



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4561

Introduced 2/5/2020, by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2	from Ch. 102, par. 42
5 ILCS 140/7.5	
15 ILCS 305/13.5 rep.	
20 ILCS 2605/2605-300	was 20 ILCS 2605/55a in part
20 ILCS 2605/2605-595	
30 ILCS 105/6z-99	
235 ILCS 5/10-1	from Ch. 43, par. 183
430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/13.1	from Ch. 38, par. 83-13.1
430 ILCS 66/Act rep.	
720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.6	
720 ILCS 5/24-2	
720 ILCS 5/24-3	from Ch. 38, par. 24-3
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1

Repeals the Firearm Concealed Carry Act. Amends the Criminal Code of 2012. Provides that the unlawful use of weapons and aggravated unlawful use of a weapon statutes do not apply to or affect any person carrying a concealed pistol, revolver, or handgun and the person has been issued a currently valid Firearm Owner's Identification Card under the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes.

LRB101 16720 RLC 66109 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

7 Sec. 2. Open meetings.

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

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

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

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

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

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

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

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

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

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

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

10 (7) The sale or purchase of securities, investments, or
11 investment contracts. This exception shall not apply to the
12 investment of assets or income of funds deposited into the
13 Illinois Prepaid Tuition Trust Fund.

14 (8) Security procedures, school building safety and
15 security, and the use of personnel and equipment to respond
16 to an actual, a threatened, or a reasonably potential
17 danger to the safety of employees, students, staff, the
18 public, or public property.

19 (9) Student disciplinary cases.

20 (10) The placement of individual students in special
21 education programs and other matters relating to
22 individual students.

23 (11) Litigation, when an action against, affecting or
24 on behalf of the particular public body has been filed and
25 is pending before a court or administrative tribunal, or
26 when the public body finds that an action is probable or

1 imminent, in which case the basis for the finding shall be
2 recorded and entered into the minutes of the closed
3 meeting.

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

14 (13) Conciliation of complaints of discrimination in
15 the sale or rental of housing, when closed meetings are
16 authorized by the law or ordinance prescribing fair housing
17 practices and creating a commission or administrative
18 agency for their enforcement.

19 (14) Informant sources, the hiring or assignment of
20 undercover personnel or equipment, or ongoing, prior or
21 future criminal investigations, when discussed by a public
22 body with criminal investigatory responsibilities.

23 (15) Professional ethics or performance when
24 considered by an advisory body appointed to advise a
25 licensing or regulatory agency on matters germane to the
26 advisory body's field of competence.

1 (16) Self evaluation, practices and procedures or
2 professional ethics, when meeting with a representative of
3 a statewide association of which the public body is a
4 member.

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

16 (18) Deliberations for decisions of the Prisoner
17 Review Board.

18 (19) Review or discussion of applications received
19 under the Experimental Organ Transplantation Procedures
20 Act.

21 (20) The classification and discussion of matters
22 classified as confidential or continued confidential by
23 the State Government Suggestion Award Board.

24 (21) Discussion of minutes of meetings lawfully closed
25 under this Act, whether for purposes of approval by the
26 body of the minutes or semi-annual review of the minutes as

1 mandated by Section 2.06.

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

4 (23) The operation by a municipality of a municipal
5 utility or the operation of a municipal power agency or
6 municipal natural gas agency when the discussion involves
7 (i) contracts relating to the purchase, sale, or delivery
8 of electricity or natural gas or (ii) the results or
9 conclusions of load forecast studies.

10 (24) Meetings of a residential health care facility
11 resident sexual assault and death review team or the
12 Executive Council under the Abuse Prevention Review Team
13 Act.

14 (25) Meetings of an independent team of experts under
15 Brian's Law.

16 (26) Meetings of a mortality review team appointed
17 under the Department of Juvenile Justice Mortality Review
18 Team Act.

19 (27) (Blank).

20 (28) Correspondence and records (i) that may not be
21 disclosed under Section 11-9 of the Illinois Public Aid
22 Code or (ii) that pertain to appeals under Section 11-8 of
23 the Illinois Public Aid Code.

24 (29) Meetings between internal or external auditors
25 and governmental audit committees, finance committees, and
26 their equivalents, when the discussion involves internal

1 control weaknesses, identification of potential fraud risk
2 areas, known or suspected frauds, and fraud interviews
3 conducted in accordance with generally accepted auditing
4 standards of the United States of America.

5 (30) Those meetings or portions of meetings of a
6 fatality review team or the Illinois Fatality Review Team
7 Advisory Council during which a review of the death of an
8 eligible adult in which abuse or neglect is suspected,
9 alleged, or substantiated is conducted pursuant to Section
10 15 of the Adult Protective Services Act.

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

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

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

25 (34) Meetings of the Tax Increment Financing Reform
26 Task Force under Section 2505-800 of the Department of

1 Revenue Law of the Civil Administrative Code of Illinois.

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

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

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

13 "Employee" means a person employed by a public body whose
14 relationship with the public body constitutes an
15 employer-employee relationship under the usual common law
16 rules, and who is not an independent contractor.

17 "Public office" means a position created by or under the
18 Constitution or laws of this State, the occupant of which is
19 charged with the exercise of some portion of the sovereign
20 power of this State. The term "public office" shall include
21 members of the public body, but it shall not include
22 organizational positions filled by members thereof, whether
23 established by law or by a public body itself, that exist to
24 assist the body in the conduct of its business.

25 "Quasi-adjudicative body" means an administrative body
26 charged by law or ordinance with the responsibility to conduct

1 hearings, receive evidence or testimony and make
2 determinations based thereon, but does not include local
3 electoral boards when such bodies are considering petition
4 challenges.

5 (e) Final action. No final action may be taken at a closed
6 meeting. Final action shall be preceded by a public recital of
7 the nature of the matter being considered and other information
8 that will inform the public of the business being conducted.

9 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
10 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
11 8-23-19; revised 9-27-19.)

12 Section 10. The Freedom of Information Act is amended by
13 changing Section 7.5 as follows:

14 (5 ILCS 140/7.5)

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

18 (a) All information determined to be confidential
19 under Section 4002 of the Technology Advancement and
20 Development Act.

21 (b) Library circulation and order records identifying
22 library users with specific materials under the Library
23 Records Confidentiality Act.

24 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other records
3 prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmissible
9 disease or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmissible
11 Disease Control Act.

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

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a local
2 emergency energy plan ordinance that is adopted under
3 Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by carriers
6 under the Emergency Telephone System Act.

7 (k) Law enforcement officer identification information
8 or driver identification information compiled by a law
9 enforcement agency or the Department of Transportation
10 under Section 11-212 of the Illinois Vehicle Code.

11 (l) Records and information provided to a residential
12 health care facility resident sexual assault and death
13 review team or the Executive Council under the Abuse
14 Prevention Review Team Act.

15 (m) Information provided to the predatory lending
16 database created pursuant to Article 3 of the Residential
17 Real Property Disclosure Act, except to the extent
18 authorized under that Article.

19 (n) Defense budgets and petitions for certification of
20 compensation and expenses for court appointed trial
21 counsel as provided under Sections 10 and 15 of the Capital
22 Crimes Litigation Act. This subsection (n) shall apply
23 until the conclusion of the trial of the case, even if the
24 prosecution chooses not to pursue the death penalty prior
25 to trial or sentencing.

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

3 (p) Security portions of system safety program plans,
4 investigation reports, surveys, schedules, lists, data, or
5 information compiled, collected, or prepared by or for the
6 Regional Transportation Authority under Section 2.11 of
7 the Regional Transportation Authority Act or the St. Clair
8 County Transit District under the Bi-State Transit Safety
9 Act.

10 (q) Information prohibited from being disclosed by the
11 Personnel Record Review Act.

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

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

16 (t) All identified or deidentified health information
17 in the form of health data or medical records contained in,
18 stored in, submitted to, transferred by, or released from
19 the Illinois Health Information Exchange, and identified
20 or deidentified health information in the form of health
21 data and medical records of the Illinois Health Information
22 Exchange in the possession of the Illinois Health
23 Information Exchange Authority due to its administration
24 of the Illinois Health Information Exchange. The terms
25 "identified" and "deidentified" shall be given the same
26 meaning as in the Health Insurance Portability and

1 Accountability Act of 1996, Public Law 104-191, or any
2 subsequent amendments thereto, and any regulations
3 promulgated thereunder.

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

7 (v) Names and information of people who have applied
8 for or received Firearm Owner's Identification Cards under
9 the Firearm Owners Identification Card Act ~~or applied for~~
10 ~~or received a concealed carry license under the Firearm~~
11 ~~Concealed Carry Act, unless otherwise authorized by the~~
12 ~~Firearm Concealed Carry Act; and databases under the~~
13 ~~Firearm Concealed Carry Act, records of the Concealed Carry~~
14 ~~Licensing Review Board under the Firearm Concealed Carry~~
15 ~~Act, and law enforcement agency objections under the~~
16 ~~Firearm Concealed Carry Act.~~

17 (w) Personally identifiable information which is
18 exempted from disclosure under subsection (g) of Section
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure
21 under Section 5-1014.3 of the Counties Code or Section
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult
24 Protective Services Act and its predecessor enabling
25 statute, the Elder Abuse and Neglect Act, including
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated
2 decision of abuse, neglect, or financial exploitation of an
3 eligible adult maintained in the Registry established
4 under Section 7.5 of the Adult Protective Services Act.

5 (z) Records and information provided to a fatality
6 review team or the Illinois Fatality Review Team Advisory
7 Council under Section 15 of the Adult Protective Services
8 Act.

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

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

13 (cc) Recordings made under the Law Enforcement
14 Officer-Worn Body Camera Act, except to the extent
15 authorized under that Act.

16 (dd) Information that is prohibited from being
17 disclosed under Section 45 of the Condominium and Common
18 Interest Community Ombudsperson Act.

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

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

23 (gg) Information that is prohibited from being
24 disclosed under Section 7-603.5 of the Illinois Vehicle
25 Code.

26 (hh) Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

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

5 (jj) Information and reports that are required to be
6 submitted to the Department of Labor by registering day and
7 temporary labor service agencies but are exempt from
8 disclosure under subsection (a-1) of Section 45 of the Day
9 and Temporary Labor Services Act.

10 (kk) Information prohibited from disclosure under the
11 Seizure and Forfeiture Reporting Act.

12 (ll) Information the disclosure of which is restricted
13 and exempted under Section 5-30.8 of the Illinois Public
14 Aid Code.

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

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

19 (oo) Communications, notes, records, and reports
20 arising out of a peer support counseling session prohibited
21 from disclosure under the First Responders Suicide
22 Prevention Act.

23 (pp) Names and all identifying information relating to
24 an employee of an emergency services provider or law
25 enforcement agency under the First Responders Suicide
26 Prevention Act.

1 (qq) Information and records held by the Department of
2 Public Health and its authorized representatives collected
3 under the Reproductive Health Act.

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

6 (ss) Data reported by an employer to the Department of
7 Human Rights pursuant to Section 2-108 of the Illinois
8 Human Rights Act.

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

11 (uu) Information that is exempt from disclosure under
12 Section 50 of the Sexual Assault Evidence Submission Act.

