



Rep. Jay Hoffman

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LRB102 13465 RLC 23904 a

1 AMENDMENT TO HOUSE BILL 745

2 AMENDMENT NO. _____. Amend House Bill 745 by replacing
3 everything after the enacting clause with the following:

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 Sec. 2. Open meetings.

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

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

1 subject included within an enumerated exception.

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

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

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

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

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

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

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

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

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

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

26 (9) Student disciplinary cases.

1 (10) The placement of individual students in special
2 education programs and other matters relating to
3 individual students.

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

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

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

26 (14) Informant sources, the hiring or assignment of

1 undercover personnel or equipment, or ongoing, prior or
2 future criminal investigations, when discussed by a public
3 body with criminal investigatory responsibilities.

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

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

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

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

25 (19) Review or discussion of applications received
26 under the Experimental Organ Transplantation Procedures

1 Act.

2 (20) The classification and discussion of matters
3 classified as confidential or continued confidential by
4 the State Government Suggestion Award Board.

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

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

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

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

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

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

26 (27) (Blank).

1 (28) Correspondence and records (i) that may not be
2 disclosed under Section 11-9 of the Illinois Public Aid
3 Code or (ii) that pertain to appeals under Section 11-8 of
4 the Illinois Public Aid Code.

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

12 (30) Those meetings or portions of meetings of a
13 fatality review team or the Illinois Fatality Review Team
14 Advisory Council during which a review of the death of an
15 eligible adult in which abuse or neglect is suspected,
16 alleged, or substantiated is conducted pursuant to Section
17 15 of the Adult Protective Services Act.

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

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

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

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

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

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

19 (37) Meetings of the Firearm Owner's Identification
20 Card Review Board under Section 10 of the Firearm Owners
21 Identification Card Act.

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

23 "Employee" means a person employed by a public body whose
24 relationship with the public body constitutes an
25 employer-employee relationship under the usual common law
26 rules, and who is not an independent contractor.

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

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

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

20 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
21 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
22 8-23-19; revised 9-27-19.)

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

1 (5 ILCS 140/7.5)

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

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

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

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

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

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

25 (f) Firm performance evaluations under Section 55 of
26 the Architectural, Engineering, and Land Surveying

1 Qualifications Based Selection Act.

2 (g) Information the disclosure of which is restricted
3 and exempted under Section 50 of the Illinois Prepaid
4 Tuition Act.

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

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

15 (j) Information and data concerning the distribution
16 of surcharge moneys collected and remitted by carriers
17 under the Emergency Telephone System Act.

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

22 (l) Records and information provided to a residential
23 health care facility resident sexual assault and death
24 review team or the Executive Council under the Abuse
25 Prevention Review Team Act.

26 (m) Information provided to the predatory lending

1 database created pursuant to Article 3 of the Residential
2 Real Property Disclosure Act, except to the extent
3 authorized under that Article.

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

11 (o) Information that is prohibited from being
12 disclosed under Section 4 of the Illinois Health and
13 Hazardous Substances Registry Act.

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

21 (q) Information prohibited from being disclosed by the
22 Personnel Record Review Act.

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

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

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

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

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

1 Firearm Concealed Carry Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (ll) Information the disclosure of which is restricted

1 and exempted under Section 5-30.8 of the Illinois Public
2 Aid Code.

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

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

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

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

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

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

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

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

26 (uu) Information that is exempt from disclosure under

1 Section 50 of the Sexual Assault Evidence Submission Act.

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

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

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

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

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

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

16 (bbb) Records exempt from disclosure under Section
17 2605-304 of the Department of State Police Law of the
18 Civil Administrative Code of Illinois.

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.)

