

1 AN ACT concerning regulation.

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

4 Section 3. The Open Meetings Act is amended by changing
5 Section 2 as follows:

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

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 2. Open meetings.

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

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

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

21 (1) The appointment, employment, compensation,
22 discipline, performance, or dismissal of specific
23 employees, specific individuals who serve as independent

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

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

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

25 (4) Evidence or testimony presented in open hearing,
26 or in closed hearing where specifically authorized by law,

1 to a quasi-adjudicative body, as defined in this Act,
2 provided that the body prepares and makes available for
3 public inspection a written decision setting forth its
4 determinative reasoning.

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

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

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

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

20 (9) Student disciplinary cases.

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

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

1 when the public body finds that an action is probable or
2 imminent, in which case the basis for the finding shall be
3 recorded and entered into the minutes of the closed
4 meeting.

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

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

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

24 (15) Professional ethics or performance when
25 considered by an advisory body appointed to advise a
26 licensing or regulatory agency on matters germane to the

1 advisory body's field of competence.

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

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

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

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

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

25 (21) Discussion of minutes of meetings lawfully closed
26 under this Act, whether for purposes of approval by the

1 body of the minutes or semi-annual review of the minutes
2 as mandated by Section 2.06.

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

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

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

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

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

20 (27) (Blank).

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

25 (29) Meetings between internal or external auditors
26 and governmental audit committees, finance committees, and

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

6 (30) Those meetings or portions of meetings of a
7 fatality review team or the Illinois Fatality Review Team
8 Advisory Council during which a review of the death of an
9 eligible adult in which abuse or neglect is suspected,
10 alleged, or substantiated is conducted pursuant to Section
11 15 of the Adult Protective Services Act.

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

15 (32) Meetings between the Regional Transportation
16 Authority Board and its Service Boards when the discussion
17 involves review by the Regional Transportation Authority
18 Board of employment contracts under Section 28d of the
19 Metropolitan Transit Authority Act and Sections 3A.18 and
20 3B.26 of the Regional Transportation Authority Act.

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

26 (34) Meetings of the Tax Increment Financing Reform

1 Task Force under Section 2505-800 of the Department of
2 Revenue Law of the Civil Administrative Code of Illinois.

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

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

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

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

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

26 "Quasi-adjudicative body" means an administrative body

1 charged by law or ordinance with the responsibility to conduct
2 hearings, receive evidence or testimony and make
3 determinations based thereon, but does not include local
4 electoral boards when such bodies are considering petition
5 challenges.

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

11 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
12 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
13 8-23-19; revised 9-27-19.)

14 (Text of Section after amendment by P.A. 101-652)

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24 not require the holding of a closed meeting to discuss a
25 subject included within an enumerated exception.

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2 consider the following subjects:

3 (1) The appointment, employment, compensation,
4 discipline, performance, or dismissal of specific
5 employees, specific individuals who serve as independent
6 contractors in a park, recreational, or educational
7 setting, or specific volunteers of the public body or
8 legal counsel for the public body, including hearing
9 testimony on a complaint lodged against an employee, a
10 specific individual who serves as an independent
11 contractor in a park, recreational, or educational
12 setting, or a volunteer of the public body or against
13 legal counsel for the public body to determine its
14 validity. However, a meeting to consider an increase in
15 compensation to a specific employee of a public body that
16 is subject to the Local Government Wage Increase
17 Transparency Act may not be closed and shall be open to the
18 public and posted and held in accordance with this Act.

19 (2) Collective negotiating matters between the public
20 body and its employees or their representatives, or
21 deliberations concerning salary schedules for one or more
22 classes of employees.

23 (3) The selection of a person to fill a public office,
24 as defined in this Act, including a vacancy in a public
25 office, when the public body is given power to appoint
26 under law or ordinance, or the discipline, performance or

1 removal of the occupant of a public office, when the
2 public body is given power to remove the occupant under
3 law or ordinance.

4 (4) Evidence or testimony presented in open hearing,
5 or in closed hearing where specifically authorized by law,
6 to a quasi-adjudicative body, as defined in this Act,
7 provided that the body prepares and makes available for
8 public inspection a written decision setting forth its
9 determinative reasoning.

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

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

16 (7) The sale or purchase of securities, investments,
17 or investment contracts. This exception shall not apply to
18 the investment of assets or income of funds deposited into
19 the Illinois Prepaid Tuition Trust Fund.

20 (8) Security procedures, school building safety and
21 security, and the use of personnel and equipment to
22 respond to an actual, a threatened, or a reasonably
23 potential danger to the safety of employees, students,
24 staff, the public, or public property.

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to
2 individual students.

3 (11) Litigation, when an action against, affecting or
4 on behalf of the particular public body has been filed and
5 is pending before a court or administrative tribunal, or
6 when the public body finds that an action is probable or
7 imminent, in which case the basis for the finding shall be
8 recorded and entered into the minutes of the closed
9 meeting.

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

20 (13) Conciliation of complaints of discrimination in
21 the sale or rental of housing, when closed meetings are
22 authorized by the law or ordinance prescribing fair
23 housing practices and creating a commission or
24 administrative agency for their enforcement.

25 (14) Informant sources, the hiring or assignment of
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public
2 body with criminal investigatory responsibilities.

3 (15) Professional ethics or performance when
4 considered by an advisory body appointed to advise a
5 licensing or regulatory agency on matters germane to the
6 advisory body's field of competence.

7 (16) Self evaluation, practices and procedures or
8 professional ethics, when meeting with a representative of
9 a statewide association of which the public body is a
10 member.

11 (17) The recruitment, credentialing, discipline or
12 formal peer review of physicians or other health care
13 professionals, or for the discussion of matters protected
14 under the federal Patient Safety and Quality Improvement
15 Act of 2005, and the regulations promulgated thereunder,
16 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
17 Health Insurance Portability and Accountability Act of
18 1996, and the regulations promulgated thereunder,
19 including 45 C.F.R. Parts 160, 162, and 164, by a
20 hospital, or other institution providing medical care,
21 that is operated by the public body.

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23 Review Board.

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25 under the Experimental Organ Transplantation Procedures
26 Act.

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2 classified as confidential or continued confidential by
3 the State Government Suggestion Award Board.

4 (21) Discussion of minutes of meetings lawfully closed
5 under this Act, whether for purposes of approval by the
6 body of the minutes or semi-annual review of the minutes
7 as mandated by Section 2.06.

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

10 (23) The operation by a municipality of a municipal
11 utility or the operation of a municipal power agency or
12 municipal natural gas agency when the discussion involves
13 (i) contracts relating to the purchase, sale, or delivery
14 of electricity or natural gas or (ii) the results or
15 conclusions of load forecast studies.

16 (24) Meetings of a residential health care facility
17 resident sexual assault and death review team or the
18 Executive Council under the Abuse Prevention Review Team
19 Act.

20 (25) Meetings of an independent team of experts under
21 Brian's Law.

22 (26) Meetings of a mortality review team appointed
23 under the Department of Juvenile Justice Mortality Review
24 Team Act.

25 (27) (Blank).

26 (28) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid
2 Code or (ii) that pertain to appeals under Section 11-8 of
3 the Illinois Public Aid Code.

4 (29) Meetings between internal or external auditors
5 and governmental audit committees, finance committees, and
6 their equivalents, when the discussion involves internal
7 control weaknesses, identification of potential fraud risk
8 areas, known or suspected frauds, and fraud interviews
9 conducted in accordance with generally accepted auditing
10 standards of the United States of America.

11 (30) Those meetings or portions of meetings of a
12 fatality review team or the Illinois Fatality Review Team
13 Advisory Council during which a review of the death of an
14 eligible adult in which abuse or neglect is suspected,
15 alleged, or substantiated is conducted pursuant to Section
16 15 of the Adult Protective Services Act.

17 (31) Meetings and deliberations for decisions of the
18 Concealed Carry Licensing Review Board under the Firearm
19 Concealed Carry Act.

20 (32) Meetings between the Regional Transportation
21 Authority Board and its Service Boards when the discussion
22 involves review by the Regional Transportation Authority
23 Board of employment contracts under Section 28d of the
24 Metropolitan Transit Authority Act and Sections 3A.18 and
25 3B.26 of the Regional Transportation Authority Act.

26 (33) Those meetings or portions of meetings of the

1 advisory committee and peer review subcommittee created
2 under Section 320 of the Illinois Controlled Substances
3 Act during which specific controlled substance prescriber,
4 dispenser, or patient information is discussed.

5 (34) Meetings of the Tax Increment Financing Reform
6 Task Force under Section 2505-800 of the Department of
7 Revenue Law of the Civil Administrative Code of Illinois.

8 (35) Meetings of the group established to discuss
9 Medicaid capitation rates under Section 5-30.8 of the
10 Illinois Public Aid Code.

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

18 (37) Deliberations for decisions of the Illinois Law
19 Enforcement Training Standards Board, the Certification
20 Review Panel, and the Illinois State Police Merit Board
21 regarding certification and decertification.

22 (38) Meetings of the Firearm Owner's Identification
23 Card Review Board under Section 10 of the Firearm Owners
24 Identification Card Act.

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

26 "Employee" means a person employed by a public body whose

1 relationship with the public body constitutes an
2 employer-employee relationship under the usual common law
3 rules, and who is not an independent contractor.

4 "Public office" means a position created by or under the
5 Constitution or laws of this State, the occupant of which is
6 charged with the exercise of some portion of the sovereign
7 power of this State. The term "public office" shall include
8 members of the public body, but it shall not include
9 organizational positions filled by members thereof, whether
10 established by law or by a public body itself, that exist to
11 assist the body in the conduct of its business.

12 "Quasi-adjudicative body" means an administrative body
13 charged by law or ordinance with the responsibility to conduct
14 hearings, receive evidence or testimony and make
15 determinations based thereon, but does not include local
16 electoral boards when such bodies are considering petition
17 challenges.

18 (e) Final action. No final action may be taken at a closed
19 meeting. Final action shall be preceded by a public recital of
20 the nature of the matter being considered and other
21 information that will inform the public of the business being
22 conducted.

23 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
24 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
25 8-23-19; 101-652, eff. 1-1-22.)

1 Section 5. The Freedom of Information Act is amended by
2 changing Section 7.5 as follows:

3 (5 ILCS 140/7.5)

4 (Text of Section before amendment by P.A. 101-652)

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

8 (a) All information determined to be confidential
9 under Section 4002 of the Technology Advancement and
10 Development Act.

11 (b) Library circulation and order records identifying
12 library users with specific materials under the Library
13 Records Confidentiality Act.

14 (c) Applications, related documents, and medical
15 records received by the Experimental Organ Transplantation
16 Procedures Board and any and all documents or other
17 records prepared by the Experimental Organ Transplantation
18 Procedures Board or its staff relating to applications it
19 has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating
22 to known or suspected cases of sexually transmissible
23 disease or any information the disclosure of which is
24 restricted under the Illinois Sexually Transmissible
25 Disease Control Act.

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

3 (f) Firm performance evaluations under Section 55 of
4 the Architectural, Engineering, and Land Surveying
5 Qualifications Based Selection Act.

6 (g) Information the disclosure of which is restricted
7 and exempted under Section 50 of the Illinois Prepaid
8 Tuition Act.

9 (h) Information the disclosure of which is exempted
10 under the State Officials and Employees Ethics Act, and
11 records of any lawfully created State or local inspector
12 general's office that would be exempt if created or
13 obtained by an Executive Inspector General's office under
14 that Act.

15 (i) Information contained in a local emergency energy
16 plan submitted to a municipality in accordance with a
17 local emergency energy plan ordinance that is adopted
18 under Section 11-21.5-5 of the Illinois Municipal Code.

19 (j) Information and data concerning the distribution
20 of surcharge moneys collected and remitted by carriers
21 under the Emergency Telephone System Act.

22 (k) Law enforcement officer identification information
23 or driver identification information compiled by a law
24 enforcement agency or the Department of Transportation
25 under Section 11-212 of the Illinois Vehicle Code.

26 (l) Records and information provided to a residential

1 health care facility resident sexual assault and death
2 review team or the Executive Council under the Abuse
3 Prevention Review Team Act.

4 (m) Information provided to the predatory lending
5 database created pursuant to Article 3 of the Residential
6 Real Property Disclosure Act, except to the extent
7 authorized under that Article.

8 (n) Defense budgets and petitions for certification of
9 compensation and expenses for court appointed trial
10 counsel as provided under Sections 10 and 15 of the
11 Capital Crimes Litigation Act. This subsection (n) shall
12 apply until the conclusion of the trial of the case, even
13 if the prosecution chooses not to pursue the death penalty
14 prior to trial or sentencing.

15 (o) Information that is prohibited from being
16 disclosed under Section 4 of the Illinois Health and
17 Hazardous Substances Registry Act.

18 (p) Security portions of system safety program plans,
19 investigation reports, surveys, schedules, lists, data, or
20 information compiled, collected, or prepared by or for the
21 Regional Transportation Authority under Section 2.11 of
22 the Regional Transportation Authority Act or the St. Clair
23 County Transit District under the Bi-State Transit Safety
24 Act.

25 (q) Information prohibited from being disclosed by the
26 Personnel Record Review Act.

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

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

5 (t) All identified or deidentified health information
6 in the form of health data or medical records contained
7 in, stored in, submitted to, transferred by, or released
8 from the Illinois Health Information Exchange, and
9 identified or deidentified health information in the form
10 of health data and medical records of the Illinois Health
11 Information Exchange in the possession of the Illinois
12 Health Information Exchange Office due to its
13 administration of the Illinois Health Information
14 Exchange. The terms "identified" and "deidentified" shall
15 be given the same meaning as in the Health Insurance
16 Portability and Accountability Act of 1996, Public Law
17 104-191, or any subsequent amendments thereto, and any
18 regulations promulgated thereunder.

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

22 (v) Names and information of people who have applied
23 for or received Firearm Owner's Identification Cards under
24 the Firearm Owners Identification Card Act or applied for
25 or received a concealed carry license under the Firearm
26 Concealed Carry Act, unless otherwise authorized by the

1 Firearm Concealed Carry Act; and databases under the
2 Firearm Concealed Carry Act, records of the Concealed
3 Carry Licensing Review Board under the Firearm Concealed
4 Carry Act, and law enforcement agency objections under the
5 Firearm Concealed Carry Act.

6 (w) Personally identifiable information which is
7 exempted from disclosure under subsection (g) of Section
8 19.1 of the Toll Highway Act.

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

12 (y) Confidential information under the Adult
13 Protective Services Act and its predecessor enabling
14 statute, the Elder Abuse and Neglect Act, including
15 information about the identity and administrative finding
16 against any caregiver of a verified and substantiated
17 decision of abuse, neglect, or financial exploitation of
18 an eligible adult maintained in the Registry established
19 under Section 7.5 of the Adult Protective Services Act.

20 (z) Records and information provided to a fatality
21 review team or the Illinois Fatality Review Team Advisory
22 Council under Section 15 of the Adult Protective Services
23 Act.

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

26 (bb) Information which is or was prohibited from

1 disclosure by the Juvenile Court Act of 1987.

2 (cc) Recordings made under the Law Enforcement
3 Officer-Worn Body Camera Act, except to the extent
4 authorized under that Act.

5 (dd) Information that is prohibited from being
6 disclosed under Section 45 of the Condominium and Common
7 Interest Community Ombudsperson Act.

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

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

12 (gg) Information that is prohibited from being
13 disclosed under Section 7-603.5 of the Illinois Vehicle
14 Code.

15 (hh) Records that are exempt from disclosure under
16 Section 1A-16.7 of the Election Code.

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

20 (jj) Information and reports that are required to be
21 submitted to the Department of Labor by registering day
22 and temporary labor service agencies but are exempt from
23 disclosure under subsection (a-1) of Section 45 of the Day
24 and Temporary Labor Services Act.

25 (kk) Information prohibited from disclosure under the
26 Seizure and Forfeiture Reporting Act.

1 (ll) Information the disclosure of which is restricted
2 and exempted under Section 5-30.8 of the Illinois Public
3 Aid Code.

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

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

8 (oo) Communications, notes, records, and reports
9 arising out of a peer support counseling session
10 prohibited from disclosure under the First Responders
11 Suicide Prevention Act.

12 (pp) Names and all identifying information relating to
13 an employee of an emergency services provider or law
14 enforcement agency under the First Responders Suicide
15 Prevention Act.

16 (qq) Information and records held by the Department of
17 Public Health and its authorized representatives collected
18 under the Reproductive Health Act.

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

21 (ss) Data reported by an employer to the Department of
22 Human Rights pursuant to Section 2-108 of the Illinois
23 Human Rights Act.

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

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

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

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

8 (xx) Information that is exempt from disclosure or
9 information that shall not be made public under the
10 Illinois Insurance Code.

11 (yy) Information prohibited from being disclosed under
12 the Illinois Educational Labor Relations Act.

13 (zz) Information prohibited from being disclosed under
14 the Illinois Public Labor Relations Act.

15 (aaa) Information prohibited from being disclosed
16 under Section 1-167 of the Illinois Pension Code.

17 (bbb) Information that is exempt from disclosure under
18 subsection (k) of Section 11 of the Equal Pay Act of 2003.

19 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
20 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
21 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
22 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
23 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
24 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
25 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
26 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.

1 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,
2 eff. 7-7-20; 101-656, eff. 3-23-21.)

3 (Text of Section after amendment by P.A. 101-652)

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

7 (a) All information determined to be confidential
8 under Section 4002 of the Technology Advancement and
9 Development Act.

10 (b) Library circulation and order records identifying
11 library users with specific materials under the Library
12 Records Confidentiality Act.

13 (c) Applications, related documents, and medical
14 records received by the Experimental Organ Transplantation
15 Procedures Board and any and all documents or other
16 records prepared by the Experimental Organ Transplantation
17 Procedures Board or its staff relating to applications it
18 has received.

19 (d) Information and records held by the Department of
20 Public Health and its authorized representatives relating
21 to known or suspected cases of sexually transmissible
22 disease or any information the disclosure of which is
23 restricted under the Illinois Sexually Transmissible
24 Disease Control Act.

25 (e) Information the disclosure of which is exempted

1 under Section 30 of the Radon Industry Licensing Act.

2 (f) Firm performance evaluations under Section 55 of
3 the Architectural, Engineering, and Land Surveying
4 Qualifications Based Selection Act.

5 (g) Information the disclosure of which is restricted
6 and exempted under Section 50 of the Illinois Prepaid
7 Tuition Act.

8 (h) Information the disclosure of which is exempted
9 under the State Officials and Employees Ethics Act, and
10 records of any lawfully created State or local inspector
11 general's office that would be exempt if created or
12 obtained by an Executive Inspector General's office under
13 that Act.

14 (i) Information contained in a local emergency energy
15 plan submitted to a municipality in accordance with a
16 local emergency energy plan ordinance that is adopted
17 under Section 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution
19 of surcharge moneys collected and remitted by carriers
20 under the Emergency Telephone System Act.

21 (k) Law enforcement officer identification information
22 or driver identification information compiled by a law
23 enforcement agency or the Department of Transportation
24 under Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death

1 review team or the Executive Council under the Abuse
2 Prevention Review Team Act.

3 (m) Information provided to the predatory lending
4 database created pursuant to Article 3 of the Residential
5 Real Property Disclosure Act, except to the extent
6 authorized under that Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial
9 counsel as provided under Sections 10 and 15 of the
10 Capital Crimes Litigation Act. This subsection (n) shall
11 apply until the conclusion of the trial of the case, even
12 if the prosecution chooses not to pursue the death penalty
13 prior to trial or sentencing.

14 (o) Information that is prohibited from being
15 disclosed under Section 4 of the Illinois Health and
16 Hazardous Substances Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of
21 the Regional Transportation Authority Act or the St. Clair
22 County Transit District under the Bi-State Transit Safety
23 Act.

24 (q) Information prohibited from being disclosed by the
25 Personnel Record Review Act.

26 (r) Information prohibited from being disclosed by the

1 Illinois School Student Records Act.

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

4 (t) All identified or deidentified health information
5 in the form of health data or medical records contained
6 in, stored in, submitted to, transferred by, or released
7 from the Illinois Health Information Exchange, and
8 identified or deidentified health information in the form
9 of health data and medical records of the Illinois Health
10 Information Exchange in the possession of the Illinois
11 Health Information Exchange Office due to its
12 administration of the Illinois Health Information
13 Exchange. The terms "identified" and "deidentified" shall
14 be given the same meaning as in the Health Insurance
15 Portability and Accountability Act of 1996, Public Law
16 104-191, or any subsequent amendments thereto, and any
17 regulations promulgated thereunder.

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

21 (v) Names and information of people who have applied
22 for or received Firearm Owner's Identification Cards under
23 the Firearm Owners Identification Card Act or applied for
24 or received a concealed carry license under the Firearm
25 Concealed Carry Act, unless otherwise authorized by the
26 Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed
2 Carry Licensing Review Board under the Firearm Concealed
3 Carry Act, and law enforcement agency objections under the
4 Firearm Concealed Carry Act.

5 (v-5) Records of the Firearm Owner's Identification
6 Card Review Board that are exempted from disclosure under
7 Section 10 of the Firearm Owners Identification Card Act.

8 (w) Personally identifiable information which is
9 exempted from disclosure under subsection (g) of Section
10 19.1 of the Toll Highway Act.

11 (x) Information which is exempted from disclosure
12 under Section 5-1014.3 of the Counties Code or Section
13 8-11-21 of the Illinois Municipal Code.

14 (y) Confidential information under the Adult
15 Protective Services Act and its predecessor enabling
16 statute, the Elder Abuse and Neglect Act, including
17 information about the identity and administrative finding
18 against any caregiver of a verified and substantiated
19 decision of abuse, neglect, or financial exploitation of
20 an eligible adult maintained in the Registry established
21 under Section 7.5 of the Adult Protective Services Act.

22 (z) Records and information provided to a fatality
23 review team or the Illinois Fatality Review Team Advisory
24 Council under Section 15 of the Adult Protective Services
25 Act.

26 (aa) Information which is exempted from disclosure

1 under Section 2.37 of the Wildlife Code.

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

4 (cc) Recordings made under the Law Enforcement
5 Officer-Worn Body Camera Act, except to the extent
6 authorized under that Act.

7 (dd) Information that is prohibited from being
8 disclosed under Section 45 of the Condominium and Common
9 Interest Community Ombudsperson Act.

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

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

14 (gg) Information that is prohibited from being
15 disclosed under Section 7-603.5 of the Illinois Vehicle
16 Code.

17 (hh) Records that are exempt from disclosure under
18 Section 1A-16.7 of the Election Code.

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

22 (jj) Information and reports that are required to be
23 submitted to the Department of Labor by registering day
24 and temporary labor service agencies but are exempt from
25 disclosure under subsection (a-1) of Section 45 of the Day
26 and Temporary Labor Services Act.

1 (kk) Information prohibited from disclosure under the
2 Seizure and Forfeiture Reporting Act.

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

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

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

10 (oo) Communications, notes, records, and reports
11 arising out of a peer support counseling session
12 prohibited from disclosure under the First Responders
13 Suicide Prevention Act.

14 (pp) Names and all identifying information relating to
15 an employee of an emergency services provider or law
16 enforcement agency under the First Responders Suicide
17 Prevention Act.

18 (qq) Information and records held by the Department of
19 Public Health and its authorized representatives collected
20 under the Reproductive Health Act.

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

23 (ss) Data reported by an employer to the Department of
24 Human Rights pursuant to Section 2-108 of the Illinois
25 Human Rights Act.

26 (tt) Recordings made under the Children's Advocacy

1 Center Act, except to the extent authorized under that
2 Act.

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

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

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

10 (xx) Information that is exempt from disclosure or
11 information that shall not be made public under the
12 Illinois Insurance Code.

13 (yy) Information prohibited from being disclosed under
14 the Illinois Educational Labor Relations Act.

15 (zz) Information prohibited from being disclosed under
16 the Illinois Public Labor Relations Act.

17 (aaa) Information prohibited from being disclosed
18 under Section 1-167 of the Illinois Pension Code.