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

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

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

21 (yy) ~~(oo)~~ Information prohibited from being disclosed
22 under the Illinois Educational Labor Relations Act.

23 (zz) ~~(pp)~~ Information prohibited from being disclosed
24 under the Illinois Public Labor Relations Act.

25 (aaa) ~~(qq)~~ Information prohibited from being disclosed
26 under Section 1-167 of the Illinois Pension Code.

1 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
2 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
3 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
4 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
5 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
6 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
7 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
8 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
9 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; revised
10 1-6-20.)

11 (15 ILCS 305/13.5 rep.)

12 Section 15. The Secretary of State Act is amended by
13 repealing Section 13.5.

14 Section 20. The Department of State Police Law of the Civil
15 Administrative Code of Illinois is amended by changing Sections
16 2605-300 and 2605-595 as follows:

17 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

18 Sec. 2605-300. Records; crime laboratories; personnel. To
19 do the following:

20 (1) Be a central repository and custodian of criminal
21 statistics for the State.

22 (2) Be a central repository for criminal history record
23 information.

1 (3) Procure and file for record information that is
2 necessary and helpful to plan programs of crime prevention,
3 law enforcement, and criminal justice.

4 (4) Procure and file for record copies of fingerprints
5 that may be required by law.

6 (5) Establish general and field crime laboratories.

7 (6) Register and file for record information that may
8 be required by law for the issuance of firearm owner's
9 identification cards under the Firearm Owners
10 Identification Card Act ~~and concealed carry licenses under~~
11 ~~the Firearm Concealed Carry Act.~~

12 (7) Employ laboratory technicians and other specially
13 qualified persons to aid in the identification of criminal
14 activity, and may employ polygraph operators.

15 (8) Undertake other identification, information,
16 laboratory, statistical, or registration activities that
17 may be required by law.

18 (Source: P.A. 98-63, eff. 7-9-13; 99-801, eff. 1-1-17.)

19 (20 ILCS 2605/2605-595)

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

21 (a) There is created in the State treasury a special fund
22 known as the State Police Firearm Services Fund. The Fund shall
23 receive revenue under ~~the Firearm Concealed Carry Act and~~
24 Section 5 of the Firearm Owners Identification Card Act. The
25 Fund may also receive revenue from grants, pass-through grants,

1 donations, appropriations, and any other legal source.

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

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

20 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

21 Section 25. The State Finance Act is amended by changing
22 Section 6z-99 as follows:

23 (30 ILCS 105/6z-99)

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

1 (a) There is created in the State treasury a special fund
2 known as the Mental Health Reporting Fund. ~~The Fund shall~~
3 ~~receive revenue under the Firearm Concealed Carry Act.~~ The Fund
4 may ~~also~~ receive revenue from grants, pass-through grants,
5 donations, appropriations, and any other legal source.

6 (b) The Department of State Police and Department of Human
7 Services shall coordinate to use moneys in the Fund to finance
8 their respective duties of collecting and reporting data on
9 mental health records and ensuring that mental health firearm
10 possession prohibitors are enforced as set forth under the
11 ~~Firearm Concealed Carry Act and the Firearm Owners~~
12 ~~Identification Card Act.~~ Any surplus in the Fund beyond what is
13 necessary to ensure compliance with mental health reporting
14 under that Act ~~these Acts~~ shall be used by the Department of
15 Human Services for mental health treatment programs.

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

19 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

20 Section 30. The Liquor Control Act of 1934 is amended by
21 changing Section 10-1 as follows:

22 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

23 Sec. 10-1. Violations; penalties. Whereas a substantial
24 threat to the sound and careful control, regulation, and

1 taxation of the manufacture, sale, and distribution of
2 alcoholic liquors exists by virtue of individuals who
3 manufacture, import, distribute, or sell alcoholic liquors
4 within the State without having first obtained a valid license
5 to do so, and whereas such threat is especially serious along
6 the borders of this State, and whereas such threat requires
7 immediate correction by this Act, by active investigation and
8 prosecution by the State Commission, law enforcement
9 officials, and prosecutors, and by prompt and strict
10 enforcement through the courts of this State to punish
11 violators and to deter such conduct in the future:

12 (a) Any person who manufactures, imports for distribution
13 or use, transports from outside this State into this State, or
14 distributes or sells 108 liters (28.53 gallons) or more of
15 wine, 45 liters (11.88 gallons) or more of distilled spirits,
16 or 118 liters (31.17 gallons) or more of beer at any place
17 within the State without having first obtained a valid license
18 to do so under the provisions of this Act shall be guilty of a
19 Class 4 felony for each offense. However, any person who was
20 duly licensed under this Act and whose license expired within
21 30 days prior to a violation shall be guilty of a business
22 offense and fined not more than \$1,000 for the first such
23 offense and shall be guilty of a Class 4 felony for each
24 subsequent offense.

25 Any person who manufactures, imports for distribution,
26 transports from outside this State into this State for sale or

1 resale in this State, or distributes or sells less than 108
2 liters (28.53 gallons) of wine, less than 45 liters (11.88
3 gallons) of distilled spirits, or less than 118 liters (31.17
4 gallons) of beer at any place within the State without having
5 first obtained a valid license to do so under the provisions of
6 this Act shall be guilty of a business offense and fined not
7 more than \$1,000 for the first such offense and shall be guilty
8 of a Class 4 felony for each subsequent offense. This
9 subsection does not apply to a motor carrier or freight
10 forwarder, as defined in Section 13102 of Title 49 of the
11 United States Code, an air carrier, as defined in Section 40102
12 of Title 49 of the United States Code, or a rail carrier, as
13 defined in Section 10102 of Title 49 of the United States Code.

14 Any person who: (1) has been issued an initial cease and
15 desist notice from the State Commission; and (2) for
16 compensation, does any of the following: (i) ships alcoholic
17 liquor into this State without a license authorized by Section
18 5-1 issued by the State Commission or in violation of that
19 license; or (ii) manufactures, imports for distribution,
20 transports from outside this State into this State for sale or
21 resale in this State, or distributes or sells alcoholic liquors
22 at any place without having first obtained a valid license to
23 do so is guilty of a Class 4 felony for each offense.

24 (b) (1) Any retailer, caterer retailer, brew pub, special
25 event retailer, special use permit holder, homebrewer special
26 event permit holder, or craft distiller tasting permit holder

1 who knowingly causes alcoholic liquors to be imported directly
2 into the State of Illinois from outside of the State for the
3 purpose of furnishing, giving, or selling to another, except
4 when having received the product from a duly licensed
5 distributor or importing distributor, shall have his license
6 suspended for 30 days for the first offense and for the second
7 offense, shall have his license revoked by the Commission.

8 (2) In the event the State Commission receives a certified
9 copy of a final order from a foreign jurisdiction that an
10 Illinois retail licensee has been found to have violated that
11 foreign jurisdiction's laws, rules, or regulations concerning
12 the importation of alcoholic liquor into that foreign
13 jurisdiction, the violation may be grounds for the State
14 Commission to revoke, suspend, or refuse to issue or renew a
15 license, to impose a fine, or to take any additional action
16 provided by this Act with respect to the Illinois retail
17 license or licensee. Any such action on the part of the State
18 Commission shall be in accordance with this Act and
19 implementing rules.

20 For the purposes of paragraph (2): (i) "foreign
21 jurisdiction" means a state, territory, or possession of the
22 United States, the District of Columbia, or the Commonwealth of
23 Puerto Rico, and (ii) "final order" means an order or judgment
24 of a court or administrative body that determines the rights of
25 the parties respecting the subject matter of the proceeding,
26 that remains in full force and effect, and from which no appeal

1 can be taken.

2 (c) Any person who shall make any false statement or
3 otherwise violates any of the provisions of this Act in
4 obtaining any license hereunder, or who having obtained a
5 license hereunder shall violate any of the provisions of this
6 Act with respect to the manufacture, possession, distribution
7 or sale of alcoholic liquor, or with respect to the maintenance
8 of the licensed premises, or shall violate any other provision
9 of this Act, shall for a first offense be guilty of a petty
10 offense and fined not more than \$500, and for a second or
11 subsequent offense shall be guilty of a Class B misdemeanor.

12 (c-5) (Blank). ~~Any owner of an establishment that serves~~
13 ~~alcohol on its premises, if more than 50% of the~~
14 ~~establishment's gross receipts within the prior 3 months is~~
15 ~~from the sale of alcohol, who knowingly fails to prohibit~~
16 ~~concealed firearms on its premises or who knowingly makes a~~
17 ~~false statement or record to avoid the prohibition of concealed~~
18 ~~firearms on its premises under the Firearm Concealed Carry Act~~
19 ~~shall be guilty of a business offense with a fine up to \$5,000.~~

20 (d) Each day any person engages in business as a
21 manufacturer, foreign importer, importing distributor,
22 distributor or retailer in violation of the provisions of this
23 Act shall constitute a separate offense.

24 (e) Any person, under the age of 21 years who, for the
25 purpose of buying, accepting or receiving alcoholic liquor from
26 a licensee, represents that he is 21 years of age or over shall

1 be guilty of a Class A misdemeanor.

2 (f) In addition to the penalties herein provided, any
3 person licensed as a wine-maker in either class who
4 manufactures more wine than authorized by his license shall be
5 guilty of a business offense and shall be fined \$1 for each
6 gallon so manufactured.

7 (g) A person shall be exempt from prosecution for a
8 violation of this Act if he is a peace officer in the
9 enforcement of the criminal laws and such activity is approved
10 in writing by one of the following:

11 (1) In all counties, the respective State's Attorney;

12 (2) The Director of State Police under Section 2605-10,
13 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
14 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
15 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
16 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
17 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
18 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
19 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
20 Department of State Police Law (20 ILCS 2605/2605-10,
21 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
22 2605/2605-110, 2605/2605-115, 2605/2605-120,
23 2605/2605-130, 2605/2605-140, 2605/2605-190,
24 2605/2605-200, 2605/2605-205, 2605/2605-210,
25 2605/2605-215, 2605/2605-250, 2605/2605-275,
26 2605/2605-300, 2605/2605-305, 2605/2605-315,

1 2605/2605-325, 2605/2605-335, 2605/2605-340,
2 2605/2605-350, 2605/2605-355, 2605/2605-360,
3 2605/2605-365, 2605/2605-375, 2605/2605-390,
4 2605/2605-400, 2605/2605-405, 2605/2605-420,
5 2605/2605-430, 2605/2605-435, 2605/2605-500,
6 2605/2605-525, or 2605/2605-550); or

7 (3) In cities over 1,000,000, the Superintendent of
8 Police.

9 (Source: P.A. 101-37, eff. 7-3-19.)

10 Section 35. The Firearm Owners Identification Card Act is
11 amended by changing Sections 2, 3, and 13.1 as follows:

12 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

13 Sec. 2. Firearm Owner's Identification Card required;
14 exceptions.

15 (a) (1) No person may acquire or possess any firearm, stun
16 gun, or taser within this State without having in his or her
17 possession a Firearm Owner's Identification Card previously
18 issued in his or her name by the Department of State Police
19 under the provisions of this Act.