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

6 (20 ILCS 2605/2605-304 new)

7 Sec. 2605-304. Prohibited persons portal.

8 (a) Within 90 days after the effective date of this
9 amendatory Act of the 102nd General Assembly, the Illinois
10 State Police shall establish a portal for use by federal,
11 State, or local law enforcement agencies, including Offices of
12 the State's Attorneys and the Office of the Attorney General
13 to capture a report of persons whose Firearm Owner's
14 Identification Cards have been revoked or suspended. The
15 portal is for law enforcement purposes only.

16 (b) The Illinois State Police shall include in the report
17 the reason the person's Firearm Owner's Identification Card
18 was subject to revocation or suspension, to the extent allowed
19 by law, consistent with Section 8 of the Firearm Owners
20 Identification Card Act.

21 (c) The Illinois State Police shall indicate whether the
22 person subject to the revocation or suspension of his or her
23 Firearm Owner's Identification Card has surrendered his or her
24 revoked or suspended Firearm Owner's Identification Card and

1 whether the person has completed a Firearm Disposition Record
2 required under Section 9.5 of the Firearm Owners
3 Identification Card Act. The Illinois State Police shall make
4 reasonable efforts to make this information available on the
5 Law Enforcement Agencies Data System (LEADS).

6 (d) The Illinois State Police shall provide updates of
7 information related to an individual's current Firearm Owner's
8 Identification Card revocation or suspension status, including
9 compliance under Section 9.5 of the Firearm Owners
10 Identification Card Act, in the Illinois State Police's Law
11 Enforcement Agencies Data System.

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

14 (f) The Illinois State Police may adopt rules necessary to
15 implement this Section.

16 (20 ILCS 2605/2605-605)

17 Sec. 2605-605. Violent Crime Intelligence Task Force. The
18 Director of State Police shall ~~may~~ establish a statewide
19 multi-jurisdictional Violent Crime Intelligence Task Force led
20 by the Department of State Police dedicated to combating gun
21 violence, gun-trafficking, and other violent crime with the
22 primary mission of preservation of life and reducing the
23 occurrence and the fear of crime. The objectives of the Task
24 Force shall include, but not be limited to, reducing and
25 preventing illegal possession and use of firearms,

1 firearm-related homicides, and other violent crimes.

2 (1) The Task Force may develop and acquire information,
3 training, tools, and resources necessary to implement a
4 data-driven approach to policing, with an emphasis on
5 intelligence development.

6 (2) The Task Force may utilize information sharing,
7 partnerships, crime analysis, and evidence-based practices to
8 assist in the reduction of firearm-related shootings,
9 homicides, and gun-trafficking.

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

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

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

25 (6) In consultation with the Chief Procurement Officer,
26 the Department of State Police may obtain contracts for

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

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

18 (8) The Task Force shall collaborate with local law
19 enforcement agencies to enforce provisions of the Firearm
20 Owners Identification Card Act, the Firearm Concealed Carry
21 Act, the Firearm Dealer License Certification Act, and Article
22 24 of the Criminal Code of 2012.

23 (9) To implement this Section, the Director of the
24 Illinois State Police may establish intergovernmental
25 contracts written and executed in conformity with the
26 Intergovernmental Cooperation Act.

1 (10) Law enforcement agencies that participate in
2 activities described in paragraphs (7) through (9) may apply
3 to the Illinois State Police for grants from the State Police
4 Revocation Enforcement Fund.

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

6 Section 15. The State Finance Act is amended by changing
7 6z-99 and by adding Sections 5.935 and 6z-124 as follows:

8 (30 ILCS 105/5.935 new)

9 Sec. 5.935. The State Police Revocation Enforcement Fund.

10 (30 ILCS 105/6z-99)

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

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

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

1 the National Instant Criminal Background Check System (NICS).
2 Any surplus in the Fund beyond what is necessary to ensure
3 compliance with mental health reporting under these Acts shall
4 be used by the Department of Human Services for mental health
5 treatment programs and by the State Board of Education for the
6 Safe Schools and Healthy Learning Environments Grant Program.

