he or she  
2 shall be sentenced to a term of imprisonment of not less  
3 than 6 years and not more than 50 years if the delivery is  
4 of not less than 21 and not more than 30 firearms at the  
5 same time or within a 4 year period. Any person convicted  
6 of unlawful sale or delivery of firearms in violation of  
7 paragraph (l) of subsection (A) commits a Class X felony  
8 for which he or she shall be sentenced to a term of  
9 imprisonment of not less than 6 years and not more than 60  
10 years if the delivery is of 31 or more firearms at the same  
11 time or within a 5 year period.

12 (D) For purposes of this Section:

13 "School" means a public or private elementary or secondary  
14 school, community college, college, or university.

15 "School related activity" means any sporting, social,  
16 academic, or other activity for which students' attendance or  
17 participation is sponsored, organized, or funded in whole or in  
18 part by a school or school district.

19 (E) A prosecution for a violation of paragraph (k) of  
20 subsection (A) of this Section may be commenced within 6 years  
21 after the commission of the offense. A prosecution for a  
22 violation of this Section other than paragraph (g) of  
23 subsection (A) of this Section may be commenced within 5 years  
24 after the commission of the offense defined in the particular  
25 paragraph.

26 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;

1 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

2 Section 10-25. The Code of Criminal Procedure of 1963 is  
3 amended by changing Sections 114-15, 119-1, and 122-2.2 as  
4 follows:

5 (725 ILCS 5/114-15)

6 Sec. 114-15. Intellectual disability.

7 (a) In a first degree murder case in which the State seeks  
8 the death penalty as an appropriate sentence or in a death  
9 penalty murder case, any party may raise the issue of the  
10 defendant's intellectual disabilities by motion. A defendant  
11 wishing to raise the issue of his or her intellectual  
12 disabilities shall provide written notice to the State and the  
13 court as soon as the defendant reasonably believes such issue  
14 will be raised.

15 (b) The issue of the defendant's intellectual disabilities  
16 shall be determined in a pretrial hearing. The court shall be  
17 the fact finder on the issue of the defendant's intellectual  
18 disabilities and shall determine the issue by a preponderance  
19 of evidence in which the moving party has the burden of proof.  
20 The court may appoint an expert in the field of intellectual  
21 disabilities. The defendant and the State may offer experts  
22 from the field of intellectual disabilities. The court shall  
23 determine admissibility of evidence and qualification as an  
24 expert.

1 (c) If after a plea of guilty to first degree murder or  
2 death penalty murder, or a finding of guilty of first degree  
3 murder or death penalty murder in a bench trial, or a verdict  
4 of guilty for first degree murder or death penalty murder in a  
5 jury trial, or on a matter remanded from the Supreme Court for  
6 sentencing for first degree murder or death penalty murder, and  
7 the State seeks the death penalty as an appropriate sentence,  
8 the defendant may raise the issue of defendant's intellectual  
9 disabilities not at eligibility but at aggravation and  
10 mitigation. The defendant and the State may offer experts from  
11 the field of intellectual disabilities. The court shall  
12 determine admissibility of evidence and qualification as an  
13 expert.

14 (d) In determining whether the defendant is a person with  
15 an intellectual disability, the intellectual disability must  
16 have manifested itself by the age of 18. IQ tests and  
17 psychometric tests administered to the defendant must be the  
18 kind and type recognized by experts in the field of  
19 intellectual disabilities. In order for the defendant to be  
20 considered a person with an intellectual disability, a low IQ  
21 must be accompanied by significant deficits in adaptive  
22 behavior in at least 2 of the following skill areas:  
23 communication, self-care, social or interpersonal skills, home  
24 living, self-direction, academics, health and safety, use of  
25 community resources, and work. An intelligence quotient (IQ) of  
26 75 or below is presumptive evidence of an intellectual

1 disability.

2 (e) Evidence of an intellectual disability that did not  
3 result in disqualifying the case as a capital case, may be  
4 introduced as evidence in mitigation during a capital  
5 sentencing hearing. A failure of the court to determine that  
6 the defendant is a person with an intellectual disability does  
7 not preclude the court during trial from allowing evidence  
8 relating to mental disability should the court deem it  
9 appropriate.