20 (2) No person may acquire or possess firearm ammunition
21 within this State without having in his or her possession a
22 Firearm Owner's Identification Card previously issued in his or
23 her name by the Department of State Police under the provisions
24 of this Act.

1 (b) The provisions of this Section regarding the possession
2 of firearms, firearm ammunition, stun guns, and tasers do not
3 apply to:

4 (1) United States Marshals, while engaged in the
5 operation of their official duties;

6 (2) Members of the Armed Forces of the United States or
7 the National Guard, while engaged in the operation of their
8 official duties;

9 (3) Federal officials required to carry firearms,
10 while engaged in the operation of their official duties;

11 (4) Members of bona fide veterans organizations which
12 receive firearms directly from the armed forces of the
13 United States, while using the firearms for ceremonial
14 purposes with blank ammunition;

15 (5) Nonresident hunters during hunting season, with
16 valid nonresident hunting licenses and while in an area
17 where hunting is permitted; however, at all other times and
18 in all other places these persons must have their firearms
19 unloaded and enclosed in a case;

20 (6) Those hunters exempt from obtaining a hunting
21 license who are required to submit their Firearm Owner's
22 Identification Card when hunting on Department of Natural
23 Resources owned or managed sites;

24 (7) Nonresidents while on a firing or shooting range
25 recognized by the Department of State Police; however,
26 these persons must at all other times and in all other

1 places have their firearms unloaded and enclosed in a case;

2 (8) Nonresidents while at a firearm showing or display
3 recognized by the Department of State Police; however, at
4 all other times and in all other places these persons must
5 have their firearms unloaded and enclosed in a case;

6 (9) Nonresidents whose firearms are unloaded and
7 enclosed in a case;

8 (10) Nonresidents who are currently licensed or
9 registered to possess a firearm in their resident state;

10 (11) Unemancipated minors while in the custody and
11 immediate control of their parent or legal guardian or
12 other person in loco parentis to the minor if the parent or
13 legal guardian or other person in loco parentis to the
14 minor has a currently valid Firearm Owner's Identification
15 Card;

16 (12) Color guards of bona fide veterans organizations
17 or members of bona fide American Legion bands while using
18 firearms for ceremonial purposes with blank ammunition;

19 (13) Nonresident hunters whose state of residence does
20 not require them to be licensed or registered to possess a
21 firearm and only during hunting season, with valid hunting
22 licenses, while accompanied by, and using a firearm owned
23 by, a person who possesses a valid Firearm Owner's
24 Identification Card and while in an area within a
25 commercial club licensed under the Wildlife Code where
26 hunting is permitted and controlled, but in no instance

1 upon sites owned or managed by the Department of Natural
2 Resources;

3 (14) Resident hunters who are properly authorized to
4 hunt and, while accompanied by a person who possesses a
5 valid Firearm Owner's Identification Card, hunt in an area
6 within a commercial club licensed under the Wildlife Code
7 where hunting is permitted and controlled;

8 (15) A person who is otherwise eligible to obtain a
9 Firearm Owner's Identification Card under this Act and is
10 under the direct supervision of a holder of a Firearm
11 Owner's Identification Card who is 21 years of age or older
12 while the person is on a firing or shooting range or is a
13 participant in a firearms safety and training course
14 recognized by a law enforcement agency or a national,
15 statewide shooting sports organization; and

16 (16) Competitive shooting athletes whose competition
17 firearms are sanctioned by the International Olympic
18 Committee, the International Paralympic Committee, the
19 International Shooting Sport Federation, or USA Shooting
20 in connection with such athletes' training for and
21 participation in shooting competitions at the 2016 Olympic
22 and Paralympic Games and sanctioned test events leading up
23 to the 2016 Olympic and Paralympic Games.

24 (c) The provisions of this Section regarding the
25 acquisition and possession of firearms, firearm ammunition,
26 stun guns, and tasers do not apply to law enforcement officials

1 of this or any other jurisdiction, while engaged in the
2 operation of their official duties.

3 (c-5) (Blank). ~~The provisions of paragraphs (1) and (2) of~~
4 ~~subsection (a) of this Section regarding the possession of~~
5 ~~firearms and firearm ammunition do not apply to the holder of a~~
6 ~~valid concealed carry license issued under the Firearm~~
7 ~~Concealed Carry Act who is in physical possession of the~~
8 ~~concealed carry license.~~

9 (d) Any person who becomes a resident of this State, who is
10 not otherwise prohibited from obtaining, possessing, or using a
11 firearm or firearm ammunition, shall not be required to have a
12 Firearm Owner's Identification Card to possess firearms or
13 firearms ammunition until 60 calendar days after he or she
14 obtains an Illinois driver's license or Illinois
15 Identification Card.

16 (Source: P.A. 99-29, eff. 7-10-15.)

17 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

18 Sec. 3. (a) Except as provided in Section 3a, no person may
19 knowingly transfer, or cause to be transferred, any firearm,
20 firearm ammunition, stun gun, or taser to any person within
21 this State unless the transferee with whom he deals displays
22 ~~either: (1)~~ a currently valid Firearm Owner's Identification
23 Card which has previously been issued in his or her name by the
24 Department of State Police under the provisions of this Act, ~~or~~
25 ~~(2) a currently valid license to carry a concealed firearm~~

1 ~~which has previously been issued in his or her name by the~~
2 ~~Department of State Police under the Firearm Concealed Carry~~
3 ~~Act.~~ In addition, all firearm, stun gun, and taser transfers by
4 federally licensed firearm dealers are subject to Section 3.1.

5 (a-5) Any person who is not a federally licensed firearm
6 dealer and who desires to transfer or sell a firearm while that
7 person is on the grounds of a gun show must, before selling or
8 transferring the firearm, request the Department of State
9 Police to conduct a background check on the prospective
10 recipient of the firearm in accordance with Section 3.1.

11 (a-10) Notwithstanding item (2) of subsection (a) of this
12 Section, any person who is not a federally licensed firearm
13 dealer and who desires to transfer or sell a firearm or
14 firearms to any person who is not a federally licensed firearm
15 dealer shall, before selling or transferring the firearms,
16 contact the Department of State Police with the transferee's or
17 purchaser's Firearm Owner's Identification Card number to
18 determine the validity of the transferee's or purchaser's
19 Firearm Owner's Identification Card. This subsection shall not
20 be effective until January 1, 2014. The Department of State
21 Police may adopt rules concerning the implementation of this
22 subsection. The Department of State Police shall provide the
23 seller or transferor an approval number if the purchaser's
24 Firearm Owner's Identification Card is valid. Approvals issued
25 by the Department for the purchase of a firearm pursuant to
26 this subsection are valid for 30 days from the date of issue.

1 (a-15) The provisions of subsection (a-10) of this Section
2 do not apply to:

3 (1) transfers that occur at the place of business of a
4 federally licensed firearm dealer, if the federally
5 licensed firearm dealer conducts a background check on the
6 prospective recipient of the firearm in accordance with
7 Section 3.1 of this Act and follows all other applicable
8 federal, State, and local laws as if he or she were the
9 seller or transferor of the firearm, although the dealer is
10 not required to accept the firearm into his or her
11 inventory. The purchaser or transferee may be required by
12 the federally licensed firearm dealer to pay a fee not to
13 exceed \$10 per firearm, which the dealer may retain as
14 compensation for performing the functions required under
15 this paragraph, plus the applicable fees authorized by
16 Section 3.1;

17 (2) transfers as a bona fide gift to the transferor's
18 husband, wife, son, daughter, stepson, stepdaughter,
19 father, mother, stepfather, stepmother, brother, sister,
20 nephew, niece, uncle, aunt, grandfather, grandmother,
21 grandson, granddaughter, father-in-law, mother-in-law,
22 son-in-law, or daughter-in-law;

23 (3) transfers by persons acting pursuant to operation
24 of law or a court order;

25 (4) transfers on the grounds of a gun show under
26 subsection (a-5) of this Section;

1 (5) the delivery of a firearm by its owner to a
2 gunsmith for service or repair, the return of the firearm
3 to its owner by the gunsmith, or the delivery of a firearm
4 by a gunsmith to a federally licensed firearms dealer for
5 service or repair and the return of the firearm to the
6 gunsmith;

7 (6) temporary transfers that occur while in the home of
8 the unlicensed transferee, if the unlicensed transferee is
9 not otherwise prohibited from possessing firearms and the
10 unlicensed transferee reasonably believes that possession
11 of the firearm is necessary to prevent imminent death or
12 great bodily harm to the unlicensed transferee;

13 (7) transfers to a law enforcement or corrections
14 agency or a law enforcement or corrections officer acting
15 within the course and scope of his or her official duties;

16 (8) transfers of firearms that have been rendered
17 permanently inoperable to a nonprofit historical society,
18 museum, or institutional collection; and

19 (9) transfers to a person who is exempt from the
20 requirement of possessing a Firearm Owner's Identification
21 Card under Section 2 of this Act.

22 (a-20) The Department of State Police shall develop an
23 Internet-based system for individuals to determine the
24 validity of a Firearm Owner's Identification Card prior to the
25 sale or transfer of a firearm. The Department shall have the
26 Internet-based system completed and available for use by July

1 1, 2015. The Department shall adopt rules not inconsistent with
2 this Section to implement this system.

3 (b) Any person within this State who transfers or causes to
4 be transferred any firearm, stun gun, or taser shall keep a
5 record of such transfer for a period of 10 years from the date
6 of transfer. Such record shall contain the date of the
7 transfer; the description, serial number or other information
8 identifying the firearm, stun gun, or taser if no serial number
9 is available; and, if the transfer was completed within this
10 State, the transferee's Firearm Owner's Identification Card
11 number and any approval number or documentation provided by the
12 Department of State Police pursuant to subsection (a-10) of
13 this Section; if the transfer was not completed within this
14 State, the record shall contain the name and address of the
15 transferee. On or after January 1, 2006, the record shall
16 contain the date of application for transfer of the firearm. On
17 demand of a peace officer such transferor shall produce for
18 inspection such record of transfer. If the transfer or sale
19 took place at a gun show, the record shall include the unique
20 identification number. Failure to record the unique
21 identification number or approval number is a petty offense.
22 For transfers of a firearm, stun gun, or taser made on or after
23 the effective date of this amendatory Act of the 100th General
24 Assembly, failure by the private seller to maintain the
25 transfer records in accordance with this Section is a Class A
26 misdemeanor for the first offense and a Class 4 felony for a

1 second or subsequent offense. A transferee shall not be
2 criminally liable under this Section provided that he or she
3 provides the Department of State Police with the transfer
4 records in accordance with procedures established by the
5 Department. The Department shall establish, by rule, a standard
6 form on its website.

7 (b-5) Any resident may purchase ammunition from a person
8 within or outside of Illinois if shipment is by United States
9 mail or by a private express carrier authorized by federal law
10 to ship ammunition. Any resident purchasing ammunition within
11 or outside the State of Illinois must provide the seller with a
12 copy of his or her valid Firearm Owner's Identification Card ~~or~~
13 ~~valid concealed carry license~~ and either his or her Illinois
14 driver's license or Illinois State Identification Card prior to
15 the shipment of the ammunition. The ammunition may be shipped
16 only to an address on either of those 2 documents.