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

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

11 (30 ILCS 105/6z-124 new)

12 Sec. 6z-124. State Police Revocation Enforcement Fund.

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

21 (b) The Illinois State Police may use moneys from the Fund
22 to establish task forces and, if necessary, include other law
23 enforcement agencies, pursuant to intergovernmental contracts
24 written and executed in conformity with the Intergovernmental
25 Cooperation Act.

1 (c) The Illinois State Police may use moneys in the Fund to
2 hire and train State Police officers and prevention of violent
3 crime.

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

6 (e) Law enforcement agencies that participate in Firearm
7 Owner's Identification Card revocation enforcement in the
8 Violent Crime Intelligence Task Force may apply for grants
9 from the Illinois State Police.

10 Section 20. The Firearm Owners Identification Card Act is
11 amended by changing Sections 1.1, 3.1, 4, 5, 6, 7, 8.2, 8.3,
12 9.5, 10, 11, and 13.2 and by adding Sections 6.2, 7.5, 8.4, and
13 13.4 as follows:

14 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

15 Sec. 1.1. For purposes of this Act:

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

17 (1) convicted of an offense involving the use or
18 possession of cannabis, a controlled substance, or
19 methamphetamine within the past year; or

20 (2) determined by the Department of State Police to be
21 addicted to narcotics based upon federal law or federal
22 guidelines.

23 "Addicted to narcotics" does not include possession or use
24 of a prescribed controlled substance under the direction and

1 authority of a physician or other person authorized to
2 prescribe the controlled substance when the controlled
3 substance is used in the prescribed manner.

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

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

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

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

16 (3.5) is guilty but mentally ill, as provided in
17 Section 5-2-6 of the Unified Code of Corrections;

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

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

22 (6) is a sexually violent person under subsection (f)
23 of Section 5 of the Sexually Violent Persons Commitment
24 Act;

25 (7) is a sexually dangerous person under the Sexually
26 Dangerous Persons Act;

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

3 (9) is not guilty by reason of insanity under the
4 Juvenile Court Act of 1987;

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

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

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

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

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

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

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

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

4 "Controlled substance" means a controlled substance or
5 controlled substance analog as defined in the Illinois
6 Controlled Substances Act.

7 "Counterfeit" means to copy or imitate, without legal
8 authority, with intent to deceive.

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

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

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

20 (1.1) any pneumatic gun, spring gun, paint ball gun,
21 or B-B gun which expels breakable paint balls containing
22 washable marking colors;

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

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial
2 ammunition; and

3 (4) an antique firearm (other than a machine-gun)
4 which, although designed as a weapon, the Department of
5 State Police finds by reason of the date of its
6 manufacture, value, design, and other characteristics is
7 primarily a collector's item and is not likely to be used
8 as a weapon.

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

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

16 (2) any ammunition designed exclusively for use with a
17 stud or rivet driver or other similar industrial
18 ammunition.

19 "Gun show" means an event or function:

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

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

1 "Gun show" includes the entire premises provided for an
2 event or function, including parking areas for the event or
3 function, that is sponsored to facilitate the purchase, sale,
4 transfer, or exchange of firearms as described in this
5 Section. Nothing in this definition shall be construed to
6 exclude a gun show held in conjunction with competitive
7 shooting events at the World Shooting Complex sanctioned by a
8 national governing body in which the sale or transfer of
9 firearms is authorized under subparagraph (5) of paragraph (g)
10 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

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

17 "Gun show promoter" means a person who organizes or
18 operates a gun show.

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

24 "Involuntarily admitted" has the meaning as prescribed in
25 Sections 1-119 and 1-119.1 of the Mental Health and
26 Developmental Disabilities Code.