10 (f) If the court determines at a pretrial hearing or after  
11 remand that a capital defendant is a person with an  
12 intellectual disability, and the State does not appeal pursuant  
13 to Supreme Court Rule 604, the case shall no longer be  
14 considered a capital case and the procedural guidelines  
15 established for capital cases shall no longer be applicable to  
16 the defendant. In that case, the defendant shall be sentenced  
17 under the sentencing provisions of Chapter V of the Unified  
18 Code of Corrections.

19 (Source: P.A. 99-143, eff. 7-27-15.)

20 (725 ILCS 5/119-1)

21 Sec. 119-1. Death penalty abolished.

22 (a) Except as otherwise provided in subsection (a-5) of  
23 this Section, beginning ~~Beginning~~ on the effective date of this  
24 amendatory Act of the 96th General Assembly, notwithstanding  
25 any other law to the contrary, the death penalty is abolished

1 and a sentence to death may not be imposed.

2 (a-5) A sentence of death shall be imposed for death  
3 penalty murder.

4 (b) All unobligated and unexpended moneys remaining in the  
5 Capital Litigation Trust Fund on the effective date of this  
6 amendatory Act of the 96th General Assembly shall be  
7 transferred into the Death Penalty Abolition Fund, a special  
8 fund in the State treasury, to be expended by the Illinois  
9 Criminal Justice Information Authority, for services for  
10 families of victims of homicide or murder and for training of  
11 law enforcement personnel.

12 (Source: P.A. 96-1543, eff. 7-1-11.)

13 (725 ILCS 5/122-2.2)

14 Sec. 122-2.2. Intellectual disability and post-conviction  
15 relief.

16 (a) In cases where no determination of an intellectual  
17 disability was made and a defendant has been convicted of  
18 first-degree murder or death penalty murder, sentenced to  
19 death, and is in custody pending execution of the sentence of  
20 death, the following procedures shall apply:

21 (1) Notwithstanding any other provision of law or rule  
22 of court, a defendant may seek relief from the death  
23 sentence through a petition for post-conviction relief  
24 under this Article alleging that the defendant was a person  
25 with an intellectual disability as defined in Section

1 114-15 at the time the offense was alleged to have been  
2 committed.

3 (2) The petition must be filed within 180 days of the  
4 effective date of this amendatory Act of the 93rd General  
5 Assembly or within 180 days of the issuance of the mandate  
6 by the Illinois Supreme Court setting the date of  
7 execution, whichever is later.

8 (b) All other provisions of this Article governing  
9 petitions for post-conviction relief shall apply to a petition  
10 for post-conviction relief alleging an intellectual  
11 disability.

12 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15.)

13 (725 ILCS 165/Act rep.)

14 Section 10-30. The Firearm Seizure Act is repealed.

15 Section 10-35. The Unified Code of Corrections is amended  
16 by changing Section 5-4.5-10 and by adding Section 5-4.5-20.5  
17 as follows:

18 (730 ILCS 5/5-4.5-10)

19 Sec. 5-4.5-10. OFFENSE CLASSIFICATIONS.

20 (a) FELONY CLASSIFICATIONS. Felonies are classified, for  
21 the purpose of sentencing, as follows:

22 (1) First degree murder (as a separate class of  
23 felony).



1           (1.5) Death penalty murder (as a separate class of  
2           felony).

3           (2) Class X felonies.

4           (3) Class 1 felonies.

5           (4) Class 2 felonies.

6           (5) Class 3 felonies.

7           (6) Class 4 felonies.

8           (b) MISDEMEANOR CLASSIFICATIONS. Misdemeanors are  
9 classified, for the purpose of sentencing, as follows:

10           (1) Class A misdemeanors.

11           (2) Class B misdemeanors.

12           (3) Class C misdemeanors.

13           (c) PETTY AND BUSINESS OFFENSES. Petty offenses and  
14 business offenses are not classified.

15           (Source: P.A. 95-1052, eff. 7-1-09.)

16           (730 ILCS 5/5-4.5-20.5 new)

17           Sec. 5-4.5-20.5. DEATH PENALTY MURDER; SENTENCE. For death  
18 penalty murder, the defendant shall be sentenced to death,  
19 unless the trial judge finds that the defendant has, by a  
20 preponderance of the evidence, presented sufficiently  
21 substantial evidence to outweigh the circumstances of the  
22 offense and the evidence presented by the prosecution at the  
23 sentencing hearing, in which case the judge shall sentence the  
24 defendant to life imprisonment without the possibility of  
25 parole.

1 Article 999. Effective Date.

2 Section 999-5. Effective date. This Act takes effect upon  
3 becoming law.".