17 (c) The provisions of this Section regarding the transfer
18 of firearm ammunition shall not apply to those persons
19 specified in paragraph (b) of Section 2 of this Act.

20 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

21 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

22 Sec. 13.1. Preemption.

23 (a) (Blank). ~~Except as otherwise provided in the Firearm~~
24 ~~Concealed Carry Act and subsections (b) and (c) of this~~
25 ~~Section, the provisions of any ordinance enacted by any~~

1 ~~municipality which requires registration or imposes greater~~
2 ~~restrictions or limitations on the acquisition, possession and~~
3 ~~transfer of firearms than are imposed by this Act, are not~~
4 ~~invalidated or affected by this Act.~~

5 (b) ~~The Notwithstanding subsection (a) of this Section, the~~
6 regulation, licensing, possession, and registration of
7 handguns and ammunition for a handgun, and the transportation
8 of any firearm and ammunition by a holder of a valid Firearm
9 Owner's Identification Card issued by the Department of State
10 Police under this Act are exclusive powers and functions of
11 this State. Any ordinance or regulation, or portion of that
12 ordinance or regulation, enacted on or before the effective
13 date of this amendatory Act of the 98th General Assembly that
14 purports to impose regulations or restrictions on a holder of a
15 valid Firearm Owner's Identification Card issued by the
16 Department of State Police under this Act in a manner that is
17 inconsistent with this Act, on the effective date of this
18 amendatory Act of the 98th General Assembly, shall be invalid
19 in its application to a holder of a valid Firearm Owner's
20 Identification Card issued by the Department of State Police
21 under this Act.

22 (c) Notwithstanding subsection (a) of this Section, the
23 regulation of the possession or ownership of assault weapons
24 are exclusive powers and functions of this State. Any ordinance
25 or regulation, or portion of that ordinance or regulation, that
26 purports to regulate the possession or ownership of assault

1 weapons in a manner that is inconsistent with this Act, shall
2 be invalid unless the ordinance or regulation is enacted on,
3 before, or within 10 days after the effective date of this
4 amendatory Act of the 98th General Assembly. Any ordinance or
5 regulation described in this subsection (c) enacted more than
6 10 days after the effective date of this amendatory Act of the
7 98th General Assembly is invalid. An ordinance enacted on,
8 before, or within 10 days after the effective date of this
9 amendatory Act of the 98th General Assembly may be amended. The
10 enactment or amendment of ordinances under this subsection (c)
11 are subject to the submission requirements of Section 13.3. For
12 the purposes of this subsection, "assault weapons" means
13 firearms designated by either make or model or by a test or
14 list of cosmetic features that cumulatively would place the
15 firearm into a definition of "assault weapon" under the
16 ordinance.

17 (d) For the purposes of this Section, "handgun" means any
18 device which is designed to expel a projectile or projectiles
19 by the action of an explosion, expansion of gas, or escape of
20 gas that is designed to be held and fired by the use of a single
21 hand. "Handgun" does not include:

22 (1) a stun gun or taser;

23 (2) a machine gun as defined in item (i) of paragraph
24 (7) of subsection (a) of Section 24-1 of the Criminal Code
25 of 2012;

26 (3) a short-barreled rifle or shotgun as defined in

1 item (ii) of paragraph (7) of subsection (a) of Section
2 24-1 of the Criminal Code of 2012; or

3 (4) any pneumatic gun, spring gun, paint ball gun, or
4 B-B gun which expels a single globular projectile not
5 exceeding .18 inch in diameter, or which has a maximum
6 muzzle velocity of less than 700 feet per second, or which
7 expels breakable paint balls containing washable marking
8 ~~has the meaning ascribed to it in Section 5 of the Firearm~~
9 ~~Concealed Carry Act.~~

10 (e) This Section is a denial and limitation of home rule
11 powers and functions under subsection (h) of Section 6 of
12 Article VII of the Illinois Constitution.

13 (Source: P.A. 98-63, eff. 7-9-13.)

14 (430 ILCS 66/Act rep.)

15 Section 40. The Firearm Concealed Carry Act is repealed.

16 Section 45. The Criminal Code of 2012 is amended by
17 changing Sections 24-1, 24-1.6, 24-2, and 24-3 as follows:

18 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

22 (1) Sells, manufactures, purchases, possesses or
23 carries any bludgeon, black-jack, slung-shot, sand-club,

1 sand-bag, metal knuckles or other knuckle weapon
2 regardless of its composition, throwing star, or any knife,
3 commonly referred to as a switchblade knife, which has a
4 blade that opens automatically by hand pressure applied to
5 a button, spring or other device in the handle of the
6 knife, or a ballistic knife, which is a device that propels
7 a knifelike blade as a projectile by means of a coil
8 spring, elastic material or compressed gas; or

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

14 (2.5) Carries or possesses with intent to use the same
15 unlawfully against another, any firearm in a church,
16 synagogue, mosque, or other building, structure, or place
17 used for religious worship; or

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

24 (4) Carries or possesses in any vehicle or concealed on
25 or about his person except when on his land or in his own
26 abode, legal dwelling, or fixed place of business, or on

1 the land or in the legal dwelling of another person as an
2 invitee with that person's permission, any pistol,
3 revolver, stun gun or taser or other firearm, except that
4 this subsection (a) (4) does not apply to or affect
5 transportation of weapons that meet one of the following
6 conditions:

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

8 (ii) are not immediately accessible; or

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

13 (iv) are carried or possessed ~~in accordance with~~
14 ~~the Firearm Concealed Carry Act~~ by a person who has
15 been issued a currently valid Firearm Owner's
16 Identification Card under the Firearm Owners
17 Identification Card Act license ~~under the Firearm~~
18 ~~Concealed Carry Act~~; or

19 (5) Sets a spring gun; or

20 (6) Possesses any device or attachment of any kind
21 designed, used or intended for use in silencing the report
22 of any firearm; or

23 (7) Sells, manufactures, purchases, possesses or
24 carries:

25 (i) a machine gun, which shall be defined for the
26 purposes of this subsection as any weapon, which

1 shoots, is designed to shoot, or can be readily
2 restored to shoot, automatically more than one shot
3 without manually reloading by a single function of the
4 trigger, including the frame or receiver of any such
5 weapon, or sells, manufactures, purchases, possesses,
6 or carries any combination of parts designed or
7 intended for use in converting any weapon into a
8 machine gun, or any combination or parts from which a
9 machine gun can be assembled if such parts are in the
10 possession or under the control of a person;

11 (ii) any rifle having one or more barrels less than
12 16 inches in length or a shotgun having one or more
13 barrels less than 18 inches in length or any weapon
14 made from a rifle or shotgun, whether by alteration,
15 modification, or otherwise, if such a weapon as
16 modified has an overall length of less than 26 inches;
17 or

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

23 (8) Carries or possesses any firearm, stun gun or taser
24 or other deadly weapon in any place which is licensed to
25 sell intoxicating beverages, or at any public gathering
26 held pursuant to a license issued by any governmental body

1 or any public gathering at which an admission is charged,
2 excluding a place where a showing, demonstration or lecture
3 involving the exhibition of unloaded firearms is
4 conducted.

5 This subsection (a) (8) does not apply to any auction or
6 raffle of a firearm held pursuant to a license or permit
7 issued by a governmental body, nor does it apply to persons
8 engaged in firearm safety training courses; or

9 (9) Carries or possesses in a vehicle or on or about
10 his or her person any pistol, revolver, stun gun or taser
11 or firearm or ballistic knife, when he or she is hooded,
12 robed or masked in such manner as to conceal his or her
13 identity; or

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

1 (i) are broken down in a non-functioning state; or
2 (ii) are not immediately accessible; or
3 (iii) are unloaded and enclosed in a case, firearm
4 carrying box, shipping box, or other container by a
5 person who has been issued a currently valid Firearm
6 Owner's Identification Card; or
7 (iv) are carried or possessed in accordance with
8 the Firearm Owners Identification Card Act ~~Concealed~~
9 ~~Carry Act~~ by a person who has been issued a currently
10 valid ~~license under the~~ Firearm Owner's Identification
11 Card ~~Concealed Carry Act~~.

12 A "stun gun or taser", as used in this paragraph (a)
13 means (i) any device which is powered by electrical
14 charging units, such as, batteries, and which fires one or
15 several barbs attached to a length of wire and which, upon
16 hitting a human, can send out a current capable of
17 disrupting the person's nervous system in such a manner as
18 to render him incapable of normal functioning or (ii) any
19 device which is powered by electrical charging units, such
20 as batteries, and which, upon contact with a human or
21 clothing worn by a human, can send out current capable of
22 disrupting the person's nervous system in such a manner as
23 to render him incapable of normal functioning; or

24 (11) Sells, manufactures, or purchases any explosive
25 bullet. For purposes of this paragraph (a) "explosive
26 bullet" means the projectile portion of an ammunition

1 cartridge which contains or carries an explosive charge
2 which will explode upon contact with the flesh of a human
3 or an animal. "Cartridge" means a tubular metal case having
4 a projectile affixed at the front thereof and a cap or
5 primer at the rear end thereof, with the propellant
6 contained in such tube between the projectile and the cap;
7 or

8 (12) (Blank); or

9 (13) Carries or possesses on or about his or her person
10 while in a building occupied by a unit of government, a
11 billy club, other weapon of like character, or other
12 instrument of like character intended for use as a weapon.
13 For the purposes of this Section, "billy club" means a
14 short stick or club commonly carried by police officers
15 which is either telescopic or constructed of a solid piece
16 of wood or other man-made material.

17 (b) Sentence. A person convicted of a violation of
18 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
19 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
20 Class A misdemeanor. A person convicted of a violation of
21 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
22 person convicted of a violation of subsection 24-1(a)(6) or
23 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
24 convicted of a violation of subsection 24-1(a)(7)(i) commits a
25 Class 2 felony and shall be sentenced to a term of imprisonment
26 of not less than 3 years and not more than 7 years, unless the

1 weapon is possessed in the passenger compartment of a motor
2 vehicle as defined in Section 1-146 of the Illinois Vehicle
3 Code, or on the person, while the weapon is loaded, in which
4 case it shall be a Class X felony. A person convicted of a
5 second or subsequent violation of subsection 24-1(a)(4),
6 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
7 felony. A person convicted of a violation of subsection
8 24-1(a)(2.5) commits a Class 2 felony. The possession of each
9 weapon in violation of this Section constitutes a single and
10 separate violation.

11 (c) Violations in specific places.

12 (1) A person who violates subsection 24-1(a)(6) or
13 24-1(a)(7) in any school, regardless of the time of day or
14 the time of year, in residential property owned, operated
15 or managed by a public housing agency or leased by a public
16 housing agency as part of a scattered site or mixed-income
17 development, in a public park, in a courthouse, on the real
18 property comprising any school, regardless of the time of
19 day or the time of year, on residential property owned,
20 operated or managed by a public housing agency or leased by
21 a public housing agency as part of a scattered site or
22 mixed-income development, on the real property comprising
23 any public park, on the real property comprising any
24 courthouse, in any conveyance owned, leased or contracted
25 by a school to transport students to or from school or a
26 school related activity, in any conveyance owned, leased,

1 or contracted by a public transportation agency, or on any
2 public way within 1,000 feet of the real property
3 comprising any school, public park, courthouse, public
4 transportation facility, 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 and shall
8 be sentenced to a term of imprisonment of not less than 3
9 years and not more than 7 years.