1 "Mental health facility" means any licensed private
2 hospital or hospital affiliate, institution, or facility, or
3 part thereof, and any facility, or part thereof, operated by
4 the State or a political subdivision thereof which provide
5 treatment of persons with mental illness and includes all
6 hospitals, institutions, clinics, evaluation facilities,
7 mental health centers, colleges, universities, long-term care
8 facilities, and nursing homes, or parts thereof, which provide
9 treatment of persons with mental illness whether or not the
10 primary purpose is to provide treatment of persons with mental
11 illness.

12 "National governing body" means a group of persons who
13 adopt rules and formulate policy on behalf of a national
14 firearm sporting organization.

15 "Patient" means:

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

23 (2) a person who voluntarily or involuntarily receives
24 mental health treatment as an out-patient or is otherwise
25 provided services by a public or private mental health
26 facility, and who poses a clear and present danger to

1 himself, herself, or to others.

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

- 13 (i) self-care;
14 (ii) receptive and expressive language;
15 (iii) learning;
16 (iv) mobility; or
17 (v) self-direction.

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

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

25 "Protective order" means any orders of protection issued
26 under the Illinois Domestic Violence Act of 1986, stalking no

1 contact orders issued under the Stalking No Contact Order Act,
2 civil no contact orders issued under the Civil No Contact
3 Order Act, and firearms restraining orders issued under the
4 Firearms Restraining Order Act.

5 "Qualified examiner" has the meaning provided in Section
6 1-122 of the Mental Health and Developmental Disabilities
7 Code.

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

12 "School administrator" means the person required to report
13 under the School Administrator Reporting of Mental Health
14 Clear and Present Danger Determinations Law.

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

17 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
18 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

19 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

20 Sec. 3.1. Firearm Transfer Inquiry Program ~~Dial up system.~~

21 (a) The Department of State Police shall provide a dial up
22 telephone system or utilize other existing technology which
23 shall be used by any federally licensed firearm dealer, gun
24 show promoter, or gun show vendor who is to transfer a firearm,
25 stun gun, or taser under the provisions of this Act. The

1 Department of State Police may utilize existing technology
2 which allows the caller to be charged a fee not to exceed \$2.
3 Fees collected by the Department of State Police shall be
4 deposited in the State Police Services Fund and used to
5 provide the service.

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

25 (b-5) The Illinois State Police shall by rule provide a
26 process for the automatic renewal of the Firearm Owner's

1 Identification Card of a person at the time of a inquiry in
2 subsection (b). Persons eligible for this process must have a
3 set of fingerprints on file with their application pursuant to
4 either subsection (a-25) of Section 4 or the Firearm Concealed
5 Carry Act.

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

9 (1) assign a unique identification number to the
10 transfer; and

11 (2) provide the licensee, gun show promoter, or gun
12 show vendor with the number.

13 (d) Approvals issued by the Department of State Police for
14 the purchase of a firearm are valid for 30 days from the date
15 of issue.

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

19 (2) The Department of State Police and the Department of
20 Human Services shall, in accordance with State and federal law
21 regarding confidentiality, enter into a memorandum of
22 understanding with the Federal Bureau of Investigation for the
23 purpose of implementing the National Instant Criminal
24 Background Check System in the State. The Department of State
25 Police shall report the name, date of birth, and physical
26 description of any person prohibited from possessing a firearm

1 pursuant to the Firearm Owners Identification Card Act or 18
2 U.S.C. 922(g) and (n) to the National Instant Criminal
3 Background Check System Index, Denied Persons Files.

4 (3) The Department of State Police shall provide notice of
5 the disqualification of a person under subsection (b) of this
6 Section or the revocation of a person's Firearm Owner's
7 Identification Card under Section 8 or Section 8.2 of this
8 Act, and the reason for the disqualification or revocation, to
9 all law enforcement agencies with jurisdiction to assist with
10 the seizure of the person's Firearm Owner's Identification
11 Card.