19 (bbb) Information that is exempt from disclosure under
20 subsection (k) of Section 11 of the Equal Pay Act of 2003.

21 (ccc) ~~(bbb)~~ Information that is prohibited from
22 disclosure by the Illinois Police Training Act and the
23 State Police Act.

24 (ddd) Records exempt from disclosure under Section
25 2605-304 of the Department of State Police Law of the
26 Civil Administrative Code of Illinois.

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; 101-649,
10 eff. 7-7-20; 101-652, eff. 1-1-22; 101-656, eff. 3-23-21;
11 revised 4-21-21.)

12 Section 7. The Gun Trafficking Information Act is amended
13 by changing Section 10-5 as follows:

14 (5 ILCS 830/10-5)

15 Sec. 10-5. Gun trafficking information.

16 (a) The Department of State Police shall use all
17 reasonable efforts in making publicly available, on a regular
18 and ongoing basis, key information related to firearms used in
19 the commission of crimes in this State, including, but not
20 limited to: reports on crimes committed with firearms,
21 locations where the crimes occurred, the number of persons
22 killed or injured in the commission of the crimes, the state
23 where the firearms used originated, the Federal Firearms
24 Licensee that sold the firearm, ~~and~~ the type of firearms used, and

1 annual statistical information concerning Firearm Owner's
2 Identification Card and concealed carry license applications,
3 revocations, and compliance with Section 9.5 of the Firearm
4 Owners Identification Card Act, firearm restraining order
5 dispositions, and firearm dealer license certification
6 inspections. The Department shall make the information
7 available on its website, which may be presented in a
8 dashboard format, in addition to electronically filing a
9 report with the Governor and the General Assembly. The report
10 to the General Assembly shall be filed with the Clerk of the
11 House of Representatives and the Secretary of the Senate in
12 electronic form only, in the manner that the Clerk and the
13 Secretary shall direct.

14 (b) The Department shall study, on a regular and ongoing
15 basis, and compile reports on the number of Firearm Owner's
16 Identification Card checks to determine firearms trafficking
17 or straw purchase patterns. The Department shall, to the
18 extent not inconsistent with law, share such reports and
19 underlying data with academic centers, foundations, and law
20 enforcement agencies studying firearms trafficking, provided
21 that personally identifying information is protected. For
22 purposes of this subsection (b), a Firearm Owner's
23 Identification Card number is not personally identifying
24 information, provided that no other personal information of
25 the card holder is attached to the record. The Department may
26 create and attach an alternate unique identifying number to

1 each Firearm Owner's Identification Card number, instead of
2 releasing the Firearm Owner's Identification Card number
3 itself.

4 (c) Each department, office, division, and agency of this
5 State shall, to the extent not inconsistent with law,
6 cooperate fully with the Department and furnish the Department
7 with all relevant information and assistance on a timely basis
8 as is necessary to accomplish the purpose of this Act. The
9 Illinois Criminal Justice Information Authority shall submit
10 the information required in subsection (a) of this Section to
11 the Department of State Police, and any other information as
12 the Department may request, to assist the Department in
13 carrying out its duties under this Act.

14 (Source: P.A. 100-1178, eff. 1-18-19.)

15 Section 10. The Department of State Police Law of the
16 Civil Administrative Code of Illinois is amended by changing
17 Section 2605-605 and by adding Section 2605-304 as follows:

18 (20 ILCS 2605/2605-304 new)

19 Sec. 2605-304. Prohibited persons portal.

20 (a) Within 90 days after the effective date of this
21 amendatory Act of the 102nd General Assembly, the Illinois
22 State Police shall establish a portal for use by federal,
23 State, or local law enforcement agencies, including Offices of
24 the State's Attorneys and the Office of the Attorney General

1 to capture a report of persons whose Firearm Owner's
2 Identification Cards have been revoked or suspended. The
3 portal is for law enforcement purposes only.

4 (b) The Illinois State Police shall include in the report
5 the reason the person's Firearm Owner's Identification Card
6 was subject to revocation or suspension, to the extent allowed
7 by law, consistent with Sections 8 and 8.2 of the Firearm
8 Owners Identification Card Act.

9 (c) The Illinois State Police shall indicate whether the
10 person subject to the revocation or suspension of his or her
11 Firearm Owner's Identification Card has surrendered his or her
12 revoked or suspended Firearm Owner's Identification Card and
13 whether the person has completed a Firearm Disposition Record
14 required under Section 9.5 of the Firearm Owners
15 Identification Card Act. The Illinois State Police shall make
16 reasonable efforts to make this information available on the
17 Law Enforcement Agencies Data System (LEADS).

18 (d) The Illinois State Police shall provide updates of
19 information related to an individual's current Firearm Owner's
20 Identification Card revocation or suspension status, including
21 compliance under Section 9.5 of the Firearm Owners
22 Identification Card Act, in the Illinois State Police's Law
23 Enforcement Agencies Data System.

24 (e) Records in this portal are exempt from disclosure
25 under the Freedom of Information Act.

26 (f) The Illinois State Police may adopt rules necessary to

1 implement this Section.

2 (20 ILCS 2605/2605-605)

3 Sec. 2605-605. Violent Crime Intelligence Task Force. The
4 Director of State Police shall ~~may~~ establish a statewide
5 multi-jurisdictional Violent Crime Intelligence Task Force led
6 by the Department of State Police dedicated to combating gun
7 violence, gun-trafficking, and other violent crime with the
8 primary mission of preservation of life and reducing the
9 occurrence and the fear of crime. The objectives of the Task
10 Force shall include, but not be limited to, reducing and
11 preventing illegal possession and use of firearms,
12 firearm-related homicides, and other violent crimes, and
13 solving firearm-related crimes.

14 (1) The Task Force may develop and acquire information,
15 training, tools, and resources necessary to implement a
16 data-driven approach to policing, with an emphasis on
17 intelligence development.

18 (2) The Task Force may utilize information sharing,
19 partnerships, crime analysis, and evidence-based practices to
20 assist in the reduction of firearm-related shootings,
21 homicides, and gun-trafficking, including, but not limited to,
22 ballistic data, eTrace data, DNA evidence, latent
23 fingerprints, firearm training data, and National Integrated
24 Ballistic Information Network (NIBIN) data. The Task Force may
25 design a model crime gun intelligence strategy which may

1 include, but is not limited to, comprehensive collection and
2 documentation of all ballistic evidence, timely transfer of
3 NIBIN and eTrace leads to an intelligence center, which may
4 include the Division of Criminal Investigation of the Illinois
5 State Police, timely dissemination of intelligence to
6 investigators, investigative follow-up, and coordinated
7 prosecution.

8 (3) The Task Force may recognize and utilize best
9 practices of community policing and may develop potential
10 partnerships with faith-based and community organizations to
11 achieve its goals.

12 (4) The Task Force may identify and utilize best practices
13 in drug-diversion programs and other community-based services
14 to redirect low-level offenders.

15 (5) The Task Force may assist in violence suppression
16 strategies including, but not limited to, details in
17 identified locations that have shown to be the most prone to
18 gun violence and violent crime, focused deterrence against
19 violent gangs and groups considered responsible for the
20 violence in communities, and other intelligence driven methods
21 deemed necessary to interrupt cycles of violence or prevent
22 retaliation.

23 (6) In consultation with the Chief Procurement Officer,
24 the Department of State Police may obtain contracts for
25 software, commodities, resources, and equipment to assist the
26 Task Force with achieving this Act. Any contracts necessary to

1 support the delivery of necessary software, commodities,
2 resources, and equipment are not subject to the Illinois
3 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
4 20-160 and Article 50 of that Code, provided that the Chief
5 Procurement Officer may, in writing with justification, waive
6 any certification required under Article 50 of the Illinois
7 Procurement Code.

8 (7) The Task Force shall conduct enforcement operations
9 against persons whose Firearm Owner's Identification Cards
10 have been revoked or suspended and persons who fail to comply
11 with the requirements of Section 9.5 of the Firearm Owners
12 Identification Card Act, prioritizing individuals presenting a
13 clear and present danger to themselves or to others under
14 paragraph (2) of subsection (d) of Section 8.1 of the Firearm
15 Owners Identification Card Act.

16 (8) The Task Force shall collaborate with local law
17 enforcement agencies to enforce provisions of the Firearm
18 Owners Identification Card Act, the Firearm Concealed Carry
19 Act, the Firearm Dealer License Certification Act, and Article
20 24 of the Criminal Code of 2012.

21 (9) To implement this Section, the Director of the
22 Illinois State Police may establish intergovernmental
23 agreements with law enforcement agencies in accordance with
24 the Intergovernmental Cooperation Act.

25 (10) Law enforcement agencies that participate in
26 activities described in paragraphs (7) through (9) may apply

1 to the Illinois State Police for grants from the State Police
2 Revocation Enforcement Fund.

3 (Source: P.A. 100-3, eff. 1-1-18.)

4 Section 11. The Illinois Criminal Justice Information Act
5 is amended by adding Section 7.9 as follows:

6 (20 ILCS 3930/7.9 new)

7 Sec. 7.9. Firearm Prohibitors and Records Improvement Task
8 Force.

9 (a) As used in this Section, "firearms prohibitor" means
10 any factor listed in Section 4 of the Firearm Owners
11 Identification Card Act or Section 24-3 or 24-3.1 of the
12 Criminal Code of 2012 that prohibits a person from
13 transferring or possessing a firearm, firearm ammunition,
14 Firearm Owner's Identification Card, or concealed carry
15 license.

16 (b) The Firearm Prohibitors and Records Improvement Task
17 Force is created to identify and research all available
18 grants, resources, and revenue that may be applied for and
19 used by all entities responsible for reporting federal and
20 State firearm prohibitors to the Illinois State Police and the
21 National Instant Criminal Background Check System. Under the
22 Firearm Owners Identification Card Act, these reporting
23 entities include, but are not limited to, hospitals, courts,
24 law enforcement and corrections. The Task Force shall identify

1 weaknesses in reporting and recommend a strategy to direct
2 resources and revenue to ensuring reporting is reliable,
3 accurate, and timely. The Task Force shall inventory all
4 statutorily mandated firearm and gun violence related data
5 collection and reporting requirements, along with the agency
6 responsible for collecting that data, and identify gaps in
7 those requirements. The Task Force shall submit a coordinated
8 application with and through the Illinois Criminal Justice
9 Information Authority for federal funds from the National
10 Criminal History Improvement Program and the NICS Acts Record
11 Improvement Program. The Firearm Prohibitors and Records
12 Improvement Task Force shall be comprised of the following
13 members, all of whom shall serve without compensation:

14 (1) the Executive Director of the Illinois Criminal
15 Justice Information Authority, who shall serve as Chair;

16 (2) the Director of the Illinois State Police, or his
17 or her designee;

18 (3) the Secretary of Human Services, or his or her
19 designee;

20 (4) the Director of Corrections, or his or her
21 designee;

22 (5) the Attorney General, or his or her designee;

23 (6) the Director of the Administrative Office of the
24 Illinois Courts, or his or her designee;

25 (7) a representative of an association representing
26 circuit clerks appointed by the President of the Senate;

1 (8) a representative of an association representing
2 sheriffs appointed by the House Minority Leader;

3 (9) a representative of an association representing
4 State's Attorneys appointed by the House Minority Leader;

5 (10) a representative of an association representing
6 chiefs of police appointed by the Senate Minority Leader;

7 (11) a representative of an association representing
8 hospitals appointed by the Speaker of the House of
9 Representatives;

10 (12) a representative of an association representing
11 counties appointed by the President of the Senate; and

12 (13) a representative of an association representing
13 municipalities appointed by the Speaker of the House of
14 Representatives.

15 (c) The Illinois Criminal Justice Information Authority
16 shall provide administrative and other support to the Task
17 Force. The Illinois State Police Division of Justice Services
18 shall also provide support to the Illinois Criminal Justice
19 Information Authority and the Task Force.

20 (d) The Task Force may meet in person or virtually and
21 shall issue a written report of its findings and
22 recommendations to General Assembly on or before July 1, 2022.
23 The Task Force shall issue an annual report, which shall
24 include information on the state of FOID data, including a
25 review of previous activity by the Task Force to close
26 previously identified gaps; identifying known (or new) gaps; a

1 proposal of policy and practice recommendations to close those
2 gaps; and a preview of expected activities of the Task Force
3 for the coming year.

4 (e) Within 60 days of the effective date of this
5 amendatory Act of the 102nd General Assembly, the Chair shall
6 establish the Task Force.

7 (f) This Section is repealed on July 1, 2027.

8 Section 15. The State Finance Act is amended by changing
9 6z-99 and by adding Sections 5.938 and 6z-125 as follows:

10 (30 ILCS 105/5.938 new)

11 Sec. 5.938. The State Police Revocation Enforcement Fund.

12 (30 ILCS 105/6z-99)

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

14 (a) There is created in the State treasury a special fund
15 known as the Mental Health Reporting Fund. The Fund shall
16 receive revenue under the Firearm Concealed Carry Act. The
17 Fund may also receive revenue from grants, pass-through
18 grants, donations, appropriations, and any other legal source.

19 (b) The Department of State Police and Department of Human
20 Services shall coordinate to use moneys in the Fund to finance
21 their respective duties of collecting and reporting data on
22 mental health records and ensuring that mental health firearm
23 possession prohibitors are enforced as set forth under the

1 Firearm Concealed Carry Act and the Firearm Owners
2 Identification Card Act. Any surplus in the Fund beyond what
3 is necessary to ensure compliance with mental health reporting
4 under these Acts shall be used by the Department of Human
5 Services for mental health treatment programs as follows: (1)
6 50% shall be used to fund community-based mental health
7 programs aimed at reducing gun violence, community integration
8 and education, or mental health awareness and prevention,
9 including administrative costs; and (2) 50% shall be used to
10 award grants that use and promote the National School Mental
11 Health Curriculum model for school-based mental health
12 support, integration, and services.

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

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

17 (30 ILCS 105/6z-125 new)

18 Sec. 6z-125. State Police Revocation Enforcement Fund.

19 (a) The State Police Revocation Enforcement Fund is
20 established as a special fund in the State treasury. This Fund
21 is established to receive moneys from the Firearm Owners
22 Identification Card Act to enforce that Act, the Firearm
23 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
24 and other firearm offenses. The Fund may also receive revenue
25 from grants, donations, appropriations, and any other legal

1 source.

2 (b) The Illinois State Police may use moneys from the Fund
3 to establish task forces and, if necessary, include other law
4 enforcement agencies, under intergovernmental contracts
5 written and executed in conformity with the Intergovernmental
6 Cooperation Act.

7 (c) The Illinois State Police may use moneys in the Fund to
8 hire and train State Police officers and prevention of violent
9 crime.

10 (d) The State Police Revocation Enforcement Fund is not
11 subject to administrative chargebacks.

12 (e) Law enforcement agencies that participate in Firearm
13 Owner's Identification Card revocation enforcement in the
14 Violent Crime Intelligence Task Force may apply for grants
15 from the Illinois State Police.

16 Section 16. The Intergovernmental Drug Laws Enforcement
17 Act is amended by changing Section 3 as follows:

18 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

19 Sec. 3. A Metropolitan Enforcement Group which meets the
20 minimum criteria established in this Section is eligible to
21 receive State grants to help defray the costs of operation. To
22 be eligible a MEG must:

23 (1) Be established and operating pursuant to
24 intergovernmental contracts written and executed in

1 conformity with the Intergovernmental Cooperation Act, and
2 involve 2 or more units of local government.

3 (2) Establish a MEG Policy Board composed of an
4 elected official, or his designee, and the chief law
5 enforcement officer, or his designee, from each
6 participating unit of local government to oversee the
7 operations of the MEG and make such reports to the
8 Department of State Police as the Department may require.

9 (3) Designate a single appropriate elected official of
10 a participating unit of local government to act as the
11 financial officer of the MEG for all participating units
12 of local government and to receive funds for the operation
13 of the MEG.

14 (4) Limit its operations to enforcement of drug laws;
15 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,
16 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3,
17 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8,
18 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 and ~~subsections~~
19 ~~24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),~~
20 ~~24-1(a)(10), and 24-1(e)~~ of the Criminal Code of 2012;
21 Sections 2, 3, 6.1, 14 of the Firearm Owners
22 Identification Card Act; and the investigation of
23 streetgang related offenses.

24 (5) Cooperate with the Department of State Police in
25 order to assure compliance with this Act and to enable the
26 Department to fulfill its duties under this Act, and

1 supply the Department with all information the Department
2 deems necessary therefor.

3 (6) Receive funding of at least 50% of the total
4 operating budget of the MEG from the participating units
5 of local government.

6 (Source: P.A. 97-1150, eff. 1-25-13.)

7 Section 20. The Firearm Owners Identification Card Act is
8 amended by changing Sections 1.1, 3, 3.1, 4, 5, 6, 7, 8.2, 8.3,
9 9.5, 10, 11, and 13.2 and by adding Sections 6.2, 7.5, 8.4,
10 8.5, and 13.4 as follows:

11 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

12 Sec. 1.1. For purposes of this Act:

13 "Addicted to narcotics" means a person who has been:

14 (1) convicted of an offense involving the use or
15 possession of cannabis, a controlled substance, or
16 methamphetamine within the past year; or

17 (2) determined by the Department of State Police to be
18 addicted to narcotics based upon federal law or federal
19 guidelines.

20 "Addicted to narcotics" does not include possession or use
21 of a prescribed controlled substance under the direction and
22 authority of a physician or other person authorized to
23 prescribe the controlled substance when the controlled
24 substance is used in the prescribed manner.

1 "Adjudicated as a person with a mental disability" means
2 the person is the subject of a determination by a court, board,
3 commission or other lawful authority that the person, as a
4 result of marked subnormal intelligence, or mental illness,
5 mental impairment, incompetency, condition, or disease:

6 (1) presents a clear and present danger to himself,
7 herself, or to others;

8 (2) lacks the mental capacity to manage his or her own
9 affairs or is adjudicated a person with a disability as
10 defined in Section 11a-2 of the Probate Act of 1975;

11 (3) is not guilty in a criminal case by reason of
12 insanity, mental disease or defect;

13 (3.5) is guilty but mentally ill, as provided in
14 Section 5-2-6 of the Unified Code of Corrections;

15 (4) is incompetent to stand trial in a criminal case;

16 (5) is not guilty by reason of lack of mental
17 responsibility under Articles 50a and 72b of the Uniform
18 Code of Military Justice, 10 U.S.C. 850a, 876b;

19 (6) is a sexually violent person under subsection (f)
20 of Section 5 of the Sexually Violent Persons Commitment
21 Act;

22 (7) is a sexually dangerous person under the Sexually
23 Dangerous Persons Act;

24 (8) is unfit to stand trial under the Juvenile Court
25 Act of 1987;

26 (9) is not guilty by reason of insanity under the

1 Juvenile Court Act of 1987;

2 (10) is subject to involuntary admission as an
3 inpatient as defined in Section 1-119 of the Mental Health
4 and Developmental Disabilities Code;

5 (11) is subject to involuntary admission as an
6 outpatient as defined in Section 1-119.1 of the Mental
7 Health and Developmental Disabilities Code;

8 (12) is subject to judicial admission as set forth in
9 Section 4-500 of the Mental Health and Developmental
10 Disabilities Code; or

11 (13) is subject to the provisions of the Interstate
12 Agreements on Sexually Dangerous Persons Act.

13 "Clear and present danger" means a person who:

14 (1) communicates a serious threat of physical violence
15 against a reasonably identifiable victim or poses a clear
16 and imminent risk of serious physical injury to himself,
17 herself, or another person as determined by a physician,
18 clinical psychologist, or qualified examiner; or

19 (2) demonstrates threatening physical or verbal
20 behavior, such as violent, suicidal, or assaultive
21 threats, actions, or other behavior, as determined by a
22 physician, clinical psychologist, qualified examiner,
23 school administrator, or law enforcement official.

24 "Clinical psychologist" has the meaning provided in
25 Section 1-103 of the Mental Health and Developmental
26 Disabilities Code.

1 "Controlled substance" means a controlled substance or
2 controlled substance analog as defined in the Illinois
3 Controlled Substances Act.

4 "Counterfeit" means to copy or imitate, without legal
5 authority, with intent to deceive.

6 "Federally licensed firearm dealer" means a person who is
7 licensed as a federal firearms dealer under Section 923 of the
8 federal Gun Control Act of 1968 (18 U.S.C. 923).

9 "Firearm" means any device, by whatever name known, which
10 is designed to expel a projectile or projectiles by the action
11 of an explosion, expansion of gas or escape of gas; excluding,
12 however:

13 (1) any pneumatic gun, spring gun, paint ball gun, or
14 B-B gun which expels a single globular projectile not
15 exceeding .18 inch in diameter or which has a maximum
16 muzzle velocity of less than 700 feet per second;

17 (1.1) any pneumatic gun, spring gun, paint ball gun,
18 or B-B gun which expels breakable paint balls containing
19 washable marking colors;

20 (2) any device used exclusively for signalling or
21 safety and required or recommended by the United States
22 Coast Guard or the Interstate Commerce Commission;

23 (3) any device used exclusively for the firing of stud
24 cartridges, explosive rivets or similar industrial
25 ammunition; and

26 (4) an antique firearm (other than a machine-gun)

1 which, although designed as a weapon, the Department of
2 State Police finds by reason of the date of its
3 manufacture, value, design, and other characteristics is
4 primarily a collector's item and is not likely to be used
5 as a weapon.

6 "Firearm ammunition" means any self-contained cartridge or
7 shotgun shell, by whatever name known, which is designed to be
8 used or adaptable to use in a firearm; excluding, however:

9 (1) any ammunition exclusively designed for use with a
10 device used exclusively for signalling or safety and
11 required or recommended by the United States Coast Guard
12 or the Interstate Commerce Commission; and

13 (2) any ammunition designed exclusively for use with a
14 stud or rivet driver or other similar industrial
15 ammunition.

16 "Gun show" means an event or function:

17 (1) at which the sale and transfer of firearms is the
18 regular and normal course of business and where 50 or more
19 firearms are displayed, offered, or exhibited for sale,
20 transfer, or exchange; or

21 (2) at which not less than 10 gun show vendors
22 display, offer, or exhibit for sale, sell, transfer, or
23 exchange firearms.

24 "Gun show" includes the entire premises provided for an
25 event or function, including parking areas for the event or
26 function, that is sponsored to facilitate the purchase, sale,

1 transfer, or exchange of firearms as described in this
2 Section. Nothing in this definition shall be construed to
3 exclude a gun show held in conjunction with competitive
4 shooting events at the World Shooting Complex sanctioned by a
5 national governing body in which the sale or transfer of
6 firearms is authorized under subparagraph (5) of paragraph (g)
7 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

8 Unless otherwise expressly stated, "gun show" does not
9 include training or safety classes, competitive shooting
10 events, such as rifle, shotgun, or handgun matches, trap,
11 skeet, or sporting clays shoots, dinners, banquets, raffles,
12 or any other event where the sale or transfer of firearms is
13 not the primary course of business.

14 "Gun show promoter" means a person who organizes or
15 operates a gun show.

16 "Gun show vendor" means a person who exhibits, sells,
17 offers for sale, transfers, or exchanges any firearms at a gun
18 show, regardless of whether the person arranges with a gun
19 show promoter for a fixed location from which to exhibit,
20 sell, offer for sale, transfer, or exchange any firearm.

21 "Involuntarily admitted" has the meaning as prescribed in
22 Sections 1-119 and 1-119.1 of the Mental Health and
23 Developmental Disabilities Code.

24 "Mental health facility" means any licensed private
25 hospital or hospital affiliate, institution, or facility, or
26 part thereof, and any facility, or part thereof, operated by

1 the State or a political subdivision thereof which provide
2 treatment of persons with mental illness and includes all
3 hospitals, institutions, clinics, evaluation facilities,
4 mental health centers, colleges, universities, long-term care
5 facilities, and nursing homes, or parts thereof, which provide
6 treatment of persons with mental illness whether or not the
7 primary purpose is to provide treatment of persons with mental
8 illness.