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

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

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

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development
3 commits a Class 4 felony. "Courthouse" means any building
4 that is used by the Circuit, Appellate, or Supreme Court of
5 this State for the conduct of official business.

6 (3) Paragraphs (1), (1.5), and (2) of this subsection
7 (c) shall not apply to law enforcement officers or security
8 officers of such school, college, or university or to
9 students carrying or possessing firearms for use in
10 training courses, parades, hunting, target shooting on
11 school ranges, or otherwise with the consent of school
12 authorities and which firearms are transported unloaded
13 enclosed in a suitable case, box, or transportation
14 package.

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

18 (5) For the purposes of this subsection (c), "public
19 transportation agency" means a public or private agency
20 that provides for the transportation or conveyance of
21 persons by means available to the general public, except
22 for transportation by automobiles not used for conveyance
23 of the general public as passengers; and "public
24 transportation facility" means a terminal or other place
25 where one may obtain public transportation.

26 (d) The presence in an automobile other than a public

1 omnibus of any weapon, instrument or substance referred to in
2 subsection (a) (7) is prima facie evidence that it is in the
3 possession of, and is being carried by, all persons occupying
4 such automobile at the time such weapon, instrument or
5 substance is found, except under the following circumstances:
6 (i) if such weapon, instrument or instrumentality is found upon
7 the person of one of the occupants therein; or (ii) if such
8 weapon, instrument or substance is found in an automobile
9 operated for hire by a duly licensed driver in the due, lawful
10 and proper pursuit of his or her trade, then such presumption
11 shall not apply to the driver.

12 (e) Exemptions.

13 (1) Crossbows, Common or Compound bows and Underwater
14 Spearguns are exempted from the definition of ballistic
15 knife as defined in paragraph (1) of subsection (a) of this
16 Section.

17 (2) The provision of paragraph (1) of subsection (a) of
18 this Section prohibiting the sale, manufacture, purchase,
19 possession, or carrying of any knife, commonly referred to
20 as a switchblade knife, which has a blade that opens
21 automatically by hand pressure applied to a button, spring
22 or other device in the handle of the knife, does not apply
23 to a person who possesses a currently valid Firearm Owner's
24 Identification Card previously issued in his or her name by
25 the Department of State Police or to a person or an entity
26 engaged in the business of selling or manufacturing

1 switchblade knives.

2 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)

3 (720 ILCS 5/24-1.6)

4 Sec. 24-1.6. Aggravated unlawful use of a weapon.

5 (a) A person commits the offense of aggravated unlawful use
6 of a weapon when he or she knowingly:

7 (1) Carries on or about his or her person or in any
8 vehicle or concealed on or about his or her person except
9 when on his or her land or in his or her abode, legal
10 dwelling, or fixed place of business, or on the land or in
11 the legal dwelling of another person as an invitee with
12 that person's permission, any pistol, revolver, stun gun or
13 taser or other firearm; or

14 (2) Carries or possesses on or about his or her person,
15 upon any public street, alley, or other public lands within
16 the corporate limits of a city, village or incorporated
17 town, except when an invitee thereon or therein, for the
18 purpose of the display of such weapon or the lawful
19 commerce in weapons, or except when on his or her own land
20 or in his or her own abode, legal dwelling, or fixed place
21 of business, or on the land or in the legal dwelling of
22 another person as an invitee with that person's permission,
23 any pistol, revolver, stun gun or taser or other firearm;
24 and

25 (3) One of the following factors is present:

1 (A) the firearm, other than a pistol, revolver, or
2 handgun, possessed was uncased, loaded, and
3 immediately accessible at the time of the offense; or

4 (A-5) the pistol, revolver, or handgun possessed
5 was uncased, loaded, and immediately accessible at the
6 time of the offense and the person possessing the
7 pistol, revolver, or handgun has not been issued a
8 currently valid Firearm Owner's Identification Card
9 under the Firearm Owners Identification Card license
10 ~~under the Firearm Concealed Carry Act; or~~

11 (B) the firearm, other than a pistol, revolver, or
12 handgun, possessed was uncased, unloaded, and the
13 ammunition for the weapon was immediately accessible
14 at the time of the offense; or

15 (B-5) the pistol, revolver, or handgun possessed
16 was uncased, unloaded, and the ammunition for the
17 weapon was immediately accessible at the time of the
18 offense and the person possessing the pistol,
19 revolver, or handgun has not been issued a currently
20 valid Firearm Owner's Identification Card under the
21 Firearm Owners Identification Card license under the
22 ~~Firearm Concealed Carry Act; or~~

23 (C) the person possessing the firearm has not been
24 issued a currently valid Firearm Owner's
25 Identification Card; or

26 (D) the person possessing the weapon was

1 previously adjudicated a delinquent minor under the
2 Juvenile Court Act of 1987 for an act that if committed
3 by an adult would be a felony; or

4 (E) the person possessing the weapon was engaged in
5 a misdemeanor violation of the Cannabis Control Act, in
6 a misdemeanor violation of the Illinois Controlled
7 Substances Act, or in a misdemeanor violation of the
8 Methamphetamine Control and Community Protection Act;
9 or

10 (F) (blank); or

11 (G) the person possessing the weapon had an order
12 of protection issued against him or her within the
13 previous 2 years; or

14 (H) the person possessing the weapon was engaged in
15 the commission or attempted commission of a
16 misdemeanor involving the use or threat of violence
17 against the person or property of another; or

18 (I) the person possessing the weapon was under 21
19 years of age and in possession of a handgun, unless the
20 person under 21 is engaged in lawful activities under
21 the Wildlife Code or described in subsection
22 24-2(b)(1), (b)(3), or 24-2(f).

23 (a-5) "Handgun" as used in this Section has the meaning
24 given to it in Section 13.1 of the Firearm Owners
25 Identification Card ~~Section 5 of the Firearm Concealed Carry~~
26 Act.

1 (b) "Stun gun or taser" as used in this Section has the
2 same definition given to it in Section 24-1 of this Code.

3 (c) This Section does not apply to or affect the
4 transportation or possession of weapons that:

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

6 (ii) are not immediately accessible; or

7 (iii) are unloaded and enclosed in a case, firearm
8 carrying box, shipping box, or other container by a person
9 who has been issued a currently valid Firearm Owner's
10 Identification Card.

11 (d) Sentence.

12 (1) Aggravated unlawful use of a weapon is a Class 4
13 felony; a second or subsequent offense is a Class 2 felony
14 for which the person shall be sentenced to a term of
15 imprisonment of not less than 3 years and not more than 7
16 years, except as provided for in Section 5-4.5-110 of the
17 Unified Code of Corrections.

18 (2) Except as otherwise provided in paragraphs (3) and
19 (4) of this subsection (d), a first offense of aggravated
20 unlawful use of a weapon committed with a firearm by a
21 person 18 years of age or older where the factors listed in
22 both items (A) and (C) or both items (A-5) and (C) of
23 paragraph (3) of subsection (a) are present is a Class 4
24 felony, for which the person shall be sentenced to a term
25 of imprisonment of not less than one year and not more than
26 3 years.

1 (3) Aggravated unlawful use of a weapon by a person who
2 has been previously convicted of a felony in this State or
3 another jurisdiction is a Class 2 felony for which the
4 person shall be sentenced to a term of imprisonment of not
5 less than 3 years and not more than 7 years, except as
6 provided for in Section 5-4.5-110 of the Unified Code of
7 Corrections.

8 (4) Aggravated unlawful use of a weapon while wearing
9 or in possession of body armor as defined in Section 33F-1
10 by a person who has not been issued a valid Firearms
11 Owner's Identification Card in accordance with Section 5 of
12 the Firearm Owners Identification Card Act is a Class X
13 felony.

14 (e) The possession of each firearm in violation of this
15 Section constitutes a single and separate violation.

16 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

17 (720 ILCS 5/24-2)

18 Sec. 24-2. Exemptions.

19 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
20 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
21 the following:

22 (1) Peace officers, and any person summoned by a peace
23 officer to assist in making arrests or preserving the
24 peace, while actually engaged in assisting such officer.

25 (2) Wardens, superintendents and keepers of prisons,

1 penitentiaries, jails and other institutions for the
2 detention of persons accused or convicted of an offense,
3 while in the performance of their official duty, or while
4 commuting between their homes and places of employment.

5 (3) Members of the Armed Services or Reserve Forces of
6 the United States or the Illinois National Guard or the
7 Reserve Officers Training Corps, while in the performance
8 of their official duty.

9 (4) Special agents employed by a railroad or a public
10 utility to perform police functions, and guards of armored
11 car companies, while actually engaged in the performance of
12 the duties of their employment or commuting between their
13 homes and places of employment; and watchmen while actually
14 engaged in the performance of the duties of their
15 employment.

16 (5) Persons licensed as private security contractors,
17 private detectives, or private alarm contractors, or
18 employed by a private security contractor, private
19 detective, or private alarm contractor agency licensed by
20 the Department of Financial and Professional Regulation,
21 if their duties include the carrying of a weapon under the
22 provisions of the Private Detective, Private Alarm,
23 Private Security, Fingerprint Vendor, and Locksmith Act of
24 2004, while actually engaged in the performance of the
25 duties of their employment or commuting between their homes
26 and places of employment. A person shall be considered

1 eligible for this exemption if he or she has completed the
2 required 20 hours of training for a private security
3 contractor, private detective, or private alarm
4 contractor, or employee of a licensed private security
5 contractor, private detective, or private alarm contractor
6 agency and 20 hours of required firearm training, and has
7 been issued a firearm control card by the Department of
8 Financial and Professional Regulation. Conditions for the
9 renewal of firearm control cards issued under the
10 provisions of this Section shall be the same as for those
11 cards issued under the provisions of the Private Detective,
12 Private Alarm, Private Security, Fingerprint Vendor, and
13 Locksmith Act of 2004. The firearm control card shall be
14 carried by the private security contractor, private
15 detective, or private alarm contractor, or employee of the
16 licensed private security contractor, private detective,
17 or private alarm contractor agency at all times when he or
18 she is in possession of a concealable weapon permitted by
19 his or her firearm control card.

20 (6) Any person regularly employed in a commercial or
21 industrial operation as a security guard for the protection
22 of persons employed and private property related to such
23 commercial or industrial operation, while actually engaged
24 in the performance of his or her duty or traveling between
25 sites or properties belonging to the employer, and who, as
26 a security guard, is a member of a security force

1 registered with the Department of Financial and
2 Professional Regulation; provided that such security guard
3 has successfully completed a course of study, approved by
4 and supervised by the Department of Financial and
5 Professional Regulation, consisting of not less than 40
6 hours of training that includes the theory of law
7 enforcement, liability for acts, and the handling of
8 weapons. A person shall be considered eligible for this
9 exemption if he or she has completed the required 20 hours
10 of training for a security officer and 20 hours of required
11 firearm training, and has been issued a firearm control
12 card by the Department of Financial and Professional
13 Regulation. Conditions for the renewal of firearm control
14 cards issued under the provisions of this Section shall be
15 the same as for those cards issued under the provisions of
16 the Private Detective, Private Alarm, Private Security,
17 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
18 control card shall be carried by the security guard at all
19 times when he or she is in possession of a concealable
20 weapon permitted by his or her firearm control card.