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

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

15 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

16 Sec. 4. Application for Firearm Owner's Identification
17 Cards.

18 (a) Each applicant for a Firearm Owner's Identification
19 Card must:

20 (1) Make application on blank forms prepared and
21 furnished at convenient locations throughout the State by
22 the Department of State Police, or by electronic means, if
23 and when made available by the Department of State Police;
24 and

25 (2) Submit evidence to the Department of State Police

1 that:

2 (i) This subparagraph (i) applies through the
3 180th day following the effective date of this
4 amendatory Act of the 101st General Assembly. He or
5 she is 21 years of age or over, or if he or she is
6 under 21 years of age that he or she has the written
7 consent of his or her parent or legal guardian to
8 possess and acquire firearms and firearm ammunition
9 and that he or she has never been convicted of a
10 misdemeanor other than a traffic offense or adjudged
11 delinquent, provided, however, that such parent or
12 legal guardian is not an individual prohibited from
13 having a Firearm Owner's Identification Card and files
14 an affidavit with the Department as prescribed by the
15 Department stating that he or she is not an individual
16 prohibited from having a Card;

17 (i-5) This subparagraph (i-5) applies on and after
18 the 181st day following the effective date of this
19 amendatory Act of the 101st General Assembly. He or
20 she is 21 years of age or over, or if he or she is
21 under 21 years of age that he or she has never been
22 convicted of a misdemeanor other than a traffic
23 offense or adjudged delinquent and is an active duty
24 member of the United States Armed Forces or has the
25 written consent of his or her parent or legal guardian
26 to possess and acquire firearms and firearm

1 ammunition, provided, however, that such parent or
2 legal guardian is not an individual prohibited from
3 having a Firearm Owner's Identification Card and files
4 an affidavit with the Department as prescribed by the
5 Department stating that he or she is not an individual
6 prohibited from having a Card or the active duty
7 member of the United States Armed Forces under 21
8 years of age annually submits proof to the Department
9 of State Police, in a manner prescribed by the
10 Department;

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

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

14 (iv) He or she has not been a patient in a mental
15 health facility within the past 5 years or, if he or
16 she has been a patient in a mental health facility more
17 than 5 years ago submit the certification required
18 under subsection (u) of Section 8 of this Act;

19 (v) He or she is not a person with an intellectual
20 disability;

21 (vi) He or she is not an alien who is unlawfully
22 present in the United States under the laws of the
23 United States;

24 (vii) He or she is not subject to an existing order
25 of protection prohibiting him or her from possessing a
26 firearm;

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

6 (ix) He or she has not been convicted of domestic
7 battery, aggravated domestic battery, or a
8 substantially similar offense in another jurisdiction
9 committed before, on or after January 1, 2012 (the
10 effective date of Public Act 97-158). If the applicant
11 knowingly and intelligently waives the right to have
12 an offense described in this clause (ix) tried by a
13 jury, and by guilty plea or otherwise, results in a
14 conviction for an offense in which a domestic
15 relationship is not a required element of the offense
16 but in which a determination of the applicability of
17 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of
18 the Code of Criminal Procedure of 1963, an entry by the
19 court of a judgment of conviction for that offense
20 shall be grounds for denying the issuance of a Firearm
21 Owner's Identification Card under this Section;

22 (x) (Blank);

23 (xi) He or she is not an alien who has been
24 admitted to the United States under a non-immigrant
25 visa (as that term is defined in Section 101(a) (26) of
26 the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(26))), or that he or she is an alien who has
2 been lawfully admitted to the United States under a
3 non-immigrant visa if that alien is:

4 (1) admitted to the United States for lawful
5 hunting or sporting purposes;

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

8 (A) accredited to the United States
9 Government or the Government's mission to an
10 international organization having its
11 headquarters in the United States; or

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

14 (3) an official of a foreign government or
15 distinguished foreign visitor who has been so
16 designated by the Department of State;

17 (4) a foreign law enforcement officer of a
18 friendly foreign government entering the United
19 States on official business; or

20 (5) one who has received a waiver from the
21 Attorney General of the United States pursuant to
22 18 U.S.C. 922(y)(3);

23 (xii) He or she is not a minor subject to a
24 petition filed under Section 5-520 of the Juvenile
25 Court Act of 1987 alleging that the minor is a
26 delinquent minor for the commission of an offense that

1 if committed by an adult would be a felony;

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

6 (xiv) He or she is a resident of the State of
7 Illinois;

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

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

12 (xvii) He or she is not a person with a
13 developmental disability; and

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

1 within one year of receipt.