9 "National governing body" means a group of persons who
10 adopt rules and formulate policy on behalf of a national
11 firearm sporting organization.

12 "Patient" means:

13 (1) a person who is admitted as an inpatient or
14 resident of a public or private mental health facility for
15 mental health treatment under Chapter III of the Mental
16 Health and Developmental Disabilities Code as an informal
17 admission, a voluntary admission, a minor admission, an
18 emergency admission, or an involuntary admission, unless
19 the treatment was solely for an alcohol abuse disorder; or

20 (2) a person who voluntarily or involuntarily receives
21 mental health treatment as an out-patient or is otherwise
22 provided services by a public or private mental health
23 facility, and who poses a clear and present danger to
24 himself, herself, or to others.

25 "Person with a developmental disability" means a person
26 with a disability which is attributable to any other condition

1 which results in impairment similar to that caused by an
2 intellectual disability and which requires services similar to
3 those required by persons with intellectual disabilities. The
4 disability must originate before the age of 18 years, be
5 expected to continue indefinitely, and constitute a
6 substantial disability. This disability results, in the
7 professional opinion of a physician, clinical psychologist, or
8 qualified examiner, in significant functional limitations in 3
9 or more of the following areas of major life activity:

- 10 (i) self-care;
- 11 (ii) receptive and expressive language;
- 12 (iii) learning;
- 13 (iv) mobility; or
- 14 (v) self-direction.

15 "Person with an intellectual disability" means a person
16 with a significantly subaverage general intellectual
17 functioning which exists concurrently with impairment in
18 adaptive behavior and which originates before the age of 18
19 years.

20 "Physician" has the meaning as defined in Section 1-120 of
21 the Mental Health and Developmental Disabilities Code.

22 "Protective order" means any orders of protection issued
23 under the Illinois Domestic Violence Act of 1986, stalking no
24 contact orders issued under the Stalking No Contact Order Act,
25 civil no contact orders issued under the Civil No Contact
26 Order Act, and firearms restraining orders issued under the

1 Firearms Restraining Order Act.

2 "Qualified examiner" has the meaning provided in Section
3 1-122 of the Mental Health and Developmental Disabilities
4 Code.

5 "Sanctioned competitive shooting event" means a shooting
6 contest officially recognized by a national or state shooting
7 sport association, and includes any sight-in or practice
8 conducted in conjunction with the event.

9 "School administrator" means the person required to report
10 under the School Administrator Reporting of Mental Health
11 Clear and Present Danger Determinations Law.

12 "Stun gun or taser" has the meaning ascribed to it in
13 Section 24-1 of the Criminal Code of 2012.

14 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
15 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

16 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

1 Department of State Police under the Firearm Concealed Carry
2 Act. In addition, all firearm, stun gun, and taser transfers
3 by federally licensed firearm dealers are subject to Section
4 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 a federal firearm license dealer under paragraph (1)
17 of subsection (a-15) of this Section to conduct the transfer
18 or the Illinois Department of State Police with the
19 transferee's or purchaser's Firearm Owner's Identification
20 Card number to determine the validity of the transferee's or
21 purchaser's Firearm Owner's Identification Card under State
22 and federal law including the National Instant Criminal
23 Background Check System. This subsection shall not be
24 effective until January 1, 2024. Until that date the
25 transferor shall contact the Illinois State Police with the
26 transferee's or purchaser's Firearm Owner's Identification

1 Card number to determine the validity of the card 2014. The
2 Department of State Police may adopt rules concerning the
3 implementation of this subsection. The Department of State
4 Police shall provide the seller or transferor an approval
5 number if the purchaser's Firearm Owner's Identification Card
6 is valid. Approvals issued by the Department for the purchase
7 of a firearm pursuant to this subsection are valid for 30 days
8 from the date of issue.

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

11 (1) transfers that occur at the place of business of a
12 federally licensed firearm dealer, if the federally
13 licensed firearm dealer conducts a background check on the
14 prospective recipient of the firearm in accordance with
15 Section 3.1 of this Act and follows all other applicable
16 federal, State, and local laws as if he or she were the
17 seller or transferor of the firearm, although the dealer
18 is not required to accept the firearm into his or her
19 inventory. The purchaser or transferee may be required by
20 the federally licensed firearm dealer to pay a fee not to
21 exceed \$25 ~~\$10~~ per firearm, which the dealer may retain as
22 compensation for performing the functions required under
23 this paragraph, plus the applicable fees authorized by
24 Section 3.1;

25 (2) transfers as a bona fide gift to the transferor's
26 husband, wife, son, daughter, stepson, stepdaughter,

1 father, mother, stepfather, stepmother, brother, sister,
2 nephew, niece, uncle, aunt, grandfather, grandmother,
3 grandson, granddaughter, father-in-law, mother-in-law,
4 son-in-law, or daughter-in-law;

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

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

9 (5) the delivery of a firearm by its owner to a
10 gunsmith for service or repair, the return of the firearm
11 to its owner by the gunsmith, or the delivery of a firearm
12 by a gunsmith to a federally licensed firearms dealer for
13 service or repair and the return of the firearm to the
14 gunsmith;

15 (6) temporary transfers that occur while in the home
16 of the unlicensed transferee, if the unlicensed transferee
17 is not otherwise prohibited from possessing firearms and
18 the unlicensed transferee reasonably believes that
19 possession of the firearm is necessary to prevent imminent
20 death or great bodily harm to the unlicensed transferee;

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

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

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

4 (a-20) The Illinois ~~Department~~ of State Police shall
5 develop an Internet-based system for individuals to determine
6 the validity of a Firearm Owner's Identification Card prior to
7 the sale or transfer of a firearm. The Department shall have
8 the Internet-based system updated ~~completed~~ and available for
9 use by January 1, 2024 ~~July 1, 2015~~. The Illinois State Police
10 ~~Department~~ shall adopt rules not inconsistent with this
11 Section to implement this system; but no rule shall allow the
12 Illinois State Police to retain records in contravention of
13 State and federal law.

14 (a-25) On or before January 1, 2022, the Illinois State
15 Police shall develop an Internet-based system upon which the
16 serial numbers of firearms that have been reported stolen are
17 available for public access for individuals to ensure any
18 firearms are not reported stolen prior to the sale or transfer
19 of a firearm under this Section. The Illinois State Police
20 shall have the Internet-based system completed and available
21 for use by July 1, 2022. The Department shall adopt rules not
22 inconsistent with this Section to implement this system.

23 (b) Any person within this State who transfers or causes
24 to be transferred any firearm, stun gun, or taser shall keep a
25 record of such transfer for a period of 10 years from the date
26 of transfer. Any person within this State who receives any

1 firearm, stun gun, or taser pursuant to subsection (a-10)
2 shall provide a record of the transfer within 10 days of the
3 transfer to a federally licensed firearm dealer and shall not
4 be required to maintain a transfer record. The federally
5 licensed firearm dealer shall maintain the transfer record for
6 20 years from date of receipt. A federally licensed firearm
7 dealer may charge a fee not to exceed \$25 to retain the record.
8 The record shall be provided and maintained in either an
9 electronic or paper format. The federally licensed firearm
10 dealer shall not be liable for the accuracy of any information
11 in the transfer record submitted pursuant to this Section.
12 Such records ~~record~~ shall contain the date of the transfer;
13 the description, serial number or other information
14 identifying the firearm, stun gun, or taser if no serial
15 number is available; and, if the transfer was completed within
16 this State, the transferee's Firearm Owner's Identification
17 Card number and any approval number or documentation provided
18 by the Department of State Police pursuant to subsection
19 (a-10) of this Section; if the transfer was not completed
20 within this State, the record shall contain the name and
21 address of the transferee. On or after January 1, 2006, the
22 record shall contain the date of application for transfer of
23 the firearm. On demand of a peace officer such transferor
24 shall produce for inspection such record of transfer. For any
25 transfer pursuant to subsection (a-10) of this Section, on the
26 demand of a peace officer, such transferee shall identify the

1 federally licensed firearm dealer maintaining the transfer
2 record. If the transfer or sale took place at a gun show, the
3 record shall include the unique identification number. Failure
4 to record the unique identification number or approval number
5 is a petty offense. For transfers of a firearm, stun gun, or
6 taser made on or after the effective date of this amendatory
7 Act of the 100th General Assembly, failure by the private
8 seller to maintain the transfer records in accordance with
9 this Section, or failure by a transferee pursuant to
10 subsection a-10 of this Section to identify the federally
11 licensed firearm dealer maintaining the transfer record, is a
12 Class A misdemeanor for the first offense and a Class 4 felony
13 for a second or subsequent offense occurring within 10 years
14 of the first offense and the second offense was committed
15 after conviction of the first offense. Whenever any person who
16 has not previously been convicted of any violation of
17 subsection (a-5), the court may grant supervision pursuant to
18 and consistent with the limitations of Section 5-6-1 of the
19 Unified Code of Corrections. A transferee or transferor shall
20 not be criminally liable under this Section provided that he
21 or she provides the Department of State Police with the
22 transfer records in accordance with procedures established by
23 the Department. The Department shall establish, by rule, a
24 standard form on its website.

25 (b-5) Any resident may purchase ammunition from a person
26 within or outside of Illinois if shipment is by United States

1 mail or by a private express carrier authorized by federal law
2 to ship ammunition. Any resident purchasing ammunition within
3 or outside the State of Illinois must provide the seller with a
4 copy of his or her valid Firearm Owner's Identification Card
5 or valid concealed carry license and either his or her
6 Illinois driver's license or Illinois State Identification
7 Card prior to the shipment of the ammunition. The ammunition
8 may be shipped only to an address on either of those 2
9 documents.

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

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

14 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

15 Sec. 3.1. Firearm Transfer Inquiry Program ~~Dial-up system.~~

16 (a) The Department of State Police shall provide a dial up
17 telephone system or utilize other existing technology which
18 shall be used by any federally licensed firearm dealer, gun
19 show promoter, or gun show vendor who is to transfer a firearm,
20 stun gun, or taser under the provisions of this Act. The
21 Department of State Police may utilize existing technology
22 which allows the caller to be charged a fee not to exceed \$2.
23 Fees collected by the Department of State Police shall be
24 deposited in the State Police Firearm Services Fund and used
25 to provide the service.

1 (b) Upon receiving a request from a federally licensed
2 firearm dealer, gun show promoter, or gun show vendor, the
3 Department of State Police shall immediately approve, or
4 within the time period established by Section 24-3 of the
5 Criminal Code of 2012 regarding the delivery of firearms, stun
6 guns, and tasers notify the inquiring dealer, gun show
7 promoter, or gun show vendor of any objection that would
8 disqualify the transferee from acquiring or possessing a
9 firearm, stun gun, or taser. In conducting the inquiry, the
10 Department of State Police shall initiate and complete an
11 automated search of its criminal history record information
12 files and those of the Federal Bureau of Investigation,
13 including the National Instant Criminal Background Check
14 System, and of the files of the Department of Human Services
15 relating to mental health and developmental disabilities to
16 obtain any felony conviction or patient hospitalization
17 information which would disqualify a person from obtaining or
18 require revocation of a currently valid Firearm Owner's
19 Identification Card.

20 (b-5) By January 1, 2023, the Illinois State Police shall
21 by rule provide a process for the automatic renewal of the
22 Firearm Owner's Identification Card of a person at the time of
23 an inquiry in subsection (b). Persons eligible for this
24 process must have a set of fingerprints on file with their
25 application under either subsection (a-25) of Section 4 or the
26 Firearm Concealed Carry Act.

1 (c) If receipt of a firearm would not violate Section 24-3
2 of the Criminal Code of 2012, federal law, or this Act the
3 Department of State Police shall:

4 (1) assign a unique identification number to the
5 transfer; and

6 (2) provide the licensee, gun show promoter, or gun
7 show vendor with the number.

8 (d) Approvals issued by the Department of State Police for
9 the purchase of a firearm are valid for 30 days from the date
10 of issue.

11 (e) (1) The Department of State Police must act as the
12 Illinois Point of Contact for the National Instant Criminal
13 Background Check System.

14 (2) The Department of State Police and the Department of
15 Human Services shall, in accordance with State and federal law
16 regarding confidentiality, enter into a memorandum of
17 understanding with the Federal Bureau of Investigation for the
18 purpose of implementing the National Instant Criminal
19 Background Check System in the State. The Department of State
20 Police shall report the name, date of birth, and physical
21 description of any person prohibited from possessing a firearm
22 pursuant to the Firearm Owners Identification Card Act or 18
23 U.S.C. 922(g) and (n) to the National Instant Criminal
24 Background Check System Index, Denied Persons Files.

25 (3) The Department of State Police shall provide notice of
26 the disqualification of a person under subsection (b) of this

1 Section or the revocation of a person's Firearm Owner's
2 Identification Card under Section 8 or Section 8.2 of this
3 Act, and the reason for the disqualification or revocation, to
4 all law enforcement agencies with jurisdiction to assist with
5 the seizure of the person's Firearm Owner's Identification
6 Card.

7 (f) The Department of State Police shall adopt rules not
8 inconsistent with this Section to implement this system.

9 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

10 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

11 Sec. 4. Application for Firearm Owner's Identification
12 Cards.

13 (a) Each applicant for a Firearm Owner's Identification
14 Card must:

15 (1) Submit an ~~Make~~ application as ~~on blank forms~~
16 ~~prepared and furnished at convenient locations throughout~~
17 ~~the State by the Department of State Police, or by~~
18 ~~electronic means, if and when~~ made available by the
19 Illinois Department of State Police; and

20 (2) Submit evidence to the Department of State Police
21 that:

22 (i) This subparagraph (i) applies through the
23 180th day following the effective date of this
24 amendatory Act of the 101st General Assembly. He or
25 she is 21 years of age or over, or if he or she is

1 under 21 years of age that he or she has the written
2 consent of his or her parent or legal guardian to
3 possess and acquire firearms and firearm ammunition
4 and that he or she has never been convicted of a
5 misdemeanor other than a traffic offense or adjudged
6 delinquent, provided, however, that such parent or
7 legal guardian is not an individual prohibited from
8 having a Firearm Owner's Identification Card and files
9 an affidavit with the Department as prescribed by the
10 Department stating that he or she is not an individual
11 prohibited from having a Card;

12 (i-5) This subparagraph (i-5) applies on and after
13 the 181st day following the effective date of this
14 amendatory Act of the 101st General Assembly. He or
15 she is 21 years of age or over, or if he or she is
16 under 21 years of age that he or she has never been
17 convicted of a misdemeanor other than a traffic
18 offense or adjudged delinquent and is an active duty
19 member of the United States Armed Forces or has the
20 written consent of his or her parent or legal guardian
21 to possess and acquire firearms and firearm
22 ammunition, provided, however, that such parent or
23 legal guardian is not an individual prohibited from
24 having a Firearm Owner's Identification Card and files
25 an affidavit with the Department as prescribed by the
26 Department stating that he or she is not an individual

1 prohibited from having a Card or the active duty
2 member of the United States Armed Forces under 21
3 years of age annually submits proof to the Department
4 of State Police, in a manner prescribed by the
5 Department;

6 (ii) He or she has not been convicted of a felony
7 under the laws of this or any other jurisdiction;

8 (iii) He or she is not addicted to narcotics;

9 (iv) He or she has not been a patient in a mental
10 health facility within the past 5 years or, if he or
11 she has been a patient in a mental health facility more
12 than 5 years ago submit the certification required
13 under subsection (u) of Section 8 of this Act;

14 (v) He or she is not a person with an intellectual
15 disability;

16 (vi) He or she is not an alien who is unlawfully
17 present in the United States under the laws of the
18 United States;

19 (vii) He or she is not subject to an existing order
20 of protection prohibiting him or her from possessing a
21 firearm;

22 (viii) He or she has not been convicted within the
23 past 5 years of battery, assault, aggravated assault,
24 violation of an order of protection, or a
25 substantially similar offense in another jurisdiction,
26 in which a firearm was used or possessed;

1 (ix) He or she has not been convicted of domestic
2 battery, aggravated domestic battery, or a
3 substantially similar offense in another jurisdiction
4 committed before, on or after January 1, 2012 (the
5 effective date of Public Act 97-158). If the applicant
6 knowingly and intelligently waives the right to have
7 an offense described in this clause (ix) tried by a
8 jury, and by guilty plea or otherwise, results in a
9 conviction for an offense in which a domestic
10 relationship is not a required element of the offense
11 but in which a determination of the applicability of
12 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of
13 the Code of Criminal Procedure of 1963, an entry by the
14 court of a judgment of conviction for that offense
15 shall be grounds for denying the issuance of a Firearm
16 Owner's Identification Card under this Section;

17 (x) (Blank);

18 (xi) He or she is not an alien who has been
19 admitted to the United States under a non-immigrant
20 visa (as that term is defined in Section 101(a)(26) of
21 the Immigration and Nationality Act (8 U.S.C.
22 1101(a)(26))), or that he or she is an alien who has
23 been lawfully admitted to the United States under a
24 non-immigrant visa if that alien is:

25 (1) admitted to the United States for lawful
26 hunting or sporting purposes;

1 (2) an official representative of a foreign
2 government who is:

3 (A) accredited to the United States
4 Government or the Government's mission to an
5 international organization having its
6 headquarters in the United States; or

7 (B) en route to or from another country to
8 which that alien is accredited;

9 (3) an official of a foreign government or
10 distinguished foreign visitor who has been so
11 designated by the Department of State;

12 (4) a foreign law enforcement officer of a
13 friendly foreign government entering the United
14 States on official business; or

15 (5) one who has received a waiver from the
16 Attorney General of the United States pursuant to
17 18 U.S.C. 922(y)(3);

18 (xii) He or she is not a minor subject to a
19 petition filed under Section 5-520 of the Juvenile
20 Court Act of 1987 alleging that the minor is a
21 delinquent minor for the commission of an offense that
22 if committed by an adult would be a felony;

23 (xiii) He or she is not an adult who had been
24 adjudicated a delinquent minor under the Juvenile
25 Court Act of 1987 for the commission of an offense that
26 if committed by an adult would be a felony;

1 (xiv) He or she is a resident of the State of
2 Illinois;

3 (xv) He or she has not been adjudicated as a person
4 with a mental disability;

5 (xvi) He or she has not been involuntarily
6 admitted into a mental health facility; and

7 (xvii) He or she is not a person with a
8 developmental disability; and

9 (3) Upon request by the Department of State Police,
10 sign a release on a form prescribed by the Department of
11 State Police waiving any right to confidentiality and
12 requesting the disclosure to the Department of State
13 Police of limited mental health institution admission
14 information from another state, the District of Columbia,
15 any other territory of the United States, or a foreign
16 nation concerning the applicant for the sole purpose of
17 determining whether the applicant is or was a patient in a
18 mental health institution and disqualified because of that
19 status from receiving a Firearm Owner's Identification
20 Card. No mental health care or treatment records may be
21 requested. The information received shall be destroyed
22 within one year of receipt.

23 (a-5) Each applicant for a Firearm Owner's Identification
24 Card who is over the age of 18 shall furnish to the Department
25 of State Police either his or her Illinois driver's license
26 number or Illinois Identification Card number, except as

1 provided in subsection (a-10).

2 (a-10) Each applicant for a Firearm Owner's Identification
3 Card, who is employed as a law enforcement officer, an armed
4 security officer in Illinois, or by the United States Military
5 permanently assigned in Illinois and who is not an Illinois
6 resident, shall furnish to the Department of State Police his
7 or her driver's license number or state identification card
8 number from his or her state of residence. The Department of
9 State Police may adopt rules to enforce the provisions of this
10 subsection (a-10).

11 (a-15) If an applicant applying for a Firearm Owner's
12 Identification Card moves from the residence address named in
13 the application, he or she shall immediately notify in a form
14 and manner prescribed by the Department of State Police of
15 that change of address.

16 (a-20) Each applicant for a Firearm Owner's Identification
17 Card shall furnish to the Department of State Police his or her
18 photograph. An applicant who is 21 years of age or older
19 seeking a religious exemption to the photograph requirement
20 must furnish with the application an approved copy of United
21 States Department of the Treasury Internal Revenue Service
22 Form 4029. In lieu of a photograph, an applicant regardless of
23 age seeking a religious exemption to the photograph
24 requirement shall submit fingerprints on a form and manner
25 prescribed by the Department with his or her application.

26 (a-25) Beginning January 1, 2023, each applicant for the

1 issuance of a Firearm Owner's Identification Card may include
2 a full set of his or her fingerprints in electronic format to
3 the Illinois State Police, unless the applicant has previously
4 provided a full set of his or her fingerprints to the Illinois
5 State Police under this Act or the Firearm Concealed Carry
6 Act.

7 The fingerprints must be transmitted through a live scan
8 fingerprint vendor licensed by the Department of Financial and
9 Professional Regulation. The fingerprints shall be checked
10 against the fingerprint records now and hereafter filed in the
11 Illinois State Police and Federal Bureau of Investigation
12 criminal history records databases, including all available
13 State and local criminal history record information files.

14 The Illinois State Police shall charge applicants a
15 one-time fee for conducting the criminal history record check,
16 which shall be deposited into the State Police Services Fund
17 and shall not exceed the actual cost of the State and national
18 criminal history record check.

19 (a-26) The Illinois State Police shall research, explore,
20 and report to the General Assembly by January 1, 2022 on the
21 feasibility of permitting voluntarily submitted fingerprints
22 obtained for purposes other than Firearm Owner's
23 Identification Card enforcement that are contained in the
24 Illinois State Police database for purposes of this Act.

25 (b) Each application form shall include the following
26 statement printed in bold type: "Warning: Entering false

1 information on an application for a Firearm Owner's
2 Identification Card is punishable as a Class 2 felony in
3 accordance with subsection (d-5) of Section 14 of the Firearm
4 Owners Identification Card Act.".

5 (c) Upon such written consent, pursuant to Section 4,
6 paragraph (a)(2)(i), the parent or legal guardian giving the
7 consent shall be liable for any damages resulting from the
8 applicant's use of firearms or firearm ammunition.

9 (Source: P.A. 101-80, eff. 7-12-19.)

10 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

11 Sec. 5. Application and renewal.

12 (a) The Department of State Police shall either approve or
13 deny all applications within 30 days from the date they are
14 received, except as provided in subsections (b) and (c)
15 ~~subsection (b) of this Section~~, and every applicant found
16 qualified under Section 8 of this Act by the Department shall
17 be entitled to a Firearm Owner's Identification Card upon the
18 payment of a \$10 fee and applicable processing fees. The
19 processing fees shall be limited to charges by the State
20 Treasurer for using the electronic online payment system. Any
21 applicant who is an active duty member of the Armed Forces of
22 the United States, a member of the Illinois National Guard, or
23 a member of the Reserve Forces of the United States is exempt
24 from the application fee. \$5 of each fee derived from the
25 issuance of a Firearm Owner's Identification Card or renewals,

1 thereof, shall be deposited in the State Police Firearm
2 Services Fund and \$5 into the State Police Revocation
3 Enforcement Fund ~~\$6 of each fee derived from the issuance of~~
4 ~~Firearm Owner's Identification Cards, or renewals thereof,~~
5 ~~shall be deposited in the Wildlife and Fish Fund in the State~~
6 ~~Treasury; \$1 of the fee shall be deposited in the State Police~~
7 ~~Services Fund and \$3 of the fee shall be deposited in the State~~
8 ~~Police Firearm Services Fund.~~

9 (b) Renewal applications shall be approved or denied
10 within 60 business days, provided the applicant submitted his
11 or her renewal application prior to the expiration of his or
12 her Firearm Owner's Identification Card. If a renewal
13 application has been submitted prior to the expiration date of
14 the applicant's Firearm Owner's Identification Card, the
15 Firearm Owner's Identification Card shall remain valid while
16 the Department processes the application, unless the person is
17 subject to or becomes subject to revocation under this Act.
18 The cost for a renewal application shall be \$10, and may
19 include applicable processing fees, which shall be limited to
20 charges by the State Treasurer for using the electronic online
21 payment system, which shall be deposited into the State Police
22 Firearm Services Fund.