21 (7) Agents and investigators of the Illinois
22 Legislative Investigating Commission authorized by the
23 Commission to carry the weapons specified in subsections
24 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
25 any investigation for the Commission.

26 (8) Persons employed by a financial institution as a

1 security guard for the protection of other employees and
2 property related to such financial institution, while
3 actually engaged in the performance of their duties,
4 commuting between their homes and places of employment, or
5 traveling between sites or properties owned or operated by
6 such financial institution, and who, as a security guard,
7 is a member of a security force registered with the
8 Department; provided that any person so employed has
9 successfully completed a course of study, approved by and
10 supervised by the Department of Financial and Professional
11 Regulation, consisting of not less than 40 hours of
12 training which includes theory of law enforcement,
13 liability for acts, and the handling of weapons. A person
14 shall be considered to be eligible for this exemption if he
15 or she has completed the required 20 hours of training for
16 a security officer and 20 hours of required firearm
17 training, and has been issued a firearm control card by the
18 Department of Financial and Professional Regulation.
19 Conditions for renewal of firearm control cards issued
20 under the provisions of this Section shall be the same as
21 for those issued under the provisions of the Private
22 Detective, Private Alarm, Private Security, Fingerprint
23 Vendor, and Locksmith Act of 2004. The firearm control card
24 shall be carried by the security guard at all times when he
25 or she is in possession of a concealable weapon permitted
26 by his or her firearm control card. For purposes of this

1 subsection, "financial institution" means a bank, savings
2 and loan association, credit union or company providing
3 armored car services.

4 (9) Any person employed by an armored car company to
5 drive an armored car, while actually engaged in the
6 performance of his duties.

7 (10) Persons who have been classified as peace officers
8 pursuant to the Peace Officer Fire Investigation Act.

9 (11) Investigators of the Office of the State's
10 Attorneys Appellate Prosecutor authorized by the board of
11 governors of the Office of the State's Attorneys Appellate
12 Prosecutor to carry weapons pursuant to Section 7.06 of the
13 State's Attorneys Appellate Prosecutor's Act.

14 (12) Special investigators appointed by a State's
15 Attorney under Section 3-9005 of the Counties Code.

16 (12.5) Probation officers while in the performance of
17 their duties, or while commuting between their homes,
18 places of employment or specific locations that are part of
19 their assigned duties, with the consent of the chief judge
20 of the circuit for which they are employed, if they have
21 received weapons training according to requirements of the
22 Peace Officer and Probation Officer Firearm Training Act.

23 (13) Court Security Officers while in the performance
24 of their official duties, or while commuting between their
25 homes and places of employment, with the consent of the
26 Sheriff.

1 (13.5) A person employed as an armed security guard at
2 a nuclear energy, storage, weapons or development site or
3 facility regulated by the Nuclear Regulatory Commission
4 who has completed the background screening and training
5 mandated by the rules and regulations of the Nuclear
6 Regulatory Commission.

7 (14) Manufacture, transportation, or sale of weapons
8 to persons authorized under subdivisions (1) through
9 (13.5) of this subsection to possess those weapons.

10 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
11 24-1.6 do not apply to or affect any person carrying a
12 concealed pistol, revolver, or handgun and the person has been
13 issued a currently valid Firearm Owner's Identification Card
14 under the Firearm Owners Identification Card license under the
15 Firearm Concealed Carry Act at the time of the commission of
16 the offense.

17 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
18 to or affect a qualified current or retired law enforcement
19 officer qualified under the laws of this State or under the
20 federal Law Enforcement Officers Safety Act.

21 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
22 24-1.6 do not apply to or affect any of the following:

23 (1) Members of any club or organization organized for
24 the purpose of practicing shooting at targets upon
25 established target ranges, whether public or private, and
26 patrons of such ranges, while such members or patrons are

1 using their firearms on those target ranges.

2 (2) Duly authorized military or civil organizations
3 while parading, with the special permission of the
4 Governor.

5 (3) Hunters, trappers or fishermen with a license or
6 permit while engaged in hunting, trapping or fishing.

7 (4) Transportation of weapons that are broken down in a
8 non-functioning state or are not immediately accessible.

9 (5) Carrying or possessing any pistol, revolver, stun
10 gun or taser or other firearm on the land or in the legal
11 dwelling of another person as an invitee with that person's
12 permission.

13 (c) Subsection 24-1(a)(7) does not apply to or affect any
14 of the following:

15 (1) Peace officers while in performance of their
16 official duties.

17 (2) Wardens, superintendents and keepers of prisons,
18 penitentiaries, jails and other institutions for the
19 detention of persons accused or convicted of an offense.

20 (3) Members of the Armed Services or Reserve Forces of
21 the United States or the Illinois National Guard, while in
22 the performance of their official duty.

23 (4) Manufacture, transportation, or sale of machine
24 guns to persons authorized under subdivisions (1) through
25 (3) of this subsection to possess machine guns, if the
26 machine guns are broken down in a non-functioning state or

1 are not immediately accessible.

2 (5) Persons licensed under federal law to manufacture
3 any weapon from which 8 or more shots or bullets can be
4 discharged by a single function of the firing device, or
5 ammunition for such weapons, and actually engaged in the
6 business of manufacturing such weapons or ammunition, but
7 only with respect to activities which are within the lawful
8 scope of such business, such as the manufacture,
9 transportation, or testing of such weapons or ammunition.
10 This exemption does not authorize the general private
11 possession of any weapon from which 8 or more shots or
12 bullets can be discharged by a single function of the
13 firing device, but only such possession and activities as
14 are within the lawful scope of a licensed manufacturing
15 business described in this paragraph.

16 During transportation, such weapons shall be broken
17 down in a non-functioning state or not immediately
18 accessible.

19 (6) The manufacture, transport, testing, delivery,
20 transfer or sale, and all lawful commercial or experimental
21 activities necessary thereto, of rifles, shotguns, and
22 weapons made from rifles or shotguns, or ammunition for
23 such rifles, shotguns or weapons, where engaged in by a
24 person operating as a contractor or subcontractor pursuant
25 to a contract or subcontract for the development and supply
26 of such rifles, shotguns, weapons or ammunition to the

1 United States government or any branch of the Armed Forces
2 of the United States, when such activities are necessary
3 and incident to fulfilling the terms of such contract.

4 The exemption granted under this subdivision (c)(6)
5 shall also apply to any authorized agent of any such
6 contractor or subcontractor who is operating within the
7 scope of his employment, where such activities involving
8 such weapon, weapons or ammunition are necessary and
9 incident to fulfilling the terms of such contract.

10 (7) A person possessing a rifle with a barrel or
11 barrels less than 16 inches in length if: (A) the person
12 has been issued a Curios and Relics license from the U.S.
13 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
14 the person is an active member of a bona fide, nationally
15 recognized military re-enacting group and the modification
16 is required and necessary to accurately portray the weapon
17 for historical re-enactment purposes; the re-enactor is in
18 possession of a valid and current re-enacting group
19 membership credential; and the overall length of the weapon
20 as modified is not less than 26 inches.

21 (d) Subsection 24-1(a)(1) does not apply to the purchase,
22 possession or carrying of a black-jack or slung-shot by a peace
23 officer.

24 (e) Subsection 24-1(a)(8) does not apply to any owner,
25 manager or authorized employee of any place specified in that
26 subsection nor to any law enforcement officer.

1 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
2 Section 24-1.6 do not apply to members of any club or
3 organization organized for the purpose of practicing shooting
4 at targets upon established target ranges, whether public or
5 private, while using their firearms on those target ranges.

6 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
7 to:

8 (1) Members of the Armed Services or Reserve Forces of
9 the United States or the Illinois National Guard, while in
10 the performance of their official duty.

11 (2) Bonafide collectors of antique or surplus military
12 ordnance.

13 (3) Laboratories having a department of forensic
14 ballistics, or specializing in the development of
15 ammunition or explosive ordnance.

16 (4) Commerce, preparation, assembly or possession of
17 explosive bullets by manufacturers of ammunition licensed
18 by the federal government, in connection with the supply of
19 those organizations and persons exempted by subdivision
20 (g)(1) of this Section, or like organizations and persons
21 outside this State, or the transportation of explosive
22 bullets to any organization or person exempted in this
23 Section by a common carrier or by a vehicle owned or leased
24 by an exempted manufacturer.

25 (g-5) Subsection 24-1(a)(6) does not apply to or affect
26 persons licensed under federal law to manufacture any device or

1 attachment of any kind designed, used, or intended for use in
2 silencing the report of any firearm, firearms, or ammunition
3 for those firearms equipped with those devices, and actually
4 engaged in the business of manufacturing those devices,
5 firearms, or ammunition, but only with respect to activities
6 that are within the lawful scope of that business, such as the
7 manufacture, transportation, or testing of those devices,
8 firearms, or ammunition. This exemption does not authorize the
9 general private possession of any device or attachment of any
10 kind designed, used, or intended for use in silencing the
11 report of any firearm, but only such possession and activities
12 as are within the lawful scope of a licensed manufacturing
13 business described in this subsection (g-5). During
14 transportation, these devices shall be detached from any weapon
15 or not immediately accessible.

16 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
17 24-1.6 do not apply to or affect any parole agent or parole
18 supervisor who meets the qualifications and conditions
19 prescribed in Section 3-14-1.5 of the Unified Code of
20 Corrections.

21 (g-7) Subsection 24-1(a)(6) does not apply to a peace
22 officer while serving as a member of a tactical response team
23 or special operations team. A peace officer may not personally
24 own or apply for ownership of a device or attachment of any
25 kind designed, used, or intended for use in silencing the
26 report of any firearm. These devices shall be owned and

1 maintained by lawfully recognized units of government whose
2 duties include the investigation of criminal acts.

3 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
4 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
5 athlete's possession, transport on official Olympic and
6 Paralympic transit systems established for athletes, or use of
7 competition firearms sanctioned by the International Olympic
8 Committee, the International Paralympic Committee, the
9 International Shooting Sport Federation, or USA Shooting in
10 connection with such athlete's training for and participation
11 in shooting competitions at the 2016 Olympic and Paralympic
12 Games and sanctioned test events leading up to the 2016 Olympic
13 and Paralympic Games.

14 (h) An information or indictment based upon a violation of
15 any subsection of this Article need not negate any exemptions
16 contained in this Article. The defendant shall have the burden
17 of proving such an exemption.

18 (i) Nothing in this Article shall prohibit, apply to, or
19 affect the transportation, carrying, or possession, of any
20 pistol or revolver, stun gun, taser, or other firearm consigned
21 to a common carrier operating under license of the State of
22 Illinois or the federal government, where such transportation,
23 carrying, or possession is incident to the lawful
24 transportation in which such common carrier is engaged; and
25 nothing in this Article shall prohibit, apply to, or affect the
26 transportation, carrying, or possession of any pistol,

1 revolver, stun gun, taser, or other firearm, not the subject of
2 and regulated by subsection 24-1(a) (7) or subsection 24-2(c) of
3 this Article, which is unloaded and enclosed in a case, firearm
4 carrying box, shipping box, or other container, by the
5 possessor of a valid Firearm Owners Identification Card.