2 (a-5) Each applicant for a Firearm Owner's Identification
3 Card who is over the age of 18 shall furnish to the Department
4 of State Police either his or her Illinois driver's license
5 number or Illinois Identification Card number, except as
6 provided in subsection (a-10).

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

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

21 (a-20) Each applicant for a Firearm Owner's Identification
22 Card shall furnish to the Department of State Police his or her
23 photograph. An applicant who is 21 years of age or older
24 seeking a religious exemption to the photograph requirement
25 must furnish with the application an approved copy of United
26 States Department of the Treasury Internal Revenue Service

1 Form 4029. In lieu of a photograph, an applicant regardless of
2 age seeking a religious exemption to the photograph
3 requirement shall submit fingerprints on a form and manner
4 prescribed by the Department with his or her application.

5 (a-25) Each applicant for the issuance of a Firearm
6 Owner's Identification Card may include a full set of his or
7 her fingerprints in electronic format to the Illinois State
8 Police, unless the applicant has previously provided a full
9 set of his or her fingerprints to the Illinois State Police
10 under this Act or the Firearm Concealed Carry Act.

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

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

23 (a-26) The Illinois State Police shall research, explore,
24 and report to the General Assembly by January 1, 2022 on the
25 feasibility of permitting voluntarily submitted fingerprints
26 obtained for purposes other than Firearm Owner's

1 Identification Card enforcement that are contained in the
2 Illinois State Police database for purposes of this Act.

3 (b) Each application form shall include the following
4 statement printed in bold type: "Warning: Entering false
5 information on an application for a Firearm Owner's
6 Identification Card is punishable as a Class 2 felony in
7 accordance with subsection (d-5) of Section 14 of the Firearm
8 Owners Identification Card Act."

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

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

14 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

15 Sec. 5. Application and renewal.

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

1 the United States, a member of the Illinois National Guard, or
2 a member of the Reserve Forces of the United States is exempt
3 from the application fee. \$5 of each fee derived from the
4 issuance of a Firearm Owner's Identification Card or renewals,
5 thereof, shall be deposited in the State Police Firearm
6 Services Fund and \$5 into the State Police Revocation
7 Enforcement Fund ~~\$6 of each fee derived from the issuance of~~
8 ~~Firearm Owner's Identification Cards, or renewals thereof,~~
9 ~~shall be deposited in the Wildlife and Fish Fund in the State~~
10 ~~Treasury; \$1 of the fee shall be deposited in the State Police~~
11 ~~Services Fund and \$3 of the fee shall be deposited in the State~~
12 ~~Police Firearm Services Fund.~~

13 (b) Renewal applications shall be approved or denied
14 within 60 business days, provided the applicant submitted his
15 or her renewal application prior to the expiration of his or
16 her Firearm Owner's Identification Card. If a renewal
17 application has been submitted prior to the expiration date of
18 the applicant's Firearm Owner's Identification Card, the
19 Firearm Owner's Identification Card shall remain valid while
20 the Department processes the application, unless the person is
21 subject to or becomes subject to revocation under this Act.
22 The cost for a renewal application shall be \$10 of which \$5 of
23 each fee derived from the issuance of a Firearm Owner's
24 Identification Card or renewals, thereof, shall be deposited
25 in the State Police Firearm Services Fund and \$5 into the State
26 Police Revocation Enforcement Fund ~~shall be deposited into the~~