23 (c) If the Firearm Owner's Identification Card of a
24 licensee under the Firearm Concealed Carry Act expires during
25 the term of the licensee's concealed carry license, the
26 Firearm Owner's Identification Card and the license remain

1 valid and the licensee does not have to renew his or her
2 Firearm Owner's Identification Card during the duration of the
3 concealed carry license. Unless the Illinois State Police has
4 reason to believe the licensee is no longer eligible for the
5 card, the Illinois State Police may automatically renew the
6 licensee's Firearm Owner's Identification Card and send a
7 renewed Firearm Owner's Identification Card to the licensee.

8 (d) The Illinois State Police may adopt rules concerning
9 the use of voluntarily submitted fingerprints, as allowed by
10 State and federal law.

11 (Source: P.A. 100-906, eff. 1-1-19.)

12 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

13 Sec. 6. Contents of Firearm Owner's Identification Card.

14 (a) A Firearm Owner's Identification Card, issued by the
15 Department of State Police at such places as the Director of
16 the Department shall specify, shall contain the applicant's
17 name, residence, date of birth, sex, physical description,
18 recent photograph, except as provided in subsection (c-5), and
19 signature. Each Firearm Owner's Identification Card must have
20 the Firearm Owner's Identification Card number ~~expiration date~~
21 boldly and conspicuously displayed on the face of the card.
22 Each Firearm Owner's Identification Card must have printed on
23 it the following: "CAUTION - This card does not permit bearer
24 to UNLAWFULLY carry or use firearms." Before December 1, 2002,
25 the Department may use a person's digital photograph and

1 signature from his or her Illinois driver's license or
2 Illinois Identification Card, if available. On and after
3 December 1, 2002, the Department shall use a person's digital
4 photograph and signature from his or her Illinois driver's
5 license or Illinois Identification Card, if available. The
6 Department shall decline to use a person's digital photograph
7 or signature if the digital photograph or signature is the
8 result of or associated with fraudulent or erroneous data,
9 unless otherwise provided by law.

10 (b) A person applying for a Firearm Owner's Identification
11 Card shall consent to the Department of State Police using the
12 applicant's digital driver's license or Illinois
13 Identification Card photograph, if available, and signature on
14 the applicant's Firearm Owner's Identification Card. The
15 Secretary of State shall allow the Department of State Police
16 access to the photograph and signature for the purpose of
17 identifying the applicant and issuing to the applicant a
18 Firearm Owner's Identification Card.

19 (c) The Secretary of State shall conduct a study to
20 determine the cost and feasibility of creating a method of
21 adding an identifiable code, background, or other means on the
22 driver's license or Illinois Identification Card to show that
23 an individual is not disqualified from owning or possessing a
24 firearm under State or federal law. The Secretary shall report
25 the findings of this study 12 months after the effective date
26 of this amendatory Act of the 92nd General Assembly.

1 (c-5) If a person qualifies for a photograph exemption, in
2 lieu of a photograph, the Firearm Owner's Identification Card
3 shall contain a copy of the card holder's fingerprints. Each
4 Firearm Owner's Identification Card described in this
5 subsection (c-5) must have printed on it the following: "This
6 card is only valid for firearm purchases through a federally
7 licensed firearms dealer when presented with photographic
8 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."

9 (Source: P.A. 97-1131, eff. 1-1-13.)

10 (430 ILCS 65/6.2 new)

11 Sec. 6.2. Electronic Firearm Owner's Identification Cards.
12 Beginning January 1, 2022, the Illinois State Police may
13 develop a system under which the holder of a Firearm Owner's
14 Identification Card may display an electronic version of his
15 or her Firearm Owner's Identification Card on a mobile
16 telephone or other portable electronic device. An electronic
17 version of a Firearm Owner's Identification Card shall contain
18 security features the Illinois State Police determines to be
19 necessary to ensure that the electronic version is accurate
20 and current and shall satisfy other requirements the Illinois
21 State Police determines to be necessary regarding form and
22 content. The display or possession of an electronic version of
23 a valid Firearm Owner's Identification Card in accordance with
24 the requirements of the Illinois State Police satisfies all
25 requirements for the display or possession of a valid Firearm

1 Owner's Identification Card under the laws of this State. The
2 possession or display of an electronic Firearm Owner's
3 Identification Card on a mobile telephone or other portable
4 electronic device does not constitute consent for a law
5 enforcement officer, court, or other officer of the court to
6 access other contents of the mobile telephone or other
7 portable electronic device. The Illinois State Police may
8 adopt rules to implement this Section.

9 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

10 Sec. 7. Validity of Firearm Owner's Identification Card.

11 (a) Except as provided in Section 8 of this Act or
12 elsewhere in subsection (b) of this Section, a Firearm Owner's
13 Identification Card issued under the provisions of this Act
14 shall be valid for the person to whom it is issued for a period
15 of 10 years from the date of issuance. Unless the person no
16 longer meets the requirements or becomes subject to suspension
17 or revocation under this Act, a card issued under an
18 application made as provided in subsection (a-25) of Section 4
19 shall remain valid if the person meets the requirements of
20 subsection (b-5) of Section 3.1.

21 (b) If a renewal application is submitted to the
22 Department before the expiration date of the applicant's
23 current Firearm Owner's Identification Card, the Firearm
24 Owner's Identification Card shall remain valid ~~for a period of~~
25 ~~60 business days~~, unless the person is subject to or becomes

1 subject to revocation under this Act. Unless the person no
2 longer meets the requirements or becomes subject to suspension
3 or revocation under this Act, a card issued under a renewal
4 application made as provided in subsection (a-25) of Section 4
5 shall remain valid if the person meets the implementation
6 requirements of Section 3.1.

7 (c) Beginning January 1, 2022, if the Firearm Owner's
8 Identification Card of a licensee under the Firearm Concealed
9 Carry Act expires during the term of the licensee's concealed
10 carry license, the Firearm Owner's Identification Card and the
11 license remain valid during the validity of the concealed
12 carry license and the licensee does not have to renew his or
13 her Firearm Owner's Identification Card, if the Firearm
14 Owner's Identification Card has not been otherwise renewed as
15 provided in this Act. Unless the Illinois State Police has
16 reason to believe the licensee is no longer eligible for the
17 card, the Illinois State Police may automatically renew the
18 licensee's Firearm Owner's Identification Card.

19 (Source: P.A. 100-906, eff. 1-1-19.)

20 (430 ILCS 65/7.5 new)

21 Sec. 7.5. Email and text message notifications. A person
22 subject to this Act may notify the Illinois State Police upon
23 application or at any time thereafter that he or she would like
24 to receive correspondence from the Illinois State Police via
25 email or text message and may opt out of first-class mail. Such

1 correspondence may include notification of the status of a
2 person's application, suspension, revocation, appeal, and
3 other notifications concerning his or her Firearm Owner's
4 Identification Card. A person may request email or text
5 message, or both. Any person selecting email or text message
6 alerts must have either or both the person's email or cellular
7 phone number on file with the Illinois State Police.

8 (430 ILCS 65/8.2)

9 Sec. 8.2. Firearm Owner's Identification Card denial,
10 suspension, or revocation. The Illinois Department of State
11 Police shall deny an application or shall suspend or revoke
12 and seize a Firearm Owner's Identification Card previously
13 issued under this Act if the Department finds that the
14 applicant or person to whom such card was issued is or was at
15 the time of issuance subject to a protective order issued
16 under the laws of this or any other jurisdiction ~~an existing~~
17 ~~order of protection or firearms restraining order.~~ When the
18 duration of the protective order is expected to be less than
19 one year, the Illinois State Police may suspend the Firearm
20 Owner's Identification Card under Section 8.3 of the Act and
21 shall reinstate it upon conclusion of the suspension if no
22 other grounds for denial or revocation are found under Section
23 8 of the Act.

24 (Source: P.A. 100-607, eff. 1-1-19.)

1 (430 ILCS 65/8.3)

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

13 (Source: P.A. 100-607, eff. 1-1-19; 100-906, eff. 1-1-19.)

14 (430 ILCS 65/8.4 new)

15 Sec. 8.4. Cancellation of Firearm Owner's Identification
16 Card. The Illinois State Police may cancel a Firearm Owner's
17 Identification Card if a person is not prohibited by State or
18 federal law from acquiring or possessing a firearm or firearm
19 ammunition and the sole purpose is for an administrative
20 reason. This includes, at the request of the Firearm Owner's
21 Identification Card holder, a person who surrenders his or her
22 Illinois driver's license or Illinois identification card to
23 another jurisdiction, or a person's Firearm Owner's
24 Identification Card is reported as lost, stolen, or destroyed.
25 The Illinois State Police may adopt rules necessary to

1 implement this Section.

2 (430 ILCS 65/8.5 new)

3 Sec. 8.5. Illinois State Police to monitor databases for
4 firearms prohibitors. The Illinois State Police shall
5 continuously monitor relevant State and federal databases, as
6 allowed by State and federal law, for firearms prohibitors and
7 correlate those records with Firearm Owner's Identification
8 Card holders to ensure compliance with this Act and any other
9 State and federal laws. As used in this Section, "firearms
10 prohibitor" means any factor listed in Section 8 or Section
11 8.2 of this Act or Section 24-3 or 24-3.1 of the Criminal Code
12 of 2012 that prohibits a person from transferring or
13 possessing a firearm, firearm ammunition, Firearm Owner's
14 Identification Card, or concealed carry license.

15 (430 ILCS 65/9.5)

16 Sec. 9.5. Revocation of Firearm Owner's Identification
17 Card.

18 (a) A person who receives a revocation notice under
19 Section 9 of this Act shall, within 48 hours of receiving
20 notice of the revocation:

21 (1) surrender his or her Firearm Owner's
22 Identification Card to the local law enforcement agency
23 where the person resides or ~~The local law enforcement~~
24 ~~agency shall provide the person a receipt and transmit the~~

1 ~~Firearm Owner's Identification Card~~ to the Department of
2 State Police; and

3 (2) complete a Firearm Disposition Record on a form
4 prescribed by the Department of State Police and place his
5 or her firearms in the location or with the person
6 reported in the Firearm Disposition Record. The form shall
7 require the person to disclose:

8 (A) the make, model, and serial number of each
9 firearm owned by or under the custody and control of
10 the revoked person;

11 (B) the location where each firearm will be
12 maintained during the prohibited term; ~~and~~

13 (C) if any firearm will be transferred to the
14 custody of another person, the name, address and
15 Firearm Owner's Identification Card number of the
16 transferee; ~~and-~~

17 (D) to whom his or her Firearm Owner's
18 Identification Card was surrendered.

19 Once completed, the person shall retain a copy and
20 provide a copy of the Firearm Disposition Record to the
21 Illinois State Police.

22 (b) Upon confirming through the portal created under
23 Section 2605-304 of the Department of State Police Law of the
24 Civil Administrative Code of Illinois that the Firearm Owner's
25 Identification Card has been revoked by the Illinois State
26 Police, surrendered cards shall be destroyed by the law

1 enforcement agency receiving the cards. If a card has not been
2 revoked, the card shall be returned to the cardholder. The
3 local law enforcement agency shall provide a copy of the
4 Firearm Disposition Record to the person whose Firearm Owner's
5 Identification Card has been revoked and to the Department of
6 State Police.

7 (b-5) If a court orders the surrender of a Firearms
8 Owner's Identification Card and accepts receipt of the Card,
9 the court shall destroy the Card and direct the person whose
10 Firearm Owner's Identification Card has been surrendered to
11 comply with paragraph (2) of subsection (a).

12 (b-10) If the person whose Firearm Owner's Identification
13 Card has been revoked has either lost or destroyed the Card,
14 the person must still comply with paragraph (2) of subsection
15 (a).

16 (b-15) A notation shall be made in the portal created
17 under Section 2605-304 of the Department of State Police Law
18 of the Civil Administrative Code of Illinois that the revoked
19 Firearm Owner's Identification Card has been destroyed.

20 (c) If the person whose Firearm Owner's Identification
21 Card has been revoked fails to comply with the requirements of
22 this Section, the sheriff or law enforcement agency where the
23 person resides may petition the circuit court to issue a
24 warrant to search for and seize the Firearm Owner's
25 Identification Card and firearms in the possession or under
26 the custody or control of the person whose Firearm Owner's

1 Identification Card has been revoked.

2 (d) A violation of subsection (a) of this Section is a
3 Class A misdemeanor.

4 (e) The observation of a Firearm Owner's Identification
5 Card in the possession of a person whose Firearm Owner's
6 Identification Card has been revoked constitutes a sufficient
7 basis for the arrest of that person for violation of this
8 Section.

9 (f) Within 30 days after the effective date of this
10 amendatory Act of the 98th General Assembly, the Department of
11 State Police shall provide written notice of the requirements
12 of this Section to persons whose Firearm Owner's
13 Identification Cards have been revoked, suspended, or expired
14 and who have failed to surrender their cards to the
15 Department.

16 (g) A person whose Firearm Owner's Identification Card has
17 been revoked and who received notice under subsection (f)
18 shall comply with the requirements of this Section within 48
19 hours of receiving notice.

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

21 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

22 Sec. 10. Appeals ~~Appeal to director~~; hearing; relief from
23 firearm prohibitions.

24 (a) Whenever an application for a Firearm Owner's
25 Identification Card is denied, ~~whenever the Department fails~~

1 ~~to act on an application within 30 days of its receipt,~~ or
2 whenever such a Card is revoked or seized as provided for in
3 Section 8 of this Act, the aggrieved party may (1) file a
4 record challenge with the Director regarding the record upon
5 which the decision to deny or revoke the Firearm Owner's
6 Identification Card was based under subsection (a-5); or (2)
7 appeal to the Director of the Illinois State Police through
8 December 31, 2022, or beginning January 1, 2023, the Firearm
9 Owner's Identification Card Review Board for a hearing seeking
10 relief from ~~upon~~ such denial or ~~revocation or seizure,~~
11 unless the denial or ~~revocation, or seizure~~ was based upon a
12 forcible felony, stalking, aggravated stalking, domestic
13 battery, any violation of the Illinois Controlled Substances
14 Act, the Methamphetamine Control and Community Protection Act,
15 or the Cannabis Control Act that is classified as a Class 2 or
16 greater felony, any felony violation of Article 24 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, or any
18 adjudication as a delinquent minor for the commission of an
19 offense that if committed by an adult would be a felony, in
20 which case the aggrieved party may petition the circuit court
21 in writing in the county of his or her residence for a hearing
22 seeking relief from ~~upon~~ such denial or ~~revocation, or~~
23 ~~seizure.~~

24 (a-5) There is created a Firearm Owner's Identification
25 Card Review Board to consider any appeal under subsection (a)
26 beginning January 1, 2023, other than an appeal directed to

1 the circuit court and except when the applicant is challenging
2 the record upon which the decision to deny or revoke was based
3 as provided in subsection (a-10).

4 (0.05) In furtherance of the policy of this Act that
5 the Board shall exercise its powers and duties in an
6 independent manner, subject to the provisions of this Act
7 but free from the direction, control, or influence of any
8 other agency or department of State government. All
9 expenses and liabilities incurred by the Board in the
10 performance of its responsibilities hereunder shall be
11 paid from funds which shall be appropriated to the Board
12 by the General Assembly for the ordinary and contingent
13 expenses of the Board.

14 (1) The Board shall consist of 7 members appointed by
15 the Governor, with the advice and consent of the Senate,
16 with 3 members residing within the First Judicial District
17 and one member residing within each of the 4 remaining
18 Judicial Districts. No more than 4 members shall be
19 members of the same political party. The Governor shall
20 designate one member as the chairperson. The Board shall
21 consist of:

22 (A) one member with at least 5 years of service as
23 a federal or State judge;

24 (B) one member with at least 5 years of experience
25 serving as an attorney with the United States
26 Department of Justice, or as a State's Attorney or

1 Assistant State's Attorney;

2 (C) one member with at least 5 years of experience
3 serving as a State or federal public defender or
4 assistant public defender;

5 (D) three members with at least 5 years of
6 experience as a federal, State, or local law
7 enforcement agent or as an employee with investigative
8 experience or duties related to criminal justice under
9 the United States Department of Justice, Drug
10 Enforcement Administration, Department of Homeland
11 Security, Federal Bureau of Investigation, or a State
12 or local law enforcement agency; and

13 (E) one member with at least 5 years of experience
14 as a licensed physician or clinical psychologist with
15 expertise in the diagnosis and treatment of mental
16 illness.

17 (2) The terms of the members initially appointed after
18 the effective date of this amendatory Act of the 102nd
19 General Assembly shall be as follows: one of the initial
20 members shall be appointed for a term of one year, 3 shall
21 be appointed for terms of 2 years, and 3 shall be appointed
22 for terms of 4 years. Thereafter, members shall hold
23 office for 4 years, with terms expiring on the second
24 Monday in January immediately following the expiration of
25 their terms and every 4 years thereafter. Members may be
26 reappointed. Vacancies in the office of member shall be

1 filled in the same manner as the original appointment, for
2 the remainder of the unexpired term. The Governor may
3 remove a member for incompetence, neglect of duty,
4 malfeasance, or inability to serve. Members shall receive
5 compensation in an amount equal to the compensation of
6 members of the Executive Ethics Commission and may be
7 reimbursed, from funds appropriated for such a purpose,
8 for reasonable expenses actually incurred in the
9 performance of their Board duties. The Illinois State
10 Police shall designate an employee to serve as Executive
11 Director of the Board and provide logistical and
12 administrative assistance to the Board.

13 (3) The Board shall meet at least quarterly each year
14 and at the call of the chairperson as often as necessary to
15 consider appeals of decisions made with respect to
16 applications for a Firearm Owner's Identification Card
17 under this Act. If necessary to ensure the participation
18 of a member, the Board shall allow a member to participate
19 in a Board meeting by electronic communication. Any member
20 participating electronically shall be deemed present for
21 purposes of establishing a quorum and voting.

22 (4) The Board shall adopt rules for the review of
23 appeals and the conduct of hearings. The Board shall
24 maintain a record of its decisions and all materials
25 considered in making its decisions. All Board decisions
26 and voting records shall be kept confidential and all

1 materials considered by the Board shall be exempt from
2 inspection except upon order of a court.

3 (5) In considering an appeal, the Board shall review
4 the materials received concerning the denial or revocation
5 by the Illinois State Police. By a vote of at least 4
6 members, the Board may request additional information from
7 the Illinois State Police or the applicant or the
8 testimony of the Illinois State Police or the applicant.
9 The Board may require that the applicant submit electronic
10 fingerprints to the Illinois State Police for an updated
11 background check if the Board determines it lacks
12 sufficient information to determine eligibility. The Board
13 may consider information submitted by the Illinois State
14 Police, a law enforcement agency, or the applicant. The
15 Board shall review each denial or revocation and determine
16 by a majority of members whether an applicant should be
17 granted relief under subsection (c).

18 (6) The Board shall by order issue summary decisions.
19 The Board shall issue a decision within 45 days of
20 receiving all completed appeal documents from the Illinois
21 State Police and the applicant. However, the Board need
22 not issue a decision within 45 days if:

23 (A) the Board requests information from the
24 applicant, including, but not limited to, electronic
25 fingerprints to be submitted to the Illinois State
26 Police, in accordance with paragraph (5) of this

1 subsection, in which case the Board shall make a
2 decision within 30 days of receipt of the required
3 information from the applicant;

4 (B) the applicant agrees, in writing, to allow the
5 Board additional time to consider an appeal; or

6 (C) the Board notifies the applicant and the
7 Illinois State Police that the Board needs an
8 additional 30 days to issue a decision. The Board may
9 only issue 2 extensions under this subparagraph (C).
10 The Board's notification to the applicant and the
11 Illinois State Police shall include an explanation for
12 the extension.

13 (7) If the Board determines that the applicant is
14 eligible for relief under subsection (c), the Board shall
15 notify the applicant and the Illinois State Police that
16 relief has been granted and the Illinois State Police
17 shall issue the Card.

18 (8) Meetings of the Board shall not be subject to the
19 Open Meetings Act and records of the Board shall not be
20 subject to the Freedom of Information Act.

21 (9) The Board shall report monthly to the Governor and
22 the General Assembly on the number of appeals received and
23 provide details of the circumstances in which the Board
24 has determined to deny Firearm Owner's Identification
25 Cards under this subsection (a-5). The report shall not
26 contain any identifying information about the applicants.

1 (a-10) Whenever an applicant or cardholder is not seeking
2 relief from a firearms prohibition under subsection (c) but
3 rather does not believe the applicant is appropriately denied
4 or revoked and is challenging the record upon which the
5 decision to deny or revoke the Firearm Owner's Identification
6 Card was based, or whenever the Illinois State Police fails to
7 act on an application within 30 days of its receipt, the
8 applicant shall file such challenge with the Director. The
9 Director shall render a decision within 60 business days of
10 receipt of all information supporting the challenge. The
11 Illinois State Police shall adopt rules for the review of a
12 record challenge.

13 (b) At least 30 days before any hearing in the circuit
14 court, the petitioner shall serve the relevant State's
15 Attorney with a copy of the petition. The State's Attorney may
16 object to the petition and present evidence. At the hearing,
17 the court shall determine whether substantial justice has been
18 done. Should the court determine that substantial justice has
19 not been done, the court shall issue an order directing the
20 Illinois Department of State Police to issue a Card. However,
21 the court shall not issue the order if the petitioner is
22 otherwise prohibited from obtaining, possessing, or using a
23 firearm under federal law.

24 (c) Any person prohibited from possessing a firearm under
25 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
26 acquiring a Firearm Owner's Identification Card under Section

1 8 of this Act may apply to the Firearm Owner's Identification
2 Card Review Board ~~Director of State Police~~ or petition the
3 circuit court in the county where the petitioner resides,
4 whichever is applicable in accordance with subsection (a) of
5 this Section, requesting relief from such prohibition and the
6 Board ~~Director~~ or court may grant such relief if it is
7 established by the applicant to the court's or the Board's
8 ~~Director's~~ satisfaction that:

9 (0.05) when in the circuit court, the State's Attorney
10 has been served with a written copy of the petition at
11 least 30 days before any such hearing in the circuit court
12 and at the hearing the State's Attorney was afforded an
13 opportunity to present evidence and object to the
14 petition;

15 (1) the applicant has not been convicted of a forcible
16 felony under the laws of this State or any other
17 jurisdiction within 20 years of the applicant's
18 application for a Firearm Owner's Identification Card, or
19 at least 20 years have passed since the end of any period
20 of imprisonment imposed in relation to that conviction;

21 (2) the circumstances regarding a criminal conviction,
22 where applicable, the applicant's criminal history and his
23 reputation are such that the applicant will not be likely
24 to act in a manner dangerous to public safety;

25 (3) granting relief would not be contrary to the
26 public interest; and

1 (4) granting relief would not be contrary to federal
2 law.

3 (c-5) (1) An active law enforcement officer employed by a
4 unit of government, who is denied, revoked, or has his or her
5 Firearm Owner's Identification Card seized under subsection
6 (e) of Section 8 of this Act may apply to the Firearm Owner's
7 Identification Card Review Board ~~Director of State Police~~
8 requesting relief if the officer did not act in a manner
9 threatening to the officer, another person, or the public as
10 determined by the treating clinical psychologist or physician,
11 and as a result of his or her work is referred by the employer
12 for or voluntarily seeks mental health evaluation or treatment
13 by a licensed clinical psychologist, psychiatrist, or
14 qualified examiner, and:

15 (A) the officer has not received treatment
16 involuntarily at a mental health facility, regardless of
17 the length of admission; or has not been voluntarily
18 admitted to a mental health facility for more than 30 days
19 and not for more than one incident within the past 5 years;
20 and

21 (B) the officer has not left the mental institution
22 against medical advice.