6 (Source: P.A. 100-201, eff. 8-18-17; 101-80, eff. 7-12-19.)

7 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

9 (A) A person commits the offense of unlawful sale or
10 delivery of firearms when he or she knowingly does any of the
11 following:

12 (a) Sells or gives any firearm of a size which may be
13 concealed upon the person to any person under 18 years of
14 age.

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

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

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

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

25 "Mental institution" means any hospital,

1 institution, clinic, evaluation facility, mental
2 health center, or part thereof, which is used primarily
3 for the care or treatment of persons with mental
4 illness.

5 "Patient in a mental institution" means the person
6 was admitted, either voluntarily or involuntarily, to
7 a mental institution for mental health treatment,
8 unless the treatment was voluntary and solely for an
9 alcohol abuse disorder and no other secondary
10 substance abuse disorder or mental illness.

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

13 (g) Delivers any firearm, incidental to a sale, without
14 withholding delivery of the firearm for at least 72 hours
15 after application for its purchase has been made, or
16 delivers a stun gun or taser, incidental to a sale, without
17 withholding delivery of the stun gun or taser for at least
18 24 hours after application for its purchase has been made.
19 However, this paragraph (g) does not apply to: (1) the sale
20 of a firearm to a law enforcement officer if the seller of
21 the firearm knows that the person to whom he or she is
22 selling the firearm is a law enforcement officer or the
23 sale of a firearm to a person who desires to purchase a
24 firearm for use in promoting the public interest incident
25 to his or her employment as a bank guard, armed truck
26 guard, or other similar employment; (2) a mail order sale

1 of a firearm from a federally licensed firearms dealer to a
2 nonresident of Illinois under which the firearm is mailed
3 to a federally licensed firearms dealer outside the
4 boundaries of Illinois; (3) (blank); (4) the sale of a
5 firearm to a dealer licensed as a federal firearms dealer
6 under Section 923 of the federal Gun Control Act of 1968
7 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
8 shotgun, or other long gun to a resident registered
9 competitor or attendee or non-resident registered
10 competitor or attendee by any dealer licensed as a federal
11 firearms dealer under Section 923 of the federal Gun
12 Control Act of 1968 at competitive shooting events held at
13 the World Shooting Complex sanctioned by a national
14 governing body. For purposes of transfers or sales under
15 subparagraph (5) of this paragraph (g), the Department of
16 Natural Resources shall give notice to the Department of
17 State Police at least 30 calendar days prior to any
18 competitive shooting events at the World Shooting Complex
19 sanctioned by a national governing body. The notification
20 shall be made on a form prescribed by the Department of
21 State Police. The sanctioning body shall provide a list of
22 all registered competitors and attendees at least 24 hours
23 before the events to the Department of State Police. Any
24 changes to the list of registered competitors and attendees
25 shall be forwarded to the Department of State Police as
26 soon as practicable. The Department of State Police must

1 destroy the list of registered competitors and attendees no
2 later than 30 days after the date of the event. Nothing in
3 this paragraph (g) relieves a federally licensed firearm
4 dealer from the requirements of conducting a NICS
5 background check through the Illinois Point of Contact
6 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
7 "application" means when the buyer and seller reach an
8 agreement to purchase a firearm. For purposes of this
9 paragraph (g), "national governing body" means a group of
10 persons who adopt rules and formulate policy on behalf of a
11 national firearm sporting organization.

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

25 (i) Sells or gives a firearm of any size to any person
26 under 18 years of age who does not possess a valid Firearm

1 Owner's Identification Card.

2 (j) Sells or gives a firearm while engaged in the
3 business of selling firearms at wholesale or retail without
4 being licensed as a federal firearms dealer under Section
5 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
6 In this paragraph (j):

7 A person "engaged in the business" means a person who
8 devotes time, attention, and labor to engaging in the
9 activity as a regular course of trade or business with the
10 principal objective of livelihood and profit, but does not
11 include a person who makes occasional repairs of firearms
12 or who occasionally fits special barrels, stocks, or
13 trigger mechanisms to firearms.

14 "With the principal objective of livelihood and
15 profit" means that the intent underlying the sale or
16 disposition of firearms is predominantly one of obtaining
17 livelihood and pecuniary gain, as opposed to other intents,
18 such as improving or liquidating a personal firearms
19 collection; however, proof of profit shall not be required
20 as to a person who engages in the regular and repetitive
21 purchase and disposition of firearms for criminal purposes
22 or terrorism.

23 (k) Sells or transfers ownership of a firearm to a
24 person who does not display to the seller or transferor of
25 the firearm ~~either: (1)~~ a currently valid Firearm Owner's
26 Identification Card that has previously been issued in the

1 transferee's name by the Department of State Police under
2 the provisions of the Firearm Owners Identification Card
3 Act; ~~or (2) a currently valid license to carry a concealed~~
4 ~~firearm that has previously been issued in the transferee's~~
5 ~~name by the Department of State Police under the Firearm~~
6 ~~Concealed Carry Act.~~ This paragraph (k) does not apply to
7 the transfer of a firearm to a person who is exempt from
8 the requirement of possessing a Firearm Owner's
9 Identification Card under Section 2 of the Firearm Owners
10 Identification Card Act. For the purposes of this Section,
11 a currently valid Firearm Owner's Identification Card
12 means (i) a Firearm Owner's Identification Card that has
13 not expired or (ii) an approval number issued in accordance
14 with subsection (a-10) of subsection 3 or Section 3.1 of
15 the Firearm Owners Identification Card Act shall be proof
16 that the Firearm Owner's Identification Card was valid.

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

23 (2) All sellers or transferors who have complied
24 with the requirements of subparagraph (1) of this
25 paragraph (k) shall not be liable for damages in any
26 civil action arising from the use or misuse by the

1 transferee of the firearm transferred, except for
2 willful or wanton misconduct on the part of the seller
3 or transferor.

4 (1) Not being entitled to the possession of a firearm,
5 delivers the firearm, knowing it to have been stolen or
6 converted. It may be inferred that a person who possesses a
7 firearm with knowledge that its serial number has been
8 removed or altered has knowledge that the firearm is stolen
9 or converted.

10 (B) Paragraph (h) of subsection (A) does not include
11 firearms sold within 6 months after enactment of Public Act
12 78-355 (approved August 21, 1973, effective October 1, 1973),
13 nor is any firearm legally owned or possessed by any citizen or
14 purchased by any citizen within 6 months after the enactment of
15 Public Act 78-355 subject to confiscation or seizure under the
16 provisions of that Public Act. Nothing in Public Act 78-355
17 shall be construed to prohibit the gift or trade of any firearm
18 if that firearm was legally held or acquired within 6 months
19 after the enactment of that Public Act.

20 (C) Sentence.

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

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

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

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

26 (5) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (a) or (i) of
2 subsection (A) in residential property owned, operated, or
3 managed by a public housing agency or leased by a public
4 housing agency as part of a scattered site or mixed-income
5 development, in a public park, in a courthouse, on
6 residential property owned, operated, or managed by a
7 public housing agency or leased by a public housing agency
8 as part of a scattered site or mixed-income development, on
9 the real property comprising any public park, on the real
10 property comprising any courthouse, or on any public way
11 within 1,000 feet of the real property comprising any
12 public park, courthouse, or residential property owned,
13 operated, or managed by a public housing agency or leased
14 by a public housing agency as part of a scattered site or
15 mixed-income development commits a Class 2 felony.

16 (6) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (j) of subsection (A)
18 commits a Class A misdemeanor. A second or subsequent
19 violation is a Class 4 felony.

20 (7) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (k) of subsection (A)
22 commits a Class 4 felony, except that a violation of
23 subparagraph (1) of paragraph (k) of subsection (A) shall
24 not be punishable as a crime or petty offense. A third or
25 subsequent conviction for a violation of paragraph (k) of
26 subsection (A) is a Class 1 felony.

1 (8) A person 18 years of age or older convicted of
2 unlawful sale or delivery of firearms in violation of
3 paragraph (a) or (i) of subsection (A), when the firearm
4 that was sold or given to another person under 18 years of
5 age was used in the commission of or attempt to commit a
6 forcible felony, shall be fined or imprisoned, or both, not
7 to exceed the maximum provided for the most serious
8 forcible felony so committed or attempted by the person
9 under 18 years of age who was sold or given the firearm.

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

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

1 person convicted of unlawful sale or delivery of firearms
2 in violation of paragraph (1) of subsection (A) commits a
3 Class X felony for which he or she shall be sentenced to a
4 term of imprisonment of not less than 6 years and not more
5 than 40 years if the delivery is of not less than 11 and
6 not more than 20 firearms at the same time or within a 3
7 year period. Any person convicted of unlawful sale or
8 delivery of firearms in violation of paragraph (1) of
9 subsection (A) commits a Class X felony for which he or she
10 shall be sentenced to a term of imprisonment of not less
11 than 6 years and not more than 50 years if the delivery is
12 of not less than 21 and not more than 30 firearms at the
13 same time or within a 4 year period. Any person convicted
14 of unlawful sale or delivery of firearms in violation of
15 paragraph (1) of subsection (A) commits a Class X felony
16 for which he or she shall be sentenced to a term of
17 imprisonment of not less than 6 years and not more than 60
18 years if the delivery is of 31 or more firearms at the same
19 time or within a 5 year period.

20 (D) For purposes of this Section:

21 "School" means a public or private elementary or secondary
22 school, community college, college, or university.

23 "School related activity" means any sporting, social,
24 academic, or other activity for which students' attendance or
25 participation is sponsored, organized, or funded in whole or in
26 part by a school or school district.

1 (E) A prosecution for a violation of paragraph (k) of
2 subsection (A) of this Section may be commenced within 6 years
3 after the commission of the offense. A prosecution for a
4 violation of this Section other than paragraph (g) of
5 subsection (A) of this Section may be commenced within 5 years
6 after the commission of the offense defined in the particular
7 paragraph.

8 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
9 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

10 Section 50. The Unified Code of Corrections is amended by
11 changing Section 5-6-1 as follows:

12 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

13 Sec. 5-6-1. Sentences of probation and of conditional
14 discharge and disposition of supervision. The General Assembly
15 finds that in order to protect the public, the criminal justice
16 system must compel compliance with the conditions of probation
17 by responding to violations with swift, certain and fair
18 punishments and intermediate sanctions. The Chief Judge of each
19 circuit shall adopt a system of structured, intermediate
20 sanctions for violations of the terms and conditions of a
21 sentence of probation, conditional discharge or disposition of
22 supervision.