1 ~~State Police Firearm Services Fund.~~

2 (c) If the Firearm Owner's Identification Card of a
3 licensee under the Firearm Concealed Carry Act expires during
4 the term of the licensee's concealed carry license, the
5 Firearm Owner's Identification Card and the license remain
6 valid and the licensee does not have to renew his or her
7 Firearm Owner's Identification Card during the duration of the
8 concealed carry license. Unless the Illinois State Police has
9 reason to believe the licensee is no longer eligible for the
10 card, the Illinois State Police may automatically renew the
11 licensee's Firearm Owner's Identification Card and send a
12 renewed Firearm Owner's Identification Card to the licensee.

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

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

17 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

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

19 (a) A Firearm Owner's Identification Card, issued by the
20 Department of State Police at such places as the Director of
21 the Department shall specify, shall contain the applicant's
22 name, residence, date of birth, sex, physical description,
23 recent photograph, except as provided in subsection (c-5), and
24 signature. Each Firearm Owner's Identification Card must have
25 the Firearm Owner's Identification Card number ~~expiration date~~

1 boldly and conspicuously displayed on the face of the card.
2 Each Firearm Owner's Identification Card must have printed on
3 it the following: "CAUTION - This card does not permit bearer
4 to UNLAWFULLY carry or use firearms." Before December 1, 2002,
5 the Department may use a person's digital photograph and
6 signature from his or her Illinois driver's license or
7 Illinois Identification Card, if available. On and after
8 December 1, 2002, the Department shall use a person's digital
9 photograph and signature from his or her Illinois driver's
10 license or Illinois Identification Card, if available. The
11 Department shall decline to use a person's digital photograph
12 or signature if the digital photograph or signature is the
13 result of or associated with fraudulent or erroneous data,
14 unless otherwise provided by law.

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

24 (c) The Secretary of State shall conduct a study to
25 determine the cost and feasibility of creating a method of
26 adding an identifiable code, background, or other means on the

1 driver's license or Illinois Identification Card to show that
2 an individual is not disqualified from owning or possessing a
3 firearm under State or federal law. The Secretary shall report
4 the findings of this study 12 months after the effective date
5 of this amendatory Act of the 92nd General Assembly.

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

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

15 (430 ILCS 65/6.2 new)

16 Sec. 6.2. Electronic Firearm Owner's Identification Cards.
17 The Illinois State Police may develop a system under which the
18 holder of a Firearm Owner's Identification Card may display an
19 electronic version of his or her Firearm Owner's
20 Identification Card on a mobile telephone or other portable
21 electronic device. An electronic version of a Firearm Owner's
22 Identification Card shall contain security features the
23 Illinois State Police determines to be necessary to ensure
24 that the electronic version is accurate and current and shall
25 satisfy other requirements the Illinois State Police

1 determines to be necessary regarding form and content. The
2 display or possession of an electronic version of a valid
3 Firearm Owner's Identification Card in accordance with the
4 requirements of the Illinois State Police satisfies all
5 requirements for the display or possession of a valid Firearm
6 Owner's Identification Card under the laws of this State. The
7 possession or display of an electronic Firearm Owner's
8 Identification Card on a mobile telephone or other portable
9 electronic device does not constitute consent for a law
10 enforcement officer, court, or other officer of the court to
11 access other contents of the mobile telephone or other
12 portable electronic device. The Illinois State Police may
13 adopt rules to implement this Section.

14 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

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

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

1 (b) If a renewal application is submitted to the
2 Department before the expiration date of the applicant's
3 current Firearm Owner's Identification Card, the Firearm
4 Owner's Identification Card shall remain valid ~~for a period of~~
5 ~~60 business days~~, unless the person is subject to or becomes
6 subject to revocation under this Act. Unless the person no
7 longer meets the requirements or becomes subject to suspension
8 or revocation under this Act, a card issued pursuant to a
9 renewal application made as provided in subsection (a-25) of
10 Section 4 shall remain valid if the person meets the
11 implementation requirements of Section 3.1.