23 (2) The Firearm Owner's Identification Card Review Board
24 ~~Director of State Police~~ shall grant expedited relief to
25 active law enforcement officers described in paragraph (1) of
26 this subsection (c-5) upon a determination by the Board

1 ~~Director~~ that the officer's possession of a firearm does not
2 present a threat to themselves, others, or public safety. The
3 Board ~~Director~~ shall act on the request for relief within 30
4 business days of receipt of:

5 (A) a notarized statement from the officer in the form
6 prescribed by the Board ~~Director~~ detailing the
7 circumstances that led to the hospitalization;

8 (B) all documentation regarding the admission,
9 evaluation, treatment and discharge from the treating
10 licensed clinical psychologist or psychiatrist of the
11 officer;

12 (C) a psychological fitness for duty evaluation of the
13 person completed after the time of discharge; and

14 (D) written confirmation in the form prescribed by the
15 Board ~~Director~~ from the treating licensed clinical
16 psychologist or psychiatrist that the provisions set forth
17 in paragraph (1) of this subsection (c-5) have been met,
18 the person successfully completed treatment, and their
19 professional opinion regarding the person's ability to
20 possess firearms.

21 (3) Officers eligible for the expedited relief in
22 paragraph (2) of this subsection (c-5) have the burden of
23 proof on eligibility and must provide all information
24 required. The Board ~~Director~~ may not consider granting
25 expedited relief until the proof and information is received.

26 (4) "Clinical psychologist", "psychiatrist", and

1 "qualified examiner" shall have the same meaning as provided
2 in Chapter I of the Mental Health and Developmental
3 Disabilities Code.

4 (c-10) (1) An applicant, who is denied, revoked, or has
5 his or her Firearm Owner's Identification Card seized under
6 subsection (e) of Section 8 of this Act based upon a
7 determination of a developmental disability or an intellectual
8 disability may apply to the Firearm Owner's Identification
9 Card Review Board ~~Director of State Police~~ requesting relief.

10 (2) The Board ~~Director~~ shall act on the request for relief
11 within 60 business days of receipt of written certification,
12 in the form prescribed by the Board ~~Director~~, from a physician
13 or clinical psychologist, or qualified examiner, that the
14 aggrieved party's developmental disability or intellectual
15 disability condition is determined by a physician, clinical
16 psychologist, or qualified to be mild. If a fact-finding
17 conference is scheduled to obtain additional information
18 concerning the circumstances of the denial or revocation, the
19 60 business days the Director has to act shall be tolled until
20 the completion of the fact-finding conference.

21 (3) The Board ~~Director~~ may grant relief if the aggrieved
22 party's developmental disability or intellectual disability is
23 mild as determined by a physician, clinical psychologist, or
24 qualified examiner and it is established by the applicant to
25 the Board's ~~Director's~~ satisfaction that:

26 (A) granting relief would not be contrary to the

1 public interest; and

2 (B) granting relief would not be contrary to federal
3 law.

4 (4) The Board ~~Director~~ may not grant relief if the
5 condition is determined by a physician, clinical psychologist,
6 or qualified examiner to be moderate, severe, or profound.

7 (5) The changes made to this Section by Public Act 99-29
8 ~~this amendatory Act of the 99th General Assembly~~ apply to
9 requests for relief pending on or before July 10, 2015 (the
10 effective date of Public Act 99-29) ~~this amendatory Act~~,
11 except that the 60-day period for the Director to act on
12 requests pending before the effective date shall begin on July
13 10, 2015 (the effective date of Public Act 99-29) ~~this~~
14 ~~amendatory Act~~. All appeals as provided in subsection (a-5),
15 pending on January 1, 2023, shall be considered by the Board.

16 (d) When a minor is adjudicated delinquent for an offense
17 which if committed by an adult would be a felony, the court
18 shall notify the Illinois ~~Department of~~ State Police.

19 (e) The court shall review the denial of an application or
20 the revocation of a Firearm Owner's Identification Card of a
21 person who has been adjudicated delinquent for an offense that
22 if committed by an adult would be a felony if an application
23 for relief has been filed at least 10 years after the
24 adjudication of delinquency and the court determines that the
25 applicant should be granted relief from disability to obtain a
26 Firearm Owner's Identification Card. If the court grants

1 relief, the court shall notify the Illinois ~~Department of~~
2 State Police that the disability has been removed and that the
3 applicant is eligible to obtain a Firearm Owner's
4 Identification Card.

5 (f) Any person who is subject to the disabilities of 18
6 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
7 of 1968 because of an adjudication or commitment that occurred
8 under the laws of this State or who was determined to be
9 subject to the provisions of subsections (e), (f), or (g) of
10 Section 8 of this Act may apply to the Illinois ~~Department of~~
11 State Police requesting relief from that prohibition. The
12 Board ~~Director~~ shall grant the relief if it is established by a
13 preponderance of the evidence that the person will not be
14 likely to act in a manner dangerous to public safety and that
15 granting relief would not be contrary to the public interest.
16 In making this determination, the Board ~~Director~~ shall receive
17 evidence concerning (i) the circumstances regarding the
18 firearms disabilities from which relief is sought; (ii) the
19 petitioner's mental health and criminal history records, if
20 any; (iii) the petitioner's reputation, developed at a minimum
21 through character witness statements, testimony, or other
22 character evidence; and (iv) changes in the petitioner's
23 condition or circumstances since the disqualifying events
24 relevant to the relief sought. If relief is granted under this
25 subsection or by order of a court under this Section, the
26 Director shall as soon as practicable but in no case later than

1 15 business days, update, correct, modify, or remove the
2 person's record in any database that the Illinois Department
3 ~~of~~ State Police makes available to the National Instant
4 Criminal Background Check System and notify the United States
5 Attorney General that the basis for the record being made
6 available no longer applies. The Illinois Department of State
7 Police shall adopt rules for the administration of this
8 Section.

9 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,
10 eff. 7-20-15.)

11 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

12 Sec. 11. Judicial review of final administrative
13 decisions.

14 (a) All final administrative decisions of the Firearm
15 Owner's Identification Card Review Board ~~Department~~ under this
16 Act, except final administrative decisions of the Firearm
17 Owner's Identification Card Review Board ~~Director of State~~
18 ~~Police~~ to deny a person's application for relief under
19 subsection (f) of Section 10 of this Act, shall be subject to
20 judicial review under the provisions of the Administrative
21 Review Law, and all amendments and modifications thereof, and
22 the rules adopted pursuant thereto. The term "administrative
23 decision" is defined as in Section 3-101 of the Code of Civil
24 Procedure.

25 (b) Any final administrative decision by the Firearm

1 Owner's Identification Card Review Board ~~Director of State~~
2 ~~Police~~ to deny a person's application for relief under
3 subsection (f) of Section 10 of this Act is subject to de novo
4 judicial review by the circuit court, and any party may offer
5 evidence that is otherwise proper and admissible without
6 regard to whether that evidence is part of the administrative
7 record.

8 (c) The Firearm Owner's Identification Card Review Board
9 ~~Director of State Police~~ shall submit a report to the General
10 Assembly on March 1 of each year, beginning March 1, 1991,
11 listing all final decisions by a court of this State
12 upholding, reversing, or reversing in part any administrative
13 decision made by the Department of State Police.

14 (Source: P.A. 97-1131, eff. 1-1-13.)

15 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

16 Sec. 13.2. Renewal; name, photograph, or address change;
17 replacement card. The Department of State Police shall, 180 ~~60~~
18 days prior to the expiration of a Firearm Owner's
19 Identification Card, forward by first class mail or by other
20 means provided in Section 7.5 to each person whose card is to
21 expire a notification of the expiration of the card and
22 instructions for renewal. It is the obligation of the holder
23 of a Firearm Owner's Identification Card to notify the
24 Department of State Police of any address change since the
25 issuance of the Firearm Owner's Identification Card. The

1 Illinois State Police may update the applicant and card
2 holders address based upon records in the Secretary of State
3 Driver's License or Illinois identification card records of
4 applicants who do not have driver's licenses. ~~Whenever any~~
5 ~~person moves from the residence address named on his or her~~
6 ~~card, the person shall within 21 calendar days thereafter~~
7 ~~notify in a form and manner prescribed by the Department of his~~
8 ~~or her old and new residence addresses and the card number held~~
9 ~~by him or her.~~ Any person whose legal name has changed from the
10 name on the card that he or she has been previously issued must
11 apply for a corrected card within 30 calendar days after the
12 change. The cost for an updated or a corrected card shall be
13 \$5. The cost for replacement of a card which has been lost,
14 destroyed, or stolen shall be \$5 if the loss, destruction, or
15 theft of the card is reported to the Department of State
16 Police. The fees collected under this Section shall be
17 deposited into the State Police Firearm Services Fund.

18 (Source: P.A. 100-906, eff. 1-1-19.)

19 (430 ILCS 65/13.4 new)

20 Sec. 13.4. Illinois State Police; rule making authority.
21 The Illinois State Police shall by rule adopt the following
22 procedures:

23 (1) When a person who possesses a valid Firearm Owner's
24 Identification Card applies for and is approved for a
25 concealed carry license, the valid Firearm Owner's

1 Identification Card is renewed for 10 years from the time of
2 approval instead of 10 years from the date of the original
3 card.

4 (2) If a person is eligible for both a Firearm Owner's
5 Identification Card and a concealed carry license, the
6 Illinois State Police shall by rule create one card that may be
7 used as both a Firearm Owner's Identification Card and a
8 concealed carry license. A combined Firearm Owner's
9 Identification Card and concealed carry license shall be
10 considered a valid card for the purposes of this Act. If a
11 person who possesses a combined Firearm Owner's Identification
12 Card and a concealed carry license becomes subject to
13 suspension or revocation under the Firearm Concealed Carry
14 Act, but is otherwise eligible for a valid Firearm Owner's
15 Identification Card, the Illinois State Police shall ensure
16 the person's Firearm Owner's Identification Card status is not
17 interrupted. The Illinois State Police shall adopt rules to
18 implement this Section.

19 Section 25. The Firearm Concealed Carry Act is amended by
20 changing Sections 10, 20, 30, 50, 55, and 70 and by adding
21 Sections 10.5, 10.6, and 66 as follows:

22 (430 ILCS 66/10)

23 Sec. 10. Issuance of licenses to carry a concealed
24 firearm.

1 (a) The Department shall issue a license to carry a
2 concealed firearm under this Act to an applicant who:

3 (1) meets the qualifications of Section 25 of this
4 Act;

5 (2) has provided the application and documentation
6 required in Section 30 of this Act;

7 (3) has submitted the requisite fees; and

8 (4) does not pose a danger to himself, herself, or
9 others, or a threat to public safety as determined by the
10 Concealed Carry Licensing Review Board in accordance with
11 Section 20.

12 (b) The Department shall issue a renewal, corrected, or
13 duplicate license as provided in this Act.

14 (c) A license shall be valid throughout the State for a
15 period of 5 years from the date of issuance. A license shall
16 permit the licensee to:

17 (1) carry a loaded or unloaded concealed firearm,
18 fully concealed or partially concealed, on or about his or
19 her person; and

20 (2) keep or carry a loaded or unloaded concealed
21 firearm on or about his or her person within a vehicle.

22 (d) The Department shall make applications for a license
23 available no later than 180 days after the effective date of
24 this Act. The Department shall establish rules for the
25 availability and submission of applications in accordance with
26 this Act.

1 (e) An application for a license submitted to the
2 Department that contains all the information and materials
3 required by this Act, including the requisite fee, shall be
4 deemed completed. Except as otherwise provided in this Act, no
5 later than 90 days after receipt of a completed application,
6 the Department shall issue or deny the applicant a license.
7 The Illinois State Police shall notify the applicant for a
8 concealed carry license, electronically, to confirm if all the
9 required information and materials have been received. If an
10 applicant for a concealed carry license submits his or her
11 application electronically, the Illinois State Police shall
12 notify the applicant electronically if his or her application
13 is missing information or materials.

14 (f) The Department shall deny the applicant a license if
15 the applicant fails to meet the requirements under this Act or
16 the Department receives a determination from the Board that
17 the applicant is ineligible for a license. The Department must
18 notify the applicant stating the grounds for the denial. The
19 notice of denial must inform the applicant of his or her right
20 to an appeal through administrative and judicial review.

21 (g) A licensee shall possess a license at all times the
22 licensee carries a concealed firearm except:

- 23 (1) when the licensee is carrying or possessing a
24 concealed firearm on his or her land or in his or her
25 abode, legal dwelling, or fixed place of business, or on
26 the land or in the legal dwelling of another person as an

1 invitee with that person's permission;

2 (2) when the person is authorized to carry a firearm
3 under Section 24-2 of the Criminal Code of 2012, except
4 subsection (a-5) of that Section; or

5 (3) when the handgun is broken down in a
6 non-functioning state, is not immediately accessible, or
7 is unloaded and enclosed in a case.

8 (h) If an officer of a law enforcement agency initiates an
9 investigative stop, including but not limited to a traffic
10 stop, of a licensee or a non-resident carrying a concealed
11 firearm under subsection (e) of Section 40 of this Act, upon
12 the request of the officer the licensee or non-resident shall
13 disclose to the officer that he or she is in possession of a
14 concealed firearm under this Act, or present the license upon
15 the request of the officer if he or she is a licensee or
16 present upon the request of the officer evidence under
17 paragraph (2) of subsection (e) of Section 40 of this Act that
18 he or she is a non-resident qualified to carry under that
19 subsection. The disclosure requirement under this subsection
20 (h) is satisfied if the licensee presents his or her license to
21 the officer or the non-resident presents to the officer
22 evidence under paragraph (2) of subsection (e) of Section 40
23 of this Act that he or she is qualified to carry under that
24 subsection. Upon the request of the officer, the licensee or
25 non-resident shall also identify the location of the concealed
26 firearm and permit the officer to safely secure the firearm

1 for the duration of the investigative stop. During a traffic
2 stop, any passenger within the vehicle who is a licensee or a
3 non-resident carrying under subsection (e) of Section 40 of
4 this Act must comply with the requirements of this subsection
5 (h).

6 (h-1) If a licensee carrying a firearm or a non-resident
7 carrying a firearm in a vehicle under subsection (e) of
8 Section 40 of this Act is contacted by a law enforcement
9 officer or emergency services personnel, the law enforcement
10 officer or emergency services personnel may secure the firearm
11 or direct that it be secured during the duration of the contact
12 if the law enforcement officer or emergency services personnel
13 determines that it is necessary for the safety of any person
14 present, including the law enforcement officer or emergency
15 services personnel. The licensee or nonresident shall submit
16 to the order to secure the firearm. When the law enforcement
17 officer or emergency services personnel have determined that
18 the licensee or non-resident is not a threat to the safety of
19 any person present, including the law enforcement officer or
20 emergency services personnel, and if the licensee or
21 non-resident is physically and mentally capable of possessing
22 the firearm, the law enforcement officer or emergency services
23 personnel shall return the firearm to the licensee or
24 non-resident before releasing him or her from the scene and
25 breaking contact. If the licensee or non-resident is
26 transported for treatment to another location, the firearm

1 shall be turned over to any peace officer. The peace officer
2 shall provide a receipt which includes the make, model,
3 caliber, and serial number of the firearm.

4 (i) The Department shall maintain a database of license
5 applicants and licensees. The database shall be available to
6 all federal, State, and local law enforcement agencies,
7 State's Attorneys, the Attorney General, and authorized court
8 personnel. Within 180 days after the effective date of this
9 Act, the database shall be searchable and provide all
10 information included in the application, including the
11 applicant's previous addresses within the 10 years prior to
12 the license application and any information related to
13 violations of this Act. No law enforcement agency, State's
14 Attorney, Attorney General, or member or staff of the
15 judiciary shall provide any information to a requester who is
16 not entitled to it by law.

17 (j) No later than 10 days after receipt of a completed
18 application, the Department shall enter the relevant
19 information about the applicant into the database under
20 subsection (i) of this Section which is accessible by law
21 enforcement agencies.

22 (k) The Illinois State Police shall continuously monitor
23 relevant State and federal databases for firearms prohibitors
24 and correlate those records with concealed carry license
25 holders to ensure compliance with this Act, or State and
26 federal law. The Illinois State Police may adopt rules to

1 implement this subsection.

2 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-29,
3 eff. 7-10-15.)

4 (430 ILCS 66/10.5 new)

5 Sec. 10.5. Electronic concealed carry licenses. The
6 Illinois State Police may develop a system under which the
7 holder of a concealed carry license may display an electronic
8 version of his or her license on a mobile telephone or other
9 portable electronic device. An electronic version of a
10 concealed carry license shall contain security features the
11 Illinois State Police determines to be necessary to ensure
12 that the electronic version is accurate and current and shall
13 satisfy other requirements the Illinois State Police
14 determines to be necessary regarding form and content. The
15 display or possession of an electronic version of a valid
16 concealed carry license in accordance with the requirements of
17 the Illinois State Police satisfies all requirements for the
18 display or possession of a valid concealed carry license under
19 the laws of this State. The possession or display of an
20 electronic concealed carry license on a mobile telephone or
21 other portable electronic device does not constitute consent
22 for a law enforcement officer, court, or other officer of the
23 court to access other contents of the mobile telephone or
24 other portable electronic device. The Illinois State Police
25 may adopt rules to implement this Section.

1 (430 ILCS 66/10.6 new)

2 Sec. 10.6. Email and text messages notifications. A person
3 subject to this Act may notify the Department upon application
4 or at any time thereafter that he or she would like to receive
5 correspondence from the Illinois State Police via email or
6 text message and may opt out of first-class mail. Such
7 correspondence may include notification of the status of a
8 person's application, suspension, revocation, appeal, and
9 other notifications concerning his or her concealed carry
10 license. A person may request email or text message, or both.
11 Any person selecting email or text message alerts must have
12 either or both the person's email or cellular phone number on
13 file with the Illinois State Police.

14 (430 ILCS 66/20)

15 Sec. 20. Concealed Carry Licensing Review Board.

16 (a) There is hereby created within the Department of State
17 Police a Concealed Carry Licensing Review Board to consider
18 any objection to an applicant's eligibility to obtain a
19 license under this Act submitted by a law enforcement agency
20 or the Department under Section 15 of this Act. The Board shall
21 consist of 7 commissioners to be appointed by the Governor,
22 with the advice and consent of the Senate, with 3
23 commissioners residing within the First Judicial District and
24 one commissioner residing within each of the 4 remaining

1 Judicial Districts. No more than 4 commissioners shall be
2 members of the same political party. The Governor shall
3 designate one commissioner as the Chairperson. The Board shall
4 consist of:

5 (1) one commissioner with at least 5 years of service
6 as a federal judge;

7 (2) 2 commissioners with at least 5 years of
8 experience serving as an attorney with the United States
9 Department of Justice;

10 (3) 3 commissioners with at least 5 years of
11 experience as a federal agent or employee with
12 investigative experience or duties related to criminal
13 justice under the United States Department of Justice,
14 Drug Enforcement Administration, Department of Homeland
15 Security, or Federal Bureau of Investigation; and

16 (4) one member with at least 5 years of experience as a
17 licensed physician or clinical psychologist with expertise
18 in the diagnosis and treatment of mental illness.

19 (b) The initial terms of the commissioners shall end on
20 January 12, 2015. Notwithstanding any provision in this
21 Section to the contrary, the term of office of each
22 commissioner of the Concealed Carry Licensing Review Board is
23 abolished on the effective date of this amendatory Act of the
24 102nd General Assembly. The terms of the commissioners
25 appointed on or after the effective date of this amendatory
26 Act of the 102nd General Assembly shall be as follows: one of

1 the initial members shall be appointed for a term of one year,
2 3 shall be appointed for terms of 2 years, and 3 shall be
3 appointed for terms of 4 years. Thereafter, the commissioners
4 shall hold office for 4 years, with terms expiring on the
5 second Monday in January of the fourth year. Commissioners may
6 be reappointed. Vacancies in the office of commissioner shall
7 be filled in the same manner as the original appointment, for
8 the remainder of the unexpired term. The Governor may remove a
9 commissioner for incompetence, neglect of duty, malfeasance,
10 or inability to serve. Commissioners shall receive
11 compensation in an amount equal to the compensation of members
12 of the Executive Ethics Commission and may be reimbursed for
13 reasonable expenses actually incurred in the performance of
14 their Board duties, from funds appropriated for that purpose.

15 (c) The Board shall meet at the call of the chairperson as
16 often as necessary to consider objections to applications for
17 a license under this Act. If necessary to ensure the
18 participation of a commissioner, the Board shall allow a
19 commissioner to participate in a Board meeting by electronic
20 communication. Any commissioner participating electronically
21 shall be deemed present for purposes of establishing a quorum
22 and voting.

23 (d) The Board shall adopt rules for the review of
24 objections and the conduct of hearings. The Board shall
25 maintain a record of its decisions and all materials
26 considered in making its decisions. All Board decisions and

1 voting records shall be kept confidential and all materials
2 considered by the Board shall be exempt from inspection except
3 upon order of a court.

4 (e) In considering an objection of a law enforcement
5 agency or the Department, the Board shall review the materials
6 received with the objection from the law enforcement agency or
7 the Department. By a vote of at least 4 commissioners, the
8 Board may request additional information from the law
9 enforcement agency, Department, or the applicant, or the
10 testimony of the law enforcement agency, Department, or the
11 applicant. The Board may require that the applicant submit
12 electronic fingerprints to the Department for an updated
13 background check where the Board determines it lacks
14 sufficient information to determine eligibility. The Board may
15 only consider information submitted by the Department, a law
16 enforcement agency, or the applicant. The Board shall review
17 each objection and determine by a majority of commissioners
18 whether an applicant is eligible for a license.

19 (f) The Board shall issue a decision within 30 days of
20 receipt of the objection from the Department. However, the
21 Board need not issue a decision within 30 days if:

22 (1) the Board requests information from the applicant,
23 including but not limited to electronic fingerprints to be
24 submitted to the Department, in accordance with subsection
25 (e) of this Section, in which case the Board shall make a
26 decision within 30 days of receipt of the required

1 information from the applicant;

2 (2) the applicant agrees, in writing, to allow the
3 Board additional time to consider an objection; or

4 (3) the Board notifies the applicant and the
5 Department that the Board needs an additional 30 days to
6 issue a decision.

7 (g) If the Board determines by a preponderance of the
8 evidence that the applicant poses a danger to himself or
9 herself or others, or is a threat to public safety, then the
10 Board shall affirm the objection of the law enforcement agency
11 or the Department and shall notify the Department that the
12 applicant is ineligible for a license. If the Board does not
13 determine by a preponderance of the evidence that the
14 applicant poses a danger to himself or herself or others, or is
15 a threat to public safety, then the Board shall notify the
16 Department that the applicant is eligible for a license.

17 (h) Meetings of the Board shall not be subject to the Open
18 Meetings Act and records of the Board shall not be subject to
19 the Freedom of Information Act.

20 (i) The Board shall report monthly to the Governor and the
21 General Assembly on the number of objections received and
22 provide details of the circumstances in which the Board has
23 determined to deny licensure based on law enforcement or
24 Department objections under Section 15 of this Act. The report
25 shall not contain any identifying information about the
26 applicants.

1 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

2 (430 ILCS 66/30)

3 Sec. 30. Contents of license application.

4 (a) The license application shall be in writing, under
5 penalty of perjury, on a standard form adopted by the
6 Department and shall be accompanied by the documentation
7 required in this Section and the applicable fee. Each
8 application form shall include the following statement printed
9 in bold type: "Warning: Entering false information on this
10 form is punishable as perjury under Section 32-2 of the
11 Criminal Code of 2012."