23 (a) Except where specifically prohibited by other
24 provisions of this Code, the court shall impose a sentence of

1 probation or conditional discharge upon an offender unless,
2 having regard to the nature and circumstance of the offense,
3 and to the history, character and condition of the offender,
4 the court is of the opinion that:

5 (1) his imprisonment or periodic imprisonment is
6 necessary for the protection of the public; or

7 (2) probation or conditional discharge would deprecate
8 the seriousness of the offender's conduct and would be
9 inconsistent with the ends of justice; or

10 (3) a combination of imprisonment with concurrent or
11 consecutive probation when an offender has been admitted
12 into a drug court program under Section 20 of the Drug
13 Court Treatment Act is necessary for the protection of the
14 public and for the rehabilitation of the offender.

15 The court shall impose as a condition of a sentence of
16 probation, conditional discharge, or supervision, that the
17 probation agency may invoke any sanction from the list of
18 intermediate sanctions adopted by the chief judge of the
19 circuit court for violations of the terms and conditions of the
20 sentence of probation, conditional discharge, or supervision,
21 subject to the provisions of Section 5-6-4 of this Act.

22 (b) The court may impose a sentence of conditional
23 discharge for an offense if the court is of the opinion that
24 neither a sentence of imprisonment nor of periodic imprisonment
25 nor of probation supervision is appropriate.

26 (b-1) Subsections (a) and (b) of this Section do not apply

1 to a defendant charged with a misdemeanor or felony under the
2 Illinois Vehicle Code or reckless homicide under Section 9-3 of
3 the Criminal Code of 1961 or the Criminal Code of 2012 if the
4 defendant within the past 12 months has been convicted of or
5 pleaded guilty to a misdemeanor or felony under the Illinois
6 Vehicle Code or reckless homicide under Section 9-3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012.

8 (c) The court may, upon a plea of guilty or a stipulation
9 by the defendant of the facts supporting the charge or a
10 finding of guilt, defer further proceedings and the imposition
11 of a sentence, and enter an order for supervision of the
12 defendant, if the defendant is not charged with: (i) a Class A
13 misdemeanor, as defined by the following provisions of the
14 Criminal Code of 1961 or the Criminal Code of 2012: Sections
15 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
16 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
17 paragraph (1) through (5), (8), (10), and (11) of subsection
18 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
19 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
20 Act; or (iii) a felony. If the defendant is not barred from
21 receiving an order for supervision as provided in this
22 subsection, the court may enter an order for supervision after
23 considering the circumstances of the offense, and the history,
24 character and condition of the offender, if the court is of the
25 opinion that:

26 (1) the offender is not likely to commit further

1 crimes;

2 (2) the defendant and the public would be best served
3 if the defendant were not to receive a criminal record; and

4 (3) in the best interests of justice an order of
5 supervision is more appropriate than a sentence otherwise
6 permitted under this Code.

7 (c-5) Subsections (a), (b), and (c) of this Section do not
8 apply to a defendant charged with a second or subsequent
9 violation of Section 6-303 of the Illinois Vehicle Code
10 committed while his or her driver's license, permit or
11 privileges were revoked because of a violation of Section 9-3
12 of the Criminal Code of 1961 or the Criminal Code of 2012,
13 relating to the offense of reckless homicide, or a similar
14 provision of a law of another state.

15 (d) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 11-501 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance when
18 the defendant has previously been:

19 (1) convicted for a violation of Section 11-501 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance or any similar law or ordinance of another state;
22 or

23 (2) assigned supervision for a violation of Section
24 11-501 of the Illinois Vehicle Code or a similar provision
25 of a local ordinance or any similar law or ordinance of
26 another state; or

1 (3) pleaded guilty to or stipulated to the facts
2 supporting a charge or a finding of guilty to a violation
3 of Section 11-503 of the Illinois Vehicle Code or a similar
4 provision of a local ordinance or any similar law or
5 ordinance of another state, and the plea or stipulation was
6 the result of a plea agreement.

7 The court shall consider the statement of the prosecuting
8 authority with regard to the standards set forth in this
9 Section.

10 (e) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 16-25 or 16A-3 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 if said
13 defendant has within the last 5 years been:

14 (1) convicted for a violation of Section 16-25 or 16A-3
15 of the Criminal Code of 1961 or the Criminal Code of 2012;
16 or

17 (2) assigned supervision for a violation of Section
18 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
19 Code of 2012.

20 The court shall consider the statement of the prosecuting
21 authority with regard to the standards set forth in this
22 Section.

23 (f) The provisions of paragraph (c) shall not apply to a
24 defendant charged with: (1) violating Sections 15-111, 15-112,
25 15-301, paragraph (b) of Section 6-104, Section 11-605,
26 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or

1 Section 11-1414 of the Illinois Vehicle Code or a similar
2 provision of a local ordinance; or (2) committing a Class A
3 misdemeanor under subsection (c) of Section 11-907 of the
4 Illinois Vehicle Code or a similar provision of a local
5 ordinance.

6 (g) Except as otherwise provided in paragraph (i) of this
7 Section, the provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 3-707, 3-708, 3-710,
9 or 5-401.3 of the Illinois Vehicle Code or a similar provision
10 of a local ordinance if the defendant has within the last 5
11 years been:

12 (1) convicted for a violation of Section 3-707, 3-708,
13 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
14 provision of a local ordinance; or

15 (2) assigned supervision for a violation of Section
16 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
17 Code or a similar provision of a local ordinance.

18 The court shall consider the statement of the prosecuting
19 authority with regard to the standards set forth in this
20 Section.

21 (h) The provisions of paragraph (c) shall not apply to a
22 defendant under the age of 21 years charged with violating a
23 serious traffic offense as defined in Section 1-187.001 of the
24 Illinois Vehicle Code:

25 (1) unless the defendant, upon payment of the fines,
26 penalties, and costs provided by law, agrees to attend and

1 successfully complete a traffic safety program approved by
2 the court under standards set by the Conference of Chief
3 Circuit Judges. The accused shall be responsible for
4 payment of any traffic safety program fees. If the accused
5 fails to file a certificate of successful completion on or
6 before the termination date of the supervision order, the
7 supervision shall be summarily revoked and conviction
8 entered. The provisions of Supreme Court Rule 402 relating
9 to pleas of guilty do not apply in cases when a defendant
10 enters a guilty plea under this provision; or

11 (2) if the defendant has previously been sentenced
12 under the provisions of paragraph (c) on or after January
13 1, 1998 for any serious traffic offense as defined in
14 Section 1-187.001 of the Illinois Vehicle Code.

15 (h-1) The provisions of paragraph (c) shall not apply to a
16 defendant under the age of 21 years charged with an offense
17 against traffic regulations governing the movement of vehicles
18 or any violation of Section 6-107 or Section 12-603.1 of the
19 Illinois Vehicle Code, unless the defendant, upon payment of
20 the fines, penalties, and costs provided by law, agrees to
21 attend and successfully complete a traffic safety program
22 approved by the court under standards set by the Conference of
23 Chief Circuit Judges. The accused shall be responsible for
24 payment of any traffic safety program fees. If the accused
25 fails to file a certificate of successful completion on or
26 before the termination date of the supervision order, the

1 supervision shall be summarily revoked and conviction entered.
2 The provisions of Supreme Court Rule 402 relating to pleas of
3 guilty do not apply in cases when a defendant enters a guilty
4 plea under this provision.

5 (i) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Section 3-707 of the Illinois
7 Vehicle Code or a similar provision of a local ordinance if the
8 defendant has been assigned supervision for a violation of
9 Section 3-707 of the Illinois Vehicle Code or a similar
10 provision of a local ordinance.

11 (j) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Section 6-303 of the Illinois
13 Vehicle Code or a similar provision of a local ordinance when
14 the revocation or suspension was for a violation of Section
15 11-501 or a similar provision of a local ordinance or a
16 violation of Section 11-501.1 or paragraph (b) of Section
17 11-401 of the Illinois Vehicle Code if the defendant has within
18 the last 10 years been:

19 (1) convicted for a violation of Section 6-303 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance; or

22 (2) assigned supervision for a violation of Section
23 6-303 of the Illinois Vehicle Code or a similar provision
24 of a local ordinance.

25 (k) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating any provision of the Illinois

1 Vehicle Code or a similar provision of a local ordinance that
2 governs the movement of vehicles if, within the 12 months
3 preceding the date of the defendant's arrest, the defendant has
4 been assigned court supervision on 2 occasions for a violation
5 that governs the movement of vehicles under the Illinois
6 Vehicle Code or a similar provision of a local ordinance. The
7 provisions of this paragraph (k) do not apply to a defendant
8 charged with violating Section 11-501 of the Illinois Vehicle
9 Code or a similar provision of a local ordinance.

10 (l) (Blank).

11 (m) (Blank).

12 (n) The provisions of paragraph (c) shall not apply to any
13 person under the age of 18 who commits an offense against
14 traffic regulations governing the movement of vehicles or any
15 violation of Section 6-107 or Section 12-603.1 of the Illinois
16 Vehicle Code, except upon personal appearance of the defendant
17 in court and upon the written consent of the defendant's parent
18 or legal guardian, executed before the presiding judge. The
19 presiding judge shall have the authority to waive this
20 requirement upon the showing of good cause by the defendant.

21 (o) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 6-303 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance when
24 the suspension was for a violation of Section 11-501.1 of the
25 Illinois Vehicle Code and when:

26 (1) at the time of the violation of Section 11-501.1 of

1 the Illinois Vehicle Code, the defendant was a first
2 offender pursuant to Section 11-500 of the Illinois Vehicle
3 Code and the defendant failed to obtain a monitoring device
4 driving permit; or

5 (2) at the time of the violation of Section 11-501.1 of
6 the Illinois Vehicle Code, the defendant was a first
7 offender pursuant to Section 11-500 of the Illinois Vehicle
8 Code, had subsequently obtained a monitoring device
9 driving permit, but was driving a vehicle not equipped with
10 a breath alcohol ignition interlock device as defined in
11 Section 1-129.1 of the Illinois Vehicle Code.

12 (p) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Section 11-601.5 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance when the defendant has previously been:

16 (1) convicted for a violation of Section 11-601.5 of
17 the Illinois Vehicle Code or a similar provision of a local
18 ordinance or any similar law or ordinance of another state;
19 or

20 (2) assigned supervision for a violation of Section
21 11-601.5 of the Illinois Vehicle Code or a similar
22 provision of a local ordinance or any similar law or
23 ordinance of another state.

24 (q) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating subsection (b) of Section
26 11-601 or Section 11-601.5 of the Illinois Vehicle Code when

1 the defendant was operating a vehicle, in an urban district, at
2 a speed that is 26 miles per hour or more in excess of the
3 applicable maximum speed limit established under Chapter 11 of
4 the Illinois Vehicle Code.

5 (r) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating any provision of the Illinois
7 Vehicle Code or a similar provision of a local ordinance if the
8 violation was the proximate cause of the death of another and
9 the defendant's driving abstract contains a prior conviction or
10 disposition of court supervision for any violation of the
11 Illinois Vehicle Code, other than an equipment violation, or a
12 suspension, revocation, or cancellation of the driver's
13 license.

14 (s) (Blank). ~~The provisions of paragraph (c) shall not~~
15 ~~apply to a defendant charged with violating subsection (i) of~~
16 ~~Section 70 of the Firearm Concealed Carry Act.~~

17 (Source: P.A. 100-987, eff. 7-1-19; 101-173, eff. 1-1-20.)