12 (b) The application shall contain the following:

13 (1) the applicant's name, current address, date and
14 year of birth, place of birth, height, weight, hair color,
15 eye color, maiden name or any other name the applicant has
16 used or identified with, and any address where the
17 applicant resided for more than 30 days within the 10
18 years preceding the date of the license application;

19 (2) the applicant's valid driver's license number or
20 valid state identification card number;

21 (3) a waiver of the applicant's privacy and
22 confidentiality rights and privileges under all federal
23 and state laws, including those limiting access to
24 juvenile court, criminal justice, psychological, or
25 psychiatric records or records relating to any

1 institutionalization of the applicant, and an affirmative
2 request that a person having custody of any of these
3 records provide it or information concerning it to the
4 Department. The waiver only applies to records sought in
5 connection with determining whether the applicant
6 qualifies for a license to carry a concealed firearm under
7 this Act, or whether the applicant remains in compliance
8 with the Firearm Owners Identification Card Act;

9 (4) an affirmation that the applicant possesses a
10 currently valid Firearm Owner's Identification Card and
11 card number if possessed or notice the applicant is
12 applying for a Firearm Owner's Identification Card in
13 conjunction with the license application;

14 (5) an affirmation that the applicant has not been
15 convicted or found guilty of:

16 (A) a felony;

17 (B) a misdemeanor involving the use or threat of
18 physical force or violence to any person within the 5
19 years preceding the date of the application; or

20 (C) 2 or more violations related to driving while
21 under the influence of alcohol, other drug or drugs,
22 intoxicating compound or compounds, or any combination
23 thereof, within the 5 years preceding the date of the
24 license application; and

25 (6) whether the applicant has failed a drug test for a
26 drug for which the applicant did not have a prescription,

1 within the previous year, and if so, the provider of the
2 test, the specific substance involved, and the date of the
3 test;

4 (7) written consent for the Department to review and
5 use the applicant's Illinois digital driver's license or
6 Illinois identification card photograph and signature;

7 (8) unless submitted under subsection (a-25) of
8 Section 4 of the Firearm Owners Identification Card Act, a
9 full set of fingerprints submitted to the Department in
10 electronic format, provided the Department may accept an
11 application submitted without a set of fingerprints in
12 which case the Department shall be granted 30 days in
13 addition to the 90 days provided under subsection (e) of
14 Section 10 of this Act to issue or deny a license;

15 (9) a head and shoulder color photograph in a size
16 specified by the Department taken within the 30 days
17 preceding the date of the license application; and

18 (10) a photocopy of any certificates or other evidence
19 of compliance with the training requirements under this
20 Act.

21 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

22 (430 ILCS 66/50)

23 Sec. 50. License renewal.

24 (a) This subsection (a) applies through the 180th day
25 following the effective date of this amendatory Act of the

1 101st General Assembly. The Illinois State Police shall, 180
2 days prior to the expiration of a concealed carry license
3 notify each person whose license is to expire a notification
4 of the expiration of the license and instructions for renewal.

5 Applications for renewal of a license shall be made to the
6 Department. A license shall be renewed for a period of 5 years
7 upon receipt of a completed renewal application, completion of
8 3 hours of training required under Section 75 of this Act,
9 payment of the applicable renewal fee, and completion of an
10 investigation under Section 35 of this Act. The renewal
11 application shall contain the information required in Section
12 30 of this Act, except that the applicant need not resubmit a
13 full set of fingerprints.

14 (b) This subsection (b) applies on and after the 181st day
15 following the effective date of this amendatory Act of the
16 101st General Assembly. Applications for renewal of a license
17 shall be made to the Department. A license shall be renewed for
18 a period of 5 years from the date of expiration on the
19 applicant's current license upon the receipt of a completed
20 renewal application, completion of 3 hours of training
21 required under Section 75 of this Act, payment of the
22 applicable renewal fee, and completion of an investigation
23 under Section 35 of this Act. The renewal application shall
24 contain the information required in Section 30 of this Act,
25 except that the applicant need not resubmit a full set of
26 fingerprints.

1 (Source: P.A. 101-80, eff. 7-12-19.)

2 (430 ILCS 66/55)

3 Sec. 55. Change of address or name; lost, destroyed, or
4 stolen licenses.

5 (a) A licensee shall notify the Department within 30 days
6 of moving or changing residence or any change of name. The
7 licensee shall submit the requisite fee and the Department may
8 require a notarized statement that the licensee has changed
9 his or her residence or his or her name, including the prior
10 and current address or name and the date the applicant moved or
11 changed his or her name.

12 (b) A licensee shall notify the Department within 10 days
13 of discovering that a license has been lost, destroyed, or
14 stolen. A lost, destroyed, or stolen license is invalid. To
15 request a replacement license, the licensee shall submit:

16 (1) a written or electronic acknowledgment ~~notarized~~
17 ~~statement~~ that the licensee no longer possesses the
18 license, and that it was lost, destroyed, or stolen;

19 (2) if applicable, a copy of a police report stating
20 that the license was stolen; and

21 (3) the requisite fee.

22 (c) A violation of this Section is a petty offense with a
23 fine of \$150 which shall be deposited into the Mental Health
24 Reporting Fund.

25 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

1 (430 ILCS 66/66 new)

2 Sec. 66. Illinois State Police to monitor databases for
3 firearms prohibitors. The Illinois State Police shall
4 continuously monitor relevant State and federal databases for
5 firearms prohibitors and correlate those records with
6 concealed carry license holders to ensure compliance with this
7 Act and any other State and federal laws. As used in this
8 Section, "firearms prohibitor" means any factor listed in
9 Section 8 or Section 8.2 of the Firearm Owners Identification
10 Card Act or Section 24-3 or 24-3.1 of the Criminal Code of 2012
11 that prohibits a person from transferring or possessing a
12 firearm, firearm ammunition, Firearm Owner's Identification
13 Card, or concealed carry license.

14 (430 ILCS 66/70)

15 Sec. 70. Violations.

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

21 (b) A license shall be suspended if an order of
22 protection, including an emergency order of protection,
23 plenary order of protection, or interim order of protection
24 under Article 112A of the Code of Criminal Procedure of 1963 or

1 under the Illinois Domestic Violence Act of 1986, or if a
2 firearms restraining order, including an emergency firearms
3 restraining order, under the Firearms Restraining Order Act,
4 is issued against a licensee for the duration of the order, or
5 if the Department is made aware of a similar order issued
6 against the licensee in any other jurisdiction. If an order of
7 protection is issued against a licensee, the licensee shall
8 surrender the license, as applicable, to the court at the time
9 the order is entered or to the law enforcement agency or entity
10 serving process at the time the licensee is served the order.
11 The court, law enforcement agency, or entity responsible for
12 serving the order of protection shall notify the Department
13 within 7 days and transmit the license to the Department.

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

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

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

1 shall permanently revoke a license for a third violation.

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

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

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

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

15 (h) Except as otherwise provided in subsection (h-5), a
16 license issued or renewed under this Act shall be revoked if,
17 at any time, the licensee is found ineligible for a Firearm
18 Owner's Identification Card, or the licensee no longer
19 possesses a valid Firearm Owner's Identification Card. If the
20 Firearm Owner's Identification Card is expired or suspended
21 rather than denied or revoked, the license may be suspended
22 for a period of up to one year to allow the licensee to
23 reinstate his or her Firearm Owner's Identification Card. The
24 Illinois State Police shall adopt rules to enforce this
25 subsection. A licensee whose license is revoked under this
26 subsection (h) shall surrender his or her concealed carry

1 license as provided for in subsection (g) of this Section.

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

6 (h-5) If the Firearm Owner's Identification Card of a
7 licensee under this Act expires during the term of the license
8 issued under this Act, the license and the Firearm Owner's
9 Identification Card remain valid, and the Illinois State
10 Police may automatically renew the licensee's Firearm Owner's
11 Identification Card as provided in subsection (c) of Section 5
12 of the Firearm Owners Identification Card Act.

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

21 (Source: P.A. 100-607, eff. 1-1-19.)

22 Section 26. The Firearms Restraining Order Act is amended
23 by changing Sections 35 and 40 as follows:

24 (430 ILCS 67/35)

1 Sec. 35. Ex parte orders and emergency hearings.

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

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

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

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

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

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

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

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

1 (1) the respondent to refrain from having in his or
2 her custody or control, purchasing, possessing, or
3 receiving additional firearms for the duration of the
4 order under Section 8.2 of the Firearm Owners
5 Identification Card Act; and

6 (2) the respondent to comply with Section 9.5 of the
7 Firearm Owners Identification Card Act ~~turn over to the~~
8 ~~local law enforcement agency any Firearm Owner's~~
9 ~~Identification Card and subsection (g) of Section 70 of~~
10 ~~the Firearm Concealed Carry Act concealed carry license in~~
11 ~~his or her possession. The local law enforcement agency~~
12 ~~shall immediately mail the card and concealed carry~~
13 ~~license to the Department of State Police Firearm Services~~
14 ~~Bureau for safekeeping. The firearm or firearms and~~
15 ~~Firearm Owner's Identification Card and concealed carry~~
16 ~~license, if unexpired, shall be returned to the respondent~~
17 ~~after the firearms restraining order is terminated or~~
18 ~~expired.~~

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

1 enforcement agency to destroy the firearms, use the firearms
2 for training purposes, or use the firearms for any other
3 application as deemed appropriate by the local law enforcement
4 agency.

5 (h-5) On or before January 1, 2022, a ~~A~~ respondent whose
6 Firearm Owner's Identification Card has been revoked or
7 suspended may petition the court, if the petitioner is present
8 in court or has notice of the respondent's petition, to
9 transfer the respondent's firearm to a person who is lawfully
10 able to possess the firearm if the person does not reside at
11 the same address as the respondent. Notice of the petition
12 shall be served upon the person protected by the emergency
13 firearms restraining order. While the order is in effect, the
14 transferee who receives the respondent's firearms must swear
15 or affirm by affidavit that he or she shall not transfer the
16 firearm to the respondent or to anyone residing in the same
17 residence as the respondent.

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

25 (1) the firearm is removed from the respondent's
26 custody, control, or possession and the lawful owner

1 agrees to store the firearm in a manner such that the
2 respondent does not have access to or control of the
3 firearm; and

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

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

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

21 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

22 (430 ILCS 67/40)

23 Sec. 40. Six-month orders.

24 (a) A petitioner may request a 6-month firearms
25 restraining order by filing an affidavit or verified pleading

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

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

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

1 of the Criminal Code of 2012.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 order under Section 8.2 of the Firearm Owners
2 Identification Card Act; and

3 (2) the respondent to comply with Section 9.5 of the
4 Firearm Owners Identification Card Act and subsection (g)
5 of Section 70 of the Firearm Concealed Carry Act ~~turn over~~
6 ~~to the local law enforcement agency any firearm or Firearm~~
7 ~~Owner's Identification Card and concealed carry license in~~
8 ~~his or her possession. The local law enforcement agency~~
9 ~~shall immediately mail the card and concealed carry~~
10 ~~license to the Department of State Police Firearm Services~~
11 ~~Bureau for safekeeping. The firearm or firearms and~~
12 ~~Firearm Owner's Identification Card and concealed carry~~
13 ~~license, if unexpired, shall be returned to the respondent~~
14 ~~after the firearms restraining order is terminated or~~
15 ~~expired.~~

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

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

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

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

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

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

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

10 (k) When the court issues a firearms restraining order
11 under this Section, the court shall inform the respondent that
12 he or she is entitled to one hearing during the period of the
13 order to request a termination of the order, under Section 45
14 of this Act, and shall provide the respondent with a form to
15 request a hearing.

16 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

17 Section 27. The Wildlife Code is amended by changing
18 Sections 2.11, 2.26, 2.33, and 2.34 as follows:

19 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

20 Sec. 2.11. Before any person may lawfully hunt wild
21 turkey, he shall first obtain a "Wild Turkey Hunting Permit"
22 in accordance with the prescribed regulations set forth in an
23 administrative rule of the Department. The fee for a Resident
24 Wild Turkey Hunting Permit shall not exceed \$15.

1 Upon submitting suitable evidence of legal residence in
2 any other state, non-residents shall be charged a fee not to
3 exceed \$125 for wild turkey hunting permits.

4 The Department may by administrative rule allocate and
5 issue non-resident Wild Turkey Permits and establish fees for
6 such permits.

7 It shall be unlawful to take wild turkey except by use of a
8 bow and arrow or a shotgun of not larger than 10 nor smaller
9 than 20 gauge with shot size not larger than No. 4, and no
10 person while attempting to so take wild turkey may have in his
11 possession any other gun unless in accordance with the Firearm
12 Concealed Carry Act.

13 It shall be unlawful to take, or attempt to take wild
14 turkey except during the time from 1/2 hour before sunrise to
15 1/2 hour after sunset or during such lesser period of time as
16 may be specified by administrative rule, during those days for
17 which an open season is established.

18 It shall be unlawful for any person to take, or attempt to
19 take, wild turkey by use of dogs, horses, automobiles,
20 aircraft or other vehicles, or conveyances, or by the use or
21 aid of bait or baiting of any kind. For the purposes of this
22 Section, "bait" means any material, whether liquid or solid,
23 including food, salt, minerals, and other products, except
24 pure water, that can be ingested, placed, or scattered in such
25 a manner as to attract or lure wild turkeys. "Baiting" means
26 the placement or scattering of bait to attract wild turkeys.

1 An area is considered as baited during the presence of and for
2 10 consecutive days following the removal of the bait.

3 It is unlawful for any person to take in Illinois or have
4 in his possession more than one wild turkey per valid permit.

5 For the purposes of calculating acreage under this
6 Section, the Department shall, after determining the total
7 acreage of the applicable tract or tracts of land, round
8 remaining fractional portions of an acre greater than or equal
9 to half of an acre up to the next whole acre.

10 For the purposes of taking wild turkey, nothing in this
11 Section shall be construed to prevent the manipulation,
12 including mowing or cutting, of standing crops as a normal
13 agricultural or soil stabilization practice, food plots, or
14 normal agricultural practices, including planting, harvesting,
15 and maintenance such as cultivating. Such manipulation for the
16 purpose of taking wild turkey may be further modified by
17 administrative rule.

18 (Source: P.A. 98-180, eff. 8-5-13; 99-869, eff. 1-1-17.)

19 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

20 Sec. 2.26. Deer hunting permits. Any person attempting to
21 take deer shall first obtain a "Deer Hunting Permit" issued by
22 the Department in accordance with its administrative rules.
23 Those rules must provide for the issuance of the following
24 types of resident deer archery permits: (i) a combination
25 permit, consisting of one either-sex permit and one

1 antlerless-only permit, (ii) a single antlerless-only permit,
2 and (iii) a single either-sex permit. The fee for a Deer
3 Hunting Permit to take deer with either bow and arrow or gun
4 shall not exceed \$25.00 for residents of the State. The
5 Department may by administrative rule provide for non-resident
6 deer hunting permits for which the fee will not exceed \$300 in
7 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
8 provided below for non-resident landowners and non-resident
9 archery hunters. The Department may by administrative rule
10 provide for a non-resident archery deer permit consisting of
11 not more than 2 harvest tags at a total cost not to exceed \$325
12 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The
13 fees for a youth resident and non-resident archery deer permit
14 shall be the same.

15 The Department shall create a pilot program during the
16 special 3-day, youth-only deer hunting season to allow for
17 youth deer hunting permits that are valid statewide, excluding
18 those counties or portions of counties closed to firearm deer
19 hunting. The Department shall adopt rules to implement the
20 pilot program. Nothing in this paragraph shall be construed to
21 prohibit the Department from issuing Special Hunt Area Permits
22 for the youth-only deer hunting season or establishing,
23 through administrative rule, additional requirements
24 pertaining to the youth-only deer hunting season on
25 Department-owned or Department-managed sites, including
26 site-specific quotas or drawings. The provisions of this

1 paragraph are inoperative on and after January 1, 2023.

2 The standards and specifications for use of guns and bow
3 and arrow for deer hunting shall be established by
4 administrative rule.

5 No person may have in his or her possession any firearm not
6 authorized by administrative rule for a specific hunting
7 season when taking deer unless in accordance with the Firearm
8 Concealed Carry Act.

9 Persons having a firearm deer hunting permit shall be
10 permitted to take deer only during the period from 1/2 hour
11 before sunrise to 1/2 hour after sunset, and only during those
12 days for which an open season is established for the taking of
13 deer by use of shotgun, handgun, or muzzle loading rifle.

14 Persons having an archery deer hunting permit shall be
15 permitted to take deer only during the period from 1/2 hour
16 before sunrise to 1/2 hour after sunset, and only during those
17 days for which an open season is established for the taking of
18 deer by use of bow and arrow.

19 It shall be unlawful for any person to take deer by use of
20 dogs, horses, automobiles, aircraft or other vehicles, or by
21 the use or aid of bait or baiting of any kind. For the purposes
22 of this Section, "bait" means any material, whether liquid or
23 solid, including food, salt, minerals, and other products,
24 except pure water, that can be ingested, placed, or scattered
25 in such a manner as to attract or lure white-tailed deer.
26 "Baiting" means the placement or scattering of bait to attract

1 deer. An area is considered as baited during the presence of
2 and for 10 consecutive days following the removal of bait.
3 Nothing in this Section shall prohibit the use of a dog to
4 track wounded deer. Any person using a dog for tracking
5 wounded deer must maintain physical control of the dog at all
6 times by means of a maximum 50 foot lead attached to the dog's
7 collar or harness. Tracking wounded deer is permissible at
8 night, but at no time outside of legal deer hunting hours or
9 seasons shall any person handling or accompanying a dog being
10 used for tracking wounded deer be in possession of any firearm
11 or archery device. Persons tracking wounded deer with a dog
12 during the firearm deer seasons shall wear blaze orange or
13 solid blaze pink color as required. Dog handlers tracking
14 wounded deer with a dog are exempt from hunting license and
15 deer permit requirements so long as they are accompanied by
16 the licensed deer hunter who wounded the deer.

17 It shall be unlawful to possess or transport any wild deer
18 which has been injured or killed in any manner upon a public
19 highway or public right-of-way of this State unless exempted
20 by administrative rule.

21 Persons hunting deer must have gun unloaded and no bow and
22 arrow device shall be carried with the arrow in the nocked
23 position during hours when deer hunting is unlawful.

24 It shall be unlawful for any person, having taken the
25 legal limit of deer by gun, to further participate with gun in
26 any deer hunting party.

1 It shall be unlawful for any person, having taken the
2 legal limit of deer by bow and arrow, to further participate
3 with bow and arrow in any deer hunting party.

4 The Department may prohibit upland game hunting during the
5 gun deer season by administrative rule.

6 The Department shall not limit the number of non-resident,
7 either-sex archery deer hunting permits to less than 20,000.

8 Any person who violates any of the provisions of this
9 Section, including administrative rules, shall be guilty of a
10 Class B misdemeanor.

11 For the purposes of calculating acreage under this
12 Section, the Department shall, after determining the total
13 acreage of the applicable tract or tracts of land, round
14 remaining fractional portions of an acre greater than or equal
15 to half of an acre up to the next whole acre.

16 For the purposes of taking white-tailed deer, nothing in
17 this Section shall be construed to prevent the manipulation,
18 including mowing or cutting, of standing crops as a normal
19 agricultural or soil stabilization practice, food plots, or
20 normal agricultural practices, including planting, harvesting,
21 and maintenance such as cultivating or the use of products
22 designed for scent only and not capable of ingestion, solid or
23 liquid, placed or scattered, in such a manner as to attract or
24 lure deer. Such manipulation for the purpose of taking
25 white-tailed deer may be further modified by administrative
26 rule.

1 (Source: P.A. 100-691, eff. 1-1-19; 100-949, eff. 1-1-19;
2 101-81, eff. 7-12-19; 101-444, eff. 6-1-20.)

3 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

4 Sec. 2.33. Prohibitions.

5 (a) It is unlawful to carry or possess any gun in any State
6 refuge unless otherwise permitted by administrative rule.

7 (b) It is unlawful to use or possess any snare or
8 snare-like device, deadfall, net, or pit trap to take any
9 species, except that snares not powered by springs or other
10 mechanical devices may be used to trap fur-bearing mammals, in
11 water sets only, if at least one-half of the snare noose is
12 located underwater at all times.

13 (c) It is unlawful for any person at any time to take a
14 wild mammal protected by this Act from its den by means of any
15 mechanical device, spade, or digging device or to use smoke or
16 other gases to dislodge or remove such mammal except as
17 provided in Section 2.37.

18 (d) It is unlawful to use a ferret or any other small
19 mammal which is used in the same or similar manner for which
20 ferrets are used for the purpose of frightening or driving any
21 mammals from their dens or hiding places.

22 (e) (Blank).

23 (f) It is unlawful to use spears, gigs, hooks or any like
24 device to take any species protected by this Act.

25 (g) It is unlawful to use poisons, chemicals or explosives

1 for the purpose of taking any species protected by this Act.

2 (h) It is unlawful to hunt adjacent to or near any peat,
3 grass, brush or other inflammable substance when it is
4 burning.

5 (i) It is unlawful to take, pursue or intentionally harass
6 or disturb in any manner any wild birds or mammals by use or
7 aid of any vehicle or conveyance, except as permitted by the
8 Code of Federal Regulations for the taking of waterfowl. It is
9 also unlawful to use the lights of any vehicle or conveyance or
10 any light from or any light connected to the vehicle or
11 conveyance in any area where wildlife may be found except in
12 accordance with Section 2.37 of this Act; however, nothing in
13 this Section shall prohibit the normal use of headlamps for
14 the purpose of driving upon a roadway. Striped skunk, opossum,
15 red fox, gray fox, raccoon, bobcat, and coyote may be taken
16 during the open season by use of a small light which is worn on
17 the body or hand-held by a person on foot and not in any
18 vehicle.

19 (j) It is unlawful to use any shotgun larger than 10 gauge
20 while taking or attempting to take any of the species
21 protected by this Act.

22 (k) It is unlawful to use or possess in the field any
23 shotgun shell loaded with a shot size larger than lead BB or
24 steel T (.20 diameter) when taking or attempting to take any
25 species of wild game mammals (excluding white-tailed deer),
26 wild game birds, migratory waterfowl or migratory game birds

1 protected by this Act, except white-tailed deer as provided
2 for in Section 2.26 and other species as provided for by
3 subsection (l) or administrative rule.

4 (l) It is unlawful to take any species of wild game, except
5 white-tailed deer and fur-bearing mammals, with a shotgun
6 loaded with slugs unless otherwise provided for by
7 administrative rule.

8 (m) It is unlawful to use any shotgun capable of holding
9 more than 3 shells in the magazine or chamber combined, except
10 on game breeding and hunting preserve areas licensed under
11 Section 3.27 and except as permitted by the Code of Federal
12 Regulations for the taking of waterfowl. If the shotgun is
13 capable of holding more than 3 shells, it shall, while being
14 used on an area other than a game breeding and shooting
15 preserve area licensed pursuant to Section 3.27, be fitted
16 with a one piece plug that is irremovable without dismantling
17 the shotgun or otherwise altered to render it incapable of
18 holding more than 3 shells in the magazine and chamber,
19 combined.

20 (n) It is unlawful for any person, except persons who
21 possess a permit to hunt from a vehicle as provided in this
22 Section and persons otherwise permitted by law, to have or
23 carry any gun in or on any vehicle, conveyance or aircraft,
24 unless such gun is unloaded and enclosed in a case, except that
25 at field trials authorized by Section 2.34 of this Act,
26 unloaded guns or guns loaded with blank cartridges only, may

1 be carried on horseback while not contained in a case, or to
2 have or carry any bow or arrow device in or on any vehicle
3 unless such bow or arrow device is unstrung or enclosed in a
4 case, or otherwise made inoperable unless in accordance with
5 the Firearm Concealed Carry Act.

6 (o) (Blank).

7 (p) It is unlawful to take game birds, migratory game
8 birds or migratory waterfowl with a rifle, pistol, revolver or
9 airgun.

10 (q) It is unlawful to fire a rifle, pistol, revolver or
11 airgun on, over or into any waters of this State, including
12 frozen waters.

13 (r) It is unlawful to discharge any gun or bow and arrow
14 device along, upon, across, or from any public right-of-way or
15 highway in this State.

16 (s) It is unlawful to use a silencer or other device to
17 muffle or mute the sound of the explosion or report resulting
18 from the firing of any gun.

19 (t) It is unlawful for any person to take or attempt to
20 take any species of wildlife or parts thereof, intentionally
21 or wantonly allow a dog to hunt, within or upon the land of
22 another, or upon waters flowing over or standing on the land of
23 another, or to knowingly shoot a gun or bow and arrow device at
24 any wildlife physically on or flying over the property of
25 another without first obtaining permission from the owner or
26 the owner's designee. For the purposes of this Section, the

1 owner's designee means anyone who the owner designates in a
2 written authorization and the authorization must contain (i)
3 the legal or common description of property for such authority
4 is given, (ii) the extent that the owner's designee is
5 authorized to make decisions regarding who is allowed to take
6 or attempt to take any species of wildlife or parts thereof,
7 and (iii) the owner's notarized signature. Before enforcing
8 this Section the law enforcement officer must have received
9 notice from the owner or the owner's designee of a violation of
10 this Section. Statements made to the law enforcement officer
11 regarding this notice shall not be rendered inadmissible by
12 the hearsay rule when offered for the purpose of showing the
13 required notice.

14 (u) It is unlawful for any person to discharge any firearm
15 for the purpose of taking any of the species protected by this
16 Act, or hunt with gun or dog, or intentionally or wantonly
17 allow a dog to hunt, within 300 yards of an inhabited dwelling
18 without first obtaining permission from the owner or tenant,
19 except that while trapping, hunting with bow and arrow,
20 hunting with dog and shotgun using shot shells only, or
21 hunting with shotgun using shot shells only, or providing
22 outfitting services under a waterfowl outfitter permit, or on
23 licensed game breeding and hunting preserve areas, as defined
24 in Section 3.27, on federally owned and managed lands and on
25 Department owned, managed, leased, or controlled lands, a 100
26 yard restriction shall apply.

1 (v) It is unlawful for any person to remove fur-bearing
2 mammals from, or to move or disturb in any manner, the traps
3 owned by another person without written authorization of the
4 owner to do so.

5 (w) It is unlawful for any owner of a dog to knowingly or
6 wantonly allow his or her dog to pursue, harass or kill deer,
7 except that nothing in this Section shall prohibit the
8 tracking of wounded deer with a dog in accordance with the
9 provisions of Section 2.26 of this Code.

10 (x) It is unlawful for any person to wantonly or
11 carelessly injure or destroy, in any manner whatsoever, any
12 real or personal property on the land of another while engaged
13 in hunting or trapping thereon.

14 (y) It is unlawful to hunt wild game protected by this Act
15 between one half hour after sunset and one half hour before
16 sunrise, except that hunting hours between one half hour after
17 sunset and one half hour before sunrise may be established by
18 administrative rule for fur-bearing mammals.

19 (z) It is unlawful to take any game bird (excluding wild
20 turkeys and crippled pheasants not capable of normal flight
21 and otherwise irretrievable) protected by this Act when not
22 flying. Nothing in this Section shall prohibit a person from
23 carrying an uncased, unloaded shotgun in a boat, while in
24 pursuit of a crippled migratory waterfowl that is incapable of
25 normal flight, for the purpose of attempting to reduce the
26 migratory waterfowl to possession, provided that the attempt

1 is made immediately upon downing the migratory waterfowl and
2 is done within 400 yards of the blind from which the migratory
3 waterfowl was downed. This exception shall apply only to
4 migratory game birds that are not capable of normal flight.
5 Migratory waterfowl that are crippled may be taken only with a
6 shotgun as regulated by subsection (j) of this Section using
7 shotgun shells as regulated in subsection (k) of this Section.

8 (aa) It is unlawful to use or possess any device that may
9 be used for tree climbing or cutting, while hunting
10 fur-bearing mammals, excluding coyotes.

11 (bb) It is unlawful for any person, except licensed game
12 breeders, pursuant to Section 2.29 to import, carry into, or
13 possess alive in this State any species of wildlife taken
14 outside of this State, without obtaining permission to do so
15 from the Director.

16 (cc) It is unlawful for any person to have in his or her
17 possession any freshly killed species protected by this Act
18 during the season closed for taking.

19 (dd) It is unlawful to take any species protected by this
20 Act and retain it alive except as provided by administrative
21 rule.

22 (ee) It is unlawful to possess any rifle while in the field
23 during gun deer season except as provided in Section 2.26 and
24 administrative rules.

25 (ff) It is unlawful for any person to take any species
26 protected by this Act, except migratory waterfowl, during the

1 gun deer hunting season in those counties open to gun deer
2 hunting, unless he or she wears, when in the field, a cap and
3 upper outer garment of a solid blaze orange color or solid
4 blaze pink color, with such articles of clothing displaying a
5 minimum of 400 square inches of blaze orange or solid blaze
6 pink color material.

7 (gg) It is unlawful during the upland game season for any
8 person to take upland game with a firearm unless he or she
9 wears, while in the field, a cap of solid blaze orange color or
10 solid blaze pink color. For purposes of this Act, upland game
11 is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked
12 Pheasant, Eastern Cottontail and Swamp Rabbit.

13 (hh) It shall be unlawful to kill or cripple any species
14 protected by this Act for which there is a bag limit without
15 making a reasonable effort to retrieve such species and
16 include such in the bag limit. It shall be unlawful for any
17 person having control over harvested game mammals, game birds,
18 or migratory game birds for which there is a bag limit to
19 wantonly waste or destroy the usable meat of the game, except
20 this shall not apply to wildlife taken under Sections 2.37 or
21 3.22 of this Code. For purposes of this subsection, "usable
22 meat" means the breast meat of a game bird or migratory game
23 bird and the hind ham and front shoulders of a game mammal. It
24 shall be unlawful for any person to place, leave, dump, or
25 abandon a wildlife carcass or parts of it along or upon a
26 public right-of-way or highway or on public or private

1 property, including a waterway or stream, without the
2 permission of the owner or tenant. It shall not be unlawful to
3 discard game meat that is determined to be unfit for human
4 consumption.

5 (ii) This Section shall apply only to those species
6 protected by this Act taken within the State. Any species or
7 any parts thereof, legally taken in and transported from other
8 states or countries, may be possessed within the State, except
9 as provided in this Section and Sections 2.35, 2.36 and 3.21.

10 (jj) (Blank).

11 (kk) Nothing contained in this Section shall prohibit the
12 Director from issuing permits to paraplegics or to other
13 persons with disabilities who meet the requirements set forth
14 in administrative rule to shoot or hunt from a vehicle as
15 provided by that rule, provided that such is otherwise in
16 accord with this Act.

17 (ll) Nothing contained in this Act shall prohibit the
18 taking of aquatic life protected by the Fish and Aquatic Life
19 Code or birds and mammals protected by this Act, except deer
20 and fur-bearing mammals, from a boat not camouflaged or
21 disguised to alter its identity or to further provide a place
22 of concealment and not propelled by sail or mechanical power.
23 However, only shotguns not larger than 10 gauge nor smaller
24 than .410 bore loaded with not more than 3 shells of a shot
25 size no larger than lead BB or steel T (.20 diameter) may be
26 used to take species protected by this Act.

1 (mm) Nothing contained in this Act shall prohibit the use
2 of a shotgun, not larger than 10 gauge nor smaller than a 20
3 gauge, with a rifled barrel.

4 (nn) It shall be unlawful to possess any species of
5 wildlife or wildlife parts taken unlawfully in Illinois, any
6 other state, or any other country, whether or not the wildlife
7 or wildlife parts is indigenous to Illinois. For the purposes
8 of this subsection, the statute of limitations for unlawful
9 possession of wildlife or wildlife parts shall not cease until
10 2 years after the possession has permanently ended.

11 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15;
12 99-642, eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff.
13 1-1-19.)

14 (520 ILCS 5/2.34) (from Ch. 61, par. 2.34)

15 Sec. 2.34. Dog Trials.

16 (a) Dogs of any breed may be trained the year round in
17 accordance with the provisions of this Act.

18 (b) During the periods of time when it is unlawful to take
19 species protected by this Act, the only firearms which shall
20 be used in the training of dogs from sunrise to sunset shall be
21 pistols with blank cartridges. No other gun or ammunition may
22 be in immediate possession during this time. No person or
23 persons in, along with, or accompanying the dog training
24 party, shall be in possession of any firearm or live
25 ammunition, except pistols capable of firing only blank

1 cartridges during the hours from sunset to sunrise. All
2 organized field trials or training grounds approved by the
3 Department shall be exempt from this provision unless in
4 accordance with the Firearm Concealed Carry Act.

5 (c) No field trial shall be held without a permit from the
6 Department.

7 The following Department areas shall be designated as
8 horseback field trial sites; Lee County Conservation Area, Des
9 Plains Conservation Area, Moraine View State Park, Middle
10 Fork Fish and Wildlife Area, Hamilton County Conservation
11 Area, and Wayne Fitzgerald State Park. The Department shall
12 provide and maintain quality wildlife habitat on these sites.

13 Field trials shall be scheduled only from September 1
14 through April 30 in the Northern Zone and September 1 through
15 April 15 in the Southern Zone. The Department maintains the
16 authority to schedule and administer field trials. The
17 boundary between the Northern Zone and the Southern Zone shall
18 be U.S. Route 36. However, (i) if the opening date of the field
19 trial season falls on Sunday, the season will begin on
20 Saturday of that weekend; and (ii) if the closing date of the
21 field trial season falls on Saturday, the season will conclude
22 on Sunday of that weekend; and (iii) if during the final days
23 of the field trial season a field trial organization begins a
24 field trial which is subsequently interrupted due to inclement
25 weather, the field trial organization may complete the trial,
26 subject to the Department's approval, even though the field

1 trial season has ended. The field trial organization must
2 complete the trial on the first possible day or days. Field
3 trials for the retrieving breeds are exempt from these field
4 trials season provisions and shall have no closed season.

5 The fee for field trials shall be established by the
6 Department by rule.

7 (d) The Department is authorized to designate dog training
8 areas and to grant permits for all field trials including
9 those field trials where game birds reared under Section 3.23
10 are released and taken in accordance with the rules and
11 regulations set forth by the Department. Applications for
12 permits for such trials and training areas shall be
13 accompanied by detailed information as to the date and the
14 location of the grounds where such trial area or training
15 grounds is located. Applicants for field trial or dog training
16 permits must have the consent of the landowner prior to
17 applying for such permit. Fees and other regulations will be
18 set by administrative rule.

19 (e) All permits for designated dog training areas shall
20 expire March 31st of each year.

21 (f) Permit holders for designated dog training areas must
22 possess a wild game breeder's permit or a game breeding and
23 hunting preserve area permit and may utilize live bird recall
24 devices on such areas.

25 (g) Nothing shall prevent an individual from using a dog
26 in the taking of squirrel during the open season.

1 (h) All hand reared game released and shot at field trials
2 shall be properly identified with tags as provided for by this
3 Act and such birds shall be banded before they are removed from
4 the field trial area.

5 (Source: P.A. 86-920; 87-1051.)

6 Section 30. The Criminal Code of 2012 is amended by
7 changing Sections 24-3 and 24-8 as follows:

8 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

23 (e) Sells or gives any firearm to any person who has
24 been a patient in a mental institution within the past 5

1 years. In this subsection (e):

2 "Mental institution" means any hospital,
3 institution, clinic, evaluation facility, mental
4 health center, or part thereof, which is used
5 primarily for the care or treatment of persons with
6 mental illness.

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

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

15 (g) Delivers any firearm, incidental to a sale,
16 without withholding delivery of the firearm for at least
17 72 hours after application for its purchase has been made,
18 or delivers a stun gun or taser, incidental to a sale,
19 without withholding delivery of the stun gun or taser for
20 at least 24 hours after application for its purchase has
21 been made. However, this paragraph (g) does not apply to:

22 (1) the sale of a firearm to a law enforcement officer if
23 the seller of the firearm knows that the person to whom he
24 or she is selling the firearm is a law enforcement officer
25 or the sale of a firearm to a person who desires to
26 purchase a firearm for use in promoting the public

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

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

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

1 assembled.

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

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

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

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

26 (k) Sells or transfers ownership of a firearm to a

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

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

1 (2) All sellers or transferors who have complied
2 with the requirements of subparagraph (1) of this
3 paragraph (k) shall not be liable for damages in any
4 civil action arising from the use or misuse by the
5 transferee of the firearm transferred, except for
6 willful or wanton misconduct on the part of the seller
7 or transferor.

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

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

24 (C) Sentence.

25 (1) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (c), (e), (f), (g),

1 or (h) of subsection (A) commits a Class 4 felony.

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

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

8 (4) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (a), (b), or (i) of
10 subsection (A) in any school, on the real property
11 comprising a school, within 1,000 feet of the real
12 property comprising a school, at a school related
13 activity, or on or within 1,000 feet of any conveyance
14 owned, leased, or contracted by a school or school
15 district to transport students to or from school or a
16 school related activity, regardless of the time of day or
17 time of year at which the offense was committed, commits a
18 Class 1 felony. Any person convicted of a second or
19 subsequent violation of unlawful sale or delivery of
20 firearms in violation of paragraph (a), (b), or (i) of
21 subsection (A) in any school, on the real property
22 comprising a school, within 1,000 feet of the real
23 property comprising a school, at a school related
24 activity, or on or within 1,000 feet of any conveyance
25 owned, leased, or contracted by a school or school
26 district to transport students to or from school or a

1 school related activity, regardless of the time of day or
2 time of year at which the offense was committed, commits a
3 Class 1 felony for which the sentence shall be a term of
4 imprisonment of no less than 5 years and no more than 15
5 years.

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

22 (6) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (j) of subsection
24 (A) commits a Class A misdemeanor. A second or subsequent
25 violation is a Class 4 felony.

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

1 of firearms in violation of paragraph (k) of subsection
2 (A) commits a Class 4 felony, except that a violation of
3 subparagraph (1) of paragraph (k) of subsection (A) shall
4 not be punishable as a crime or petty offense. A third or
5 subsequent conviction for a violation of paragraph (k) of
6 subsection (A) is a Class 1 felony.

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

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

19 (10) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (l) of subsection
21 (A) commits a Class 2 felony if the delivery is of one
22 firearm. Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (l) of subsection
24 (A) commits a Class 1 felony if the delivery is of not less
25 than 2 and not more than 5 firearms at the same time or
26 within a one year period. Any person convicted of unlawful

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

26 (D) For purposes of this Section:

1 "School" means a public or private elementary or secondary
2 school, community college, college, or university.

3 "School related activity" means any sporting, social,
4 academic, or other activity for which students' attendance or
5 participation is sponsored, organized, or funded in whole or
6 in part by a school or school district.

7 (E) A prosecution for a violation of paragraph (k) of
8 subsection (A) of this Section may be commenced within 6 years
9 after the commission of the offense. A prosecution for a
10 violation of this Section other than paragraph (g) of
11 subsection (A) of this Section may be commenced within 5 years
12 after the commission of the offense defined in the particular
13 paragraph.

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

16 (720 ILCS 5/24-8)

17 Sec. 24-8. Firearm evidence ~~tracing~~.

18 (a) Upon recovering a firearm from the possession of
19 anyone who is not permitted by federal or State law to possess
20 a firearm, a ~~local~~ law enforcement agency shall use the best
21 available information, including a firearms trace when
22 necessary, to determine how and from whom the person gained
23 possession of the firearm. Upon recovering a firearm that was
24 used in the commission of any offense classified as a felony or
25 upon recovering a firearm that appears to have been lost,

1 mislaid, stolen, or otherwise unclaimed, a ~~local~~ law
2 enforcement agency shall use the best available information,
3 including a firearms trace ~~when necessary~~, to determine prior
4 ownership of the firearm.

5 (b) Law ~~Local law~~ enforcement shall, when appropriate, use
6 the National Tracing Center of the Federal Bureau of Alcohol,
7 Tobacco and Firearms and the National Crime Information Center
8 of the Federal Bureau of Investigation in complying with
9 subsection (a) of this Section.

10 (c) Law ~~Local law~~ enforcement agencies shall use the
11 Illinois Department of State Police Law Enforcement Agencies
12 Data System (LEADS) Gun File to enter all stolen, seized, or
13 recovered firearms as prescribed by LEADS regulations and
14 policies.

15 (d) Whenever a law enforcement agency recovers a fired
16 cartridge case at a crime scene or has reason to believe that
17 the recovered fired cartridge case is related to or associated
18 with the commission of a crime, the law enforcement agency
19 shall submit the evidence to the National Integrated
20 Ballistics Information Network (NIBIN) or an Illinois State
21 Police laboratory for NIBIN processing. Whenever a law
22 enforcement agency seizes or recovers a semiautomatic firearm
23 that is deemed suitable to be entered into the NIBIN that was:
24 (i) unlawfully possessed, (ii) used for any unlawful purpose,
25 (iii) recovered from the scene of a crime, (iv) is reasonably
26 believed to have been used or associated with the commission

1 of a crime, or (v) is acquired by the law enforcement agency as
2 an abandoned or discarded firearm, the law enforcement agency
3 shall submit the evidence to the NIBIN or an Illinois State
4 Police laboratory for NIBIN processing. When practicable, all
5 NIBIN-suitable evidence and NIBIN-suitable test fires from
6 recovered firearms shall be entered into the NIBIN within 2
7 business days of submission to Illinois State Police
8 laboratories that have NIBIN access or another NIBIN site.
9 Exceptions to this may occur if the evidence in question
10 requires analysis by other forensic disciplines. The Illinois
11 State Police laboratory, submitting agency, and relevant court
12 representatives shall determine whether the request for
13 additional analysis outweighs the 2 business-day requirement.
14 Illinois State Police laboratories that do not have NIBIN
15 access shall submit NIBIN-suitable evidence and test fires to
16 an Illinois State Police laboratory with NIBIN access. Upon
17 receipt at the laboratory with NIBIN access, when practicable,
18 the evidence and test fires shall be entered into the NIBIN
19 within 2 business days. Exceptions to this 2 business-day
20 requirement may occur if the evidence in question requires
21 analysis by other forensic disciplines. The Illinois State
22 Police laboratory, submitting agency, and relevant court
23 representatives shall determine whether the request for
24 additional analysis outweighs the 2 business-day requirement.
25 Nothing in this Section shall be interpreted to conflict with
26 standards and policies for NIBIN sites as promulgated by the

1 federal Bureau of Alcohol, Tobacco, Firearms and Explosives or
2 successor agencies.

3 (Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

4 Section 35. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-14 as follows:

6 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

7 Sec. 112A-14. Domestic violence order of protection;
8 remedies.

9 (a) (Blank).

10 (b) The court may order any of the remedies listed in this
11 subsection (b). The remedies listed in this subsection (b)
12 shall be in addition to other civil or criminal remedies
13 available to petitioner.

14 (1) Prohibition of abuse. Prohibit respondent's
15 harassment, interference with personal liberty,
16 intimidation of a dependent, physical abuse, or willful
17 deprivation, as defined in this Article, if such abuse has
18 occurred or otherwise appears likely to occur if not
19 prohibited.

20 (2) Grant of exclusive possession of residence.
21 Prohibit respondent from entering or remaining in any
22 residence, household, or premises of the petitioner,
23 including one owned or leased by respondent, if petitioner
24 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall
2 not affect title to real property, nor shall the court be
3 limited by the standard set forth in subsection (c-2) of
4 Section 501 of the Illinois Marriage and Dissolution of
5 Marriage Act.

6 (A) Right to occupancy. A party has a right to
7 occupancy of a residence or household if it is solely
8 or jointly owned or leased by that party, that party's
9 spouse, a person with a legal duty to support that
10 party or a minor child in that party's care, or by any
11 person or entity other than the opposing party that
12 authorizes that party's occupancy (e.g., a domestic
13 violence shelter). Standards set forth in subparagraph
14 (B) shall not preclude equitable relief.

15 (B) Presumption of hardships. If petitioner and
16 respondent each has the right to occupancy of a
17 residence or household, the court shall balance (i)
18 the hardships to respondent and any minor child or
19 dependent adult in respondent's care resulting from
20 entry of this remedy with (ii) the hardships to
21 petitioner and any minor child or dependent adult in
22 petitioner's care resulting from continued exposure to
23 the risk of abuse (should petitioner remain at the
24 residence or household) or from loss of possession of
25 the residence or household (should petitioner leave to
26 avoid the risk of abuse). When determining the balance

1 of hardships, the court shall also take into account
2 the accessibility of the residence or household.
3 Hardships need not be balanced if respondent does not
4 have a right to occupancy.

5 The balance of hardships is presumed to favor
6 possession by petitioner unless the presumption is
7 rebutted by a preponderance of the evidence, showing
8 that the hardships to respondent substantially
9 outweigh the hardships to petitioner and any minor
10 child or dependent adult in petitioner's care. The
11 court, on the request of petitioner or on its own
12 motion, may order respondent to provide suitable,
13 accessible, alternate housing for petitioner instead
14 of excluding respondent from a mutual residence or
15 household.

16 (3) Stay away order and additional prohibitions. Order
17 respondent to stay away from petitioner or any other
18 person protected by the domestic violence order of
19 protection, or prohibit respondent from entering or
20 remaining present at petitioner's school, place of
21 employment, or other specified places at times when
22 petitioner is present, or both, if reasonable, given the
23 balance of hardships. Hardships need not be balanced for
24 the court to enter a stay away order or prohibit entry if
25 respondent has no right to enter the premises.

26 (A) If a domestic violence order of protection

1 grants petitioner exclusive possession of the
2 residence, prohibits respondent from entering the
3 residence, or orders respondent to stay away from
4 petitioner or other protected persons, then the court
5 may allow respondent access to the residence to remove
6 items of clothing and personal adornment used
7 exclusively by respondent, medications, and other
8 items as the court directs. The right to access shall
9 be exercised on only one occasion as the court directs
10 and in the presence of an agreed-upon adult third
11 party or law enforcement officer.

12 (B) When the petitioner and the respondent attend
13 the same public, private, or non-public elementary,
14 middle, or high school, the court when issuing a
15 domestic violence order of protection and providing
16 relief shall consider the severity of the act, any
17 continuing physical danger or emotional distress to
18 the petitioner, the educational rights guaranteed to
19 the petitioner and respondent under federal and State
20 law, the availability of a transfer of the respondent
21 to another school, a change of placement or a change of
22 program of the respondent, the expense, difficulty,
23 and educational disruption that would be caused by a
24 transfer of the respondent to another school, and any
25 other relevant facts of the case. The court may order
26 that the respondent not attend the public, private, or

1 non-public elementary, middle, or high school attended
2 by the petitioner, order that the respondent accept a
3 change of placement or change of program, as
4 determined by the school district or private or
5 non-public school, or place restrictions on the
6 respondent's movements within the school attended by
7 the petitioner. The respondent bears the burden of
8 proving by a preponderance of the evidence that a
9 transfer, change of placement, or change of program of
10 the respondent is not available. The respondent also
11 bears the burden of production with respect to the
12 expense, difficulty, and educational disruption that
13 would be caused by a transfer of the respondent to
14 another school. A transfer, change of placement, or
15 change of program is not unavailable to the respondent
16 solely on the ground that the respondent does not
17 agree with the school district's or private or
18 non-public school's transfer, change of placement, or
19 change of program or solely on the ground that the
20 respondent fails or refuses to consent or otherwise
21 does not take an action required to effectuate a
22 transfer, change of placement, or change of program.
23 When a court orders a respondent to stay away from the
24 public, private, or non-public school attended by the
25 petitioner and the respondent requests a transfer to
26 another attendance center within the respondent's

1 school district or private or non-public school, the
2 school district or private or non-public school shall
3 have sole discretion to determine the attendance
4 center to which the respondent is transferred. If the
5 court order results in a transfer of the minor
6 respondent to another attendance center, a change in
7 the respondent's placement, or a change of the
8 respondent's program, the parents, guardian, or legal
9 custodian of the respondent is responsible for
10 transportation and other costs associated with the
11 transfer or change.

12 (C) The court may order the parents, guardian, or
13 legal custodian of a minor respondent to take certain
14 actions or to refrain from taking certain actions to
15 ensure that the respondent complies with the order. If
16 the court orders a transfer of the respondent to
17 another school, the parents, guardian, or legal
18 custodian of the respondent is responsible for
19 transportation and other costs associated with the
20 change of school by the respondent.

21 (4) Counseling. Require or recommend the respondent to
22 undergo counseling for a specified duration with a social
23 worker, psychologist, clinical psychologist,
24 psychiatrist, family service agency, alcohol or substance
25 abuse program, mental health center guidance counselor,
26 agency providing services to elders, program designed for

1 domestic violence abusers, or any other guidance service
2 the court deems appropriate. The court may order the
3 respondent in any intimate partner relationship to report
4 to an Illinois Department of Human Services protocol
5 approved partner abuse intervention program for an
6 assessment and to follow all recommended treatment.

7 (5) Physical care and possession of the minor child.
8 In order to protect the minor child from abuse, neglect,
9 or unwarranted separation from the person who has been the
10 minor child's primary caretaker, or to otherwise protect
11 the well-being of the minor child, the court may do either
12 or both of the following: (i) grant petitioner physical
13 care or possession of the minor child, or both, or (ii)
14 order respondent to return a minor child to, or not remove
15 a minor child from, the physical care of a parent or person
16 in loco parentis.

17 If the respondent is charged with abuse (as defined in
18 Section 112A-3 of this Code) of a minor child, there shall
19 be a rebuttable presumption that awarding physical care to
20 respondent would not be in the minor child's best
21 interest.

22 (6) Temporary allocation of parental responsibilities
23 and significant decision-making responsibilities. Award
24 temporary significant decision-making responsibility to
25 petitioner in accordance with this Section, the Illinois
26 Marriage and Dissolution of Marriage Act, the Illinois

1 Parentage Act of 2015, and this State's Uniform
2 Child-Custody Jurisdiction and Enforcement Act.

3 If the respondent is charged with abuse (as defined in
4 Section 112A-3 of this Code) of a minor child, there shall
5 be a rebuttable presumption that awarding temporary
6 significant decision-making responsibility to respondent
7 would not be in the child's best interest.

8 (7) Parenting time. Determine the parenting time, if
9 any, of respondent in any case in which the court awards
10 physical care or temporary significant decision-making
11 responsibility of a minor child to petitioner. The court
12 shall restrict or deny respondent's parenting time with a
13 minor child if the court finds that respondent has done or
14 is likely to do any of the following:

15 (i) abuse or endanger the minor child during
16 parenting time;

17 (ii) use the parenting time as an opportunity to
18 abuse or harass petitioner or petitioner's family or
19 household members;

20 (iii) improperly conceal or detain the minor
21 child; or

22 (iv) otherwise act in a manner that is not in the
23 best interests of the minor child.

24 The court shall not be limited by the standards set
25 forth in Section 603.10 of the Illinois Marriage and
26 Dissolution of Marriage Act. If the court grants parenting

1 time, the order shall specify dates and times for the
2 parenting time to take place or other specific parameters
3 or conditions that are appropriate. No order for parenting
4 time shall refer merely to the term "reasonable parenting
5 time". Petitioner may deny respondent access to the minor
6 child if, when respondent arrives for parenting time,
7 respondent is under the influence of drugs or alcohol and
8 constitutes a threat to the safety and well-being of
9 petitioner or petitioner's minor children or is behaving
10 in a violent or abusive manner. If necessary to protect
11 any member of petitioner's family or household from future
12 abuse, respondent shall be prohibited from coming to
13 petitioner's residence to meet the minor child for
14 parenting time, and the petitioner and respondent shall
15 submit to the court their recommendations for reasonable
16 alternative arrangements for parenting time. A person may
17 be approved to supervise parenting time only after filing
18 an affidavit accepting that responsibility and
19 acknowledging accountability to the court.

20 (8) Removal or concealment of minor child. Prohibit
21 respondent from removing a minor child from the State or
22 concealing the child within the State.

23 (9) Order to appear. Order the respondent to appear in
24 court, alone or with a minor child, to prevent abuse,
25 neglect, removal or concealment of the child, to return
26 the child to the custody or care of the petitioner, or to

1 permit any court-ordered interview or examination of the
2 child or the respondent.

3 (10) Possession of personal property. Grant petitioner
4 exclusive possession of personal property and, if
5 respondent has possession or control, direct respondent to
6 promptly make it available to petitioner, if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the petitioner and respondent own the
10 property jointly; sharing it would risk abuse of
11 petitioner by respondent or is impracticable; and the
12 balance of hardships favors temporary possession by
13 petitioner.

14 If petitioner's sole claim to ownership of the
15 property is that it is marital property, the court may
16 award petitioner temporary possession thereof under the
17 standards of subparagraph (ii) of this paragraph only if a
18 proper proceeding has been filed under the Illinois
19 Marriage and Dissolution of Marriage Act, as now or
20 hereafter amended.

21 No order under this provision shall affect title to
22 property.

23 (11) Protection of property. Forbid the respondent
24 from taking, transferring, encumbering, concealing,
25 damaging, or otherwise disposing of any real or personal
26 property, except as explicitly authorized by the court,

1 if:

2 (i) petitioner, but not respondent, owns the
3 property; or

4 (ii) the petitioner and respondent own the
5 property jointly, and the balance of hardships favors
6 granting this remedy.

7 If petitioner's sole claim to ownership of the
8 property is that it is marital property, the court may
9 grant petitioner relief under subparagraph (ii) of this
10 paragraph only if a proper proceeding has been filed under
11 the Illinois Marriage and Dissolution of Marriage Act, as
12 now or hereafter amended.

13 The court may further prohibit respondent from
14 improperly using the financial or other resources of an
15 aged member of the family or household for the profit or
16 advantage of respondent or of any other person.

17 (11.5) Protection of animals. Grant the petitioner the
18 exclusive care, custody, or control of any animal owned,
19 possessed, leased, kept, or held by either the petitioner
20 or the respondent or a minor child residing in the
21 residence or household of either the petitioner or the
22 respondent and order the respondent to stay away from the
23 animal and forbid the respondent from taking,
24 transferring, encumbering, concealing, harming, or
25 otherwise disposing of the animal.

26 (12) Order for payment of support. Order respondent to

1 pay temporary support for the petitioner or any child in
2 the petitioner's care or over whom the petitioner has been
3 allocated parental responsibility, when the respondent has
4 a legal obligation to support that person, in accordance
5 with the Illinois Marriage and Dissolution of Marriage
6 Act, which shall govern, among other matters, the amount
7 of support, payment through the clerk and withholding of
8 income to secure payment. An order for child support may
9 be granted to a petitioner with lawful physical care of a
10 child, or an order or agreement for physical care of a
11 child, prior to entry of an order allocating significant
12 decision-making responsibility. Such a support order shall
13 expire upon entry of a valid order allocating parental
14 responsibility differently and vacating petitioner's
15 significant decision-making responsibility unless
16 otherwise provided in the order.

17 (13) Order for payment of losses. Order respondent to
18 pay petitioner for losses suffered as a direct result of
19 the abuse. Such losses shall include, but not be limited
20 to, medical expenses, lost earnings or other support,
21 repair or replacement of property damaged or taken,
22 reasonable attorney's fees, court costs, and moving or
23 other travel expenses, including additional reasonable
24 expenses for temporary shelter and restaurant meals.

25 (i) Losses affecting family needs. If a party is
26 entitled to seek maintenance, child support, or

1 property distribution from the other party under the
2 Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended, the court may order
4 respondent to reimburse petitioner's actual losses, to
5 the extent that such reimbursement would be
6 "appropriate temporary relief", as authorized by
7 subsection (a) (3) of Section 501 of that Act.

8 (ii) Recovery of expenses. In the case of an
9 improper concealment or removal of a minor child, the
10 court may order respondent to pay the reasonable
11 expenses incurred or to be incurred in the search for
12 and recovery of the minor child, including, but not
13 limited to, legal fees, court costs, private
14 investigator fees, and travel costs.

15 (14) Prohibition of entry. Prohibit the respondent
16 from entering or remaining in the residence or household
17 while the respondent is under the influence of alcohol or
18 drugs and constitutes a threat to the safety and
19 well-being of the petitioner or the petitioner's children.

20 (14.5) Prohibition of firearm possession.

21 (A) A person who is subject to an existing
22 domestic violence order of protection issued under
23 this Code may not lawfully possess weapons or a
24 Firearm Owner's Identification Card under Section 8.2
25 of the Firearm Owners Identification Card Act.

26 (B) Any firearms in the possession of the

1 respondent, except as provided in subparagraph (C) of
2 this paragraph (14.5), shall be ordered by the court
3 to be turned over to a person with a valid Firearm
4 Owner's Identification Card for safekeeping. The court
5 shall issue an order that the respondent comply with
6 Section 9.5 of the Firearm Owners Identification Card
7 Act. ~~the respondent's Firearm Owner's Identification~~
8 ~~Card be turned over to the local law enforcement~~
9 ~~agency, which in turn shall immediately mail the card~~
10 ~~to the Department of State Police Firearm Owner's~~
11 ~~Identification Card Office for safekeeping. The period~~
12 ~~of safekeeping shall be for the duration of the~~
13 ~~domestic violence order of protection. The firearm or~~
14 ~~firearms and Firearm Owner's Identification Card, if~~
15 ~~unexpired, shall at the respondent's request be~~
16 ~~returned to the respondent at expiration of the~~
17 ~~domestic violence order of protection.~~

18 (C) If the respondent is a peace officer as
19 defined in Section 2-13 of the Criminal Code of 2012,
20 the court shall order that any firearms used by the
21 respondent in the performance of his or her duties as a
22 peace officer be surrendered to the chief law
23 enforcement executive of the agency in which the
24 respondent is employed, who shall retain the firearms
25 for safekeeping for the duration of the domestic
26 violence order of protection.

1 (D) Upon expiration of the period of safekeeping,
2 if the firearms or Firearm Owner's Identification Card
3 cannot be returned to respondent because respondent
4 cannot be located, fails to respond to requests to
5 retrieve the firearms, or is not lawfully eligible to
6 possess a firearm, upon petition from the local law
7 enforcement agency, the court may order the local law
8 enforcement agency to destroy the firearms, use the
9 firearms for training purposes, or for any other
10 application as deemed appropriate by the local law
11 enforcement agency; or that the firearms be turned
12 over to a third party who is lawfully eligible to
13 possess firearms, and who does not reside with
14 respondent.

15 (15) Prohibition of access to records. If a domestic
16 violence order of protection prohibits respondent from
17 having contact with the minor child, or if petitioner's
18 address is omitted under subsection (b) of Section 112A-5
19 of this Code, or if necessary to prevent abuse or wrongful
20 removal or concealment of a minor child, the order shall
21 deny respondent access to, and prohibit respondent from
22 inspecting, obtaining, or attempting to inspect or obtain,
23 school or any other records of the minor child who is in
24 the care of petitioner.

25 (16) Order for payment of shelter services. Order
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the
2 cost of the services, as certified by the shelter and
3 deemed reasonable by the court.

4 (17) Order for injunctive relief. Enter injunctive
5 relief necessary or appropriate to prevent further abuse
6 of a family or household member or to effectuate one of the
7 granted remedies, if supported by the balance of
8 hardships. If the harm to be prevented by the injunction
9 is abuse or any other harm that one of the remedies listed
10 in paragraphs (1) through (16) of this subsection is
11 designed to prevent, no further evidence is necessary to
12 establish that the harm is an irreparable injury.

13 (18) Telephone services.

14 (A) Unless a condition described in subparagraph
15 (B) of this paragraph exists, the court may, upon
16 request by the petitioner, order a wireless telephone
17 service provider to transfer to the petitioner the
18 right to continue to use a telephone number or numbers
19 indicated by the petitioner and the financial
20 responsibility associated with the number or numbers,
21 as set forth in subparagraph (C) of this paragraph. In
22 this paragraph (18), the term "wireless telephone
23 service provider" means a provider of commercial
24 mobile service as defined in 47 U.S.C. 332. The
25 petitioner may request the transfer of each telephone
26 number that the petitioner, or a minor child in his or

1 her custody, uses. The clerk of the court shall serve
2 the order on the wireless telephone service provider's
3 agent for service of process provided to the Illinois
4 Commerce Commission. The order shall contain all of
5 the following:

6 (i) The name and billing telephone number of
7 the account holder including the name of the
8 wireless telephone service provider that serves
9 the account.

10 (ii) Each telephone number that will be
11 transferred.

12 (iii) A statement that the provider transfers
13 to the petitioner all financial responsibility for
14 and right to the use of any telephone number
15 transferred under this paragraph.

16 (B) A wireless telephone service provider shall
17 terminate the respondent's use of, and shall transfer
18 to the petitioner use of, the telephone number or
19 numbers indicated in subparagraph (A) of this
20 paragraph unless it notifies the petitioner, within 72
21 hours after it receives the order, that one of the
22 following applies:

23 (i) The account holder named in the order has
24 terminated the account.

25 (ii) A difference in network technology would
26 prevent or impair the functionality of a device on

1 a network if the transfer occurs.

2 (iii) The transfer would cause a geographic or
3 other limitation on network or service provision
4 to the petitioner.

5 (iv) Another technological or operational
6 issue would prevent or impair the use of the
7 telephone number if the transfer occurs.

8 (C) The petitioner assumes all financial
9 responsibility for and right to the use of any
10 telephone number transferred under this paragraph. In
11 this paragraph, "financial responsibility" includes
12 monthly service costs and costs associated with any
13 mobile device associated with the number.

14 (D) A wireless telephone service provider may
15 apply to the petitioner its routine and customary
16 requirements for establishing an account or
17 transferring a number, including requiring the
18 petitioner to provide proof of identification,
19 financial information, and customer preferences.

20 (E) Except for willful or wanton misconduct, a
21 wireless telephone service provider is immune from
22 civil liability for its actions taken in compliance
23 with a court order issued under this paragraph.

24 (F) All wireless service providers that provide
25 services to residential customers shall provide to the
26 Illinois Commerce Commission the name and address of

1 an agent for service of orders entered under this
2 paragraph (18). Any change in status of the registered
3 agent must be reported to the Illinois Commerce
4 Commission within 30 days of such change.

5 (G) The Illinois Commerce Commission shall
6 maintain the list of registered agents for service for
7 each wireless telephone service provider on the
8 Commission's website. The Commission may consult with
9 wireless telephone service providers and the Circuit
10 Court Clerks on the manner in which this information
11 is provided and displayed.

12 (c) Relevant factors; findings.

13 (1) In determining whether to grant a specific remedy,
14 other than payment of support, the court shall consider
15 relevant factors, including, but not limited to, the
16 following:

17 (i) the nature, frequency, severity, pattern, and
18 consequences of the respondent's past abuse of the
19 petitioner or any family or household member,
20 including the concealment of his or her location in
21 order to evade service of process or notice, and the
22 likelihood of danger of future abuse to petitioner or
23 any member of petitioner's or respondent's family or
24 household; and

25 (ii) the danger that any minor child will be
26 abused or neglected or improperly relocated from the

1 jurisdiction, improperly concealed within the State,
2 or improperly separated from the child's primary
3 caretaker.

4 (2) In comparing relative hardships resulting to the
5 parties from loss of possession of the family home, the
6 court shall consider relevant factors, including, but not
7 limited to, the following:

8 (i) availability, accessibility, cost, safety,
9 adequacy, location, and other characteristics of
10 alternate housing for each party and any minor child
11 or dependent adult in the party's care;

12 (ii) the effect on the party's employment; and

13 (iii) the effect on the relationship of the party,
14 and any minor child or dependent adult in the party's
15 care, to family, school, church, and community.

16 (3) Subject to the exceptions set forth in paragraph
17 (4) of this subsection (c), the court shall make its
18 findings in an official record or in writing, and shall at
19 a minimum set forth the following:

20 (i) That the court has considered the applicable
21 relevant factors described in paragraphs (1) and (2)
22 of this subsection (c).

23 (ii) Whether the conduct or actions of respondent,
24 unless prohibited, will likely cause irreparable harm
25 or continued abuse.

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or
2 other alleged abused persons.

3 (4) (Blank).

4 (5) Never married parties. No rights or
5 responsibilities for a minor child born outside of
6 marriage attach to a putative father until a father and
7 child relationship has been established under the Illinois
8 Parentage Act of 1984, the Illinois Parentage Act of 2015,
9 the Illinois Public Aid Code, Section 12 of the Vital
10 Records Act, the Juvenile Court Act of 1987, the Probate
11 Act of 1975, the Uniform Interstate Family Support Act,
12 the Expedited Child Support Act of 1990, any judicial,
13 administrative, or other act of another state or
14 territory, any other statute of this State, or by any
15 foreign nation establishing the father and child
16 relationship, any other proceeding substantially in
17 conformity with the federal Personal Responsibility and
18 Work Opportunity Reconciliation Act of 1996, or when both
19 parties appeared in open court or at an administrative
20 hearing acknowledging under oath or admitting by
21 affirmation the existence of a father and child
22 relationship. Absent such an adjudication, no putative
23 father shall be granted temporary allocation of parental
24 responsibilities, including parenting time with the minor
25 child, or physical care and possession of the minor child,
26 nor shall an order of payment for support of the minor

1 child be entered.

2 (d) Balance of hardships; findings. If the court finds
3 that the balance of hardships does not support the granting of
4 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
5 subsection (b) of this Section, which may require such
6 balancing, the court's findings shall so indicate and shall
7 include a finding as to whether granting the remedy will
8 result in hardship to respondent that would substantially
9 outweigh the hardship to petitioner from denial of the remedy.
10 The findings shall be an official record or in writing.

11 (e) Denial of remedies. Denial of any remedy shall not be
12 based, in whole or in part, on evidence that:

13 (1) respondent has cause for any use of force, unless
14 that cause satisfies the standards for justifiable use of
15 force provided by Article 7 of the Criminal Code of 2012;

16 (2) respondent was voluntarily intoxicated;

17 (3) petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article 7 of the Criminal Code
20 of 2012;

21 (4) petitioner did not act in self-defense or defense
22 of another;

23 (5) petitioner left the residence or household to
24 avoid further abuse by respondent;

25 (6) petitioner did not leave the residence or
26 household to avoid further abuse by respondent; or

1 (7) conduct by any family or household member excused
2 the abuse by respondent, unless that same conduct would
3 have excused such abuse if the parties had not been family
4 or household members.

5 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
6 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
7 1-1-19; 101-81, eff. 7-12-19.)

8 Section 40. The Unified Code of Corrections is amended by
9 changing Section 5-4-3a as follows:

10 (730 ILCS 5/5-4-3a)

11 Sec. 5-4-3a. DNA testing backlog accountability.

12 (a) On or before August 1 of each year, the Department of
13 State Police shall report to the Governor and both houses of
14 the General Assembly the following information:

15 (1) the extent of the backlog of cases awaiting
16 testing or awaiting DNA analysis by that Department,
17 including but not limited to those tests conducted under
18 Section 5-4-3, as of June 30 of the previous fiscal year,
19 with the backlog being defined as all cases awaiting
20 forensic testing whether in the physical custody of the
21 State Police or in the physical custody of local law
22 enforcement, provided that the State Police have written
23 notice of any evidence in the physical custody of local
24 law enforcement prior to June 1 of that year; and

1 (2) what measures have been and are being taken to
2 reduce that backlog and the estimated costs or
3 expenditures in doing so.

4 (b) The information reported under this Section shall be
5 made available to the public, at the time it is reported, on
6 the official web site of the Department of State Police.

7 (c) Beginning January 1, 2016, the Department of State
8 Police shall quarterly report on the status of the processing
9 of forensic biology and DNA evidence submitted to the
10 Department of State Police Laboratory for analysis. The report
11 shall be submitted to the Governor and the General Assembly,
12 and shall be posted on the Department of State Police website.
13 The report shall include the following for each State Police
14 Laboratory location and any laboratory to which the Department
15 of State Police has outsourced evidence for testing:

16 (1) For forensic biology submissions, report both
17 total case and sexual assault or abuse case (as defined by
18 the Sexual Assault Evidence Submission Act) figures for:

19 (A) The number of cases received in the preceding
20 quarter.

21 (B) The number of cases completed in the preceding
22 quarter.

23 (C) The number of cases waiting analysis.

24 (D) The number of cases sent for outsourcing.

25 (E) The number of cases waiting analysis that were
26 received within the past 30 days.

1 (F) The number of cases waiting analysis that were
2 received 31 to 90 days prior.

3 (G) The number of cases waiting analysis that were
4 received 91 to 180 days prior.

5 (H) The number of cases waiting analysis that were
6 received 181 to 365 days prior.

7 (I) The number of cases waiting analysis that were
8 received more than 365 days prior.

9 (J) The number of cases forwarded for DNA
10 analyses.

11 (2) For DNA submissions, report both total case and
12 sexual assault or abuse case (as defined by the Sexual
13 Assault Evidence Submission Act) figures for:

14 (A) The number of cases received in the preceding
15 quarter.

16 (B) The number of cases completed in the preceding
17 quarter.

18 (C) The number of cases waiting analysis.

19 (D) The number of cases sent for outsourcing.

20 (E) The number of cases waiting analysis that were
21 received within the past 30 days.

22 (F) The number of cases waiting analysis that were
23 received 31 to 90 days prior.

24 (G) The number of cases waiting analysis that were
25 received 91 to 180 days prior.

26 (H) The number of cases waiting analysis that were

1 received 181 to 365 days prior.

2 (I) The number of cases waiting analysis that were
3 received more than 365 days prior.

4 (3) For all other categories of testing (e.g., drug
5 chemistry, firearms/toolmark, footwear/tire track, latent
6 prints, toxicology, and trace chemistry analysis):

7 (A) The number of cases received in the preceding
8 quarter.

9 (B) The number of cases completed in the preceding
10 quarter.

11 (C) The number of cases waiting analysis.

12 (D) The number of cases entered in the National
13 Integrated Ballistic Information Network (NIBIN).

14 (E) The number of investigative leads developed
15 from National Integrated Ballistic Information Network
16 (NIBIN) analysis.

17 (4) For the Combined DNA Index System (CODIS), report
18 both total case and sexual assault or abuse case (as
19 defined by the Sexual Assault Evidence Submission Act)
20 figures for subparagraphs (D), (E), and (F) of this
21 paragraph (4):

22 (A) The number of new offender samples received in
23 the preceding quarter.

24 (B) The number of offender samples uploaded to
25 CODIS in the preceding quarter.

26 (C) The number of offender samples awaiting

1 analysis.

2 (D) The number of unknown DNA case profiles
3 uploaded to CODIS in the preceding quarter.

4 (E) The number of CODIS hits in the preceding
5 quarter.

6 (F) The number of forensic evidence submissions
7 submitted to confirm a previously reported CODIS hit.

8 (5) For each category of testing, report the number of
9 trained forensic scientists and the number of forensic
10 scientists in training.

11 As used in this subsection (c), "completed" means
12 completion of both the analysis of the evidence and the
13 provision of the results to the submitting law enforcement
14 agency.

15 (d) The provisions of this subsection (d), other than this
16 sentence, are inoperative on and after January 1, 2019 or 2
17 years after the effective date of this amendatory Act of the
18 99th General Assembly, whichever is later. In consultation
19 with and subject to the approval of the Chief Procurement
20 Officer, the Department of State Police may obtain contracts
21 for services, commodities, and equipment to assist in the
22 timely completion of forensic biology, DNA, drug chemistry,
23 firearms/toolmark, footwear/tire track, latent prints,
24 toxicology, microscopy, trace chemistry, and Combined DNA
25 Index System (CODIS) analysis. Contracts to support the
26 delivery of timely forensic science services are not subject

1 to the provisions of the Illinois Procurement Code, except for
2 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
3 that Code, provided that the Chief Procurement Officer may, in
4 writing with justification, waive any certification required
5 under Article 50 of the Illinois Procurement Code. For any
6 contracts for services which are currently provided by members
7 of a collective bargaining agreement, the applicable terms of
8 the collective bargaining agreement concerning subcontracting
9 shall be followed.

10 (Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)

11 Section 90. Illinois State Police; adoption of rules. The
12 Illinois State Police shall adopt rules to implement this Act.

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect on
21 January 1, 2022, except that the amendatory changes to Section
22 3 of the Firearm Owners Identification Card Act take effect
23 January 1, 2024.