12 (c) If the Firearm Owner's Identification Card of a
13 licensee under the Firearm Concealed Carry Act expires during
14 the term of the licensee's concealed carry license, the
15 Firearm Owner's Identification Card and the license remain
16 valid during the validity of the concealed carry license and
17 the licensee does not have to renew his or her Firearm Owner's
18 Identification Card, if the Firearm Owner's Identification
19 Card has not been otherwise renewed as provided in this Act.
20 Unless the Illinois State Police has reason to believe the
21 licensee is no longer eligible for the card, the Illinois
22 State Police may automatically renew the licensee's Firearm
23 Owner's Identification Card and send a renewed Firearm Owner's
24 Identification Card to the licensee.

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

1 (430 ILCS 65/7.5 new)

2 Sec. 7.5. Email notifications. A person subject to this
3 Act may notify the Illinois State Police upon application or
4 at any time thereafter that he or she would like to receive
5 correspondence from the Department via email rather than by
6 mail. A person subject to this Act may notify the Illinois
7 State Police upon application or at any time thereafter that
8 he or she would like to receive correspondence from the
9 Illinois State Police via email rather than by mail.

10 (430 ILCS 65/8.2)

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

25 (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.

1 The Illinois State Police may adopt rules necessary to
2 implement this Section.

3 (430 ILCS 65/9.5)

4 Sec. 9.5. Revocation of Firearm Owner's Identification
5 Card.

6 (a) A person who receives a revocation notice under
7 Section 9 of this Act shall, within 48 hours of receiving
8 notice of the revocation:

9 (1) surrender his or her Firearm Owner's
10 Identification Card to the local law enforcement agency
11 where the person resides or ~~The local law enforcement~~
12 ~~agency shall provide the person a receipt and transmit the~~
13 ~~Firearm Owner's Identification Card~~ to the Department of
14 State Police; and

15 (2) complete a Firearm Disposition Record on a form
16 prescribed by the Department of State Police and place his
17 or her firearms in the location or with the person
18 reported in the Firearm Disposition Record. The form shall
19 require the person to disclose:

20 (A) the make, model, and serial number of each
21 firearm owned by or under the custody and control of
22 the revoked person;

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

25 (C) if any firearm will be transferred to the

1 custody of another person, the name, address and
2 Firearm Owner's Identification Card number of the
3 transferee; ~~and-~~

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

6 Once completed, the person shall retain a copy and
7 provide a copy of the Firearm Disposition Record to the
8 Illinois State Police.

9 (b) Surrendered Firearm Owner's Identification Cards shall
10 be destroyed by the law enforcement agency receiving the
11 cards. The local law enforcement agency shall provide a copy
12 of the Firearm Disposition Record to the person whose Firearm
13 Owner's Identification Card has been revoked and to the
14 Department of State Police.

15 (b-5) If a court orders the surrender of a Firearms
16 Owner's Identification Card and accepts receipt of the Card,
17 the court shall destroy the Card and direct the person whose
18 Firearm Owner's Identification Card has been surrendered to
19 comply with paragraph (2) of subsection (a).

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

24 (b-15) A notation shall be made in the portal created
25 under Section 2605-304 of the Department of State Police Law
26 of the Civil Administrative Code of Illinois that the revoked

1 Firearm Owner's Identification Card has been destroyed.

2 (c) If the person whose Firearm Owner's Identification
3 Card has been revoked fails to comply with the requirements of
4 this Section, the sheriff or law enforcement agency where the
5 person resides may petition the circuit court to issue a
6 warrant to search for and seize the Firearm Owner's
7 Identification Card and firearms in the possession or under
8 the custody or control of the person whose Firearm Owner's
9 Identification Card has been revoked.

10 (d) A violation of subsection (a) of this Section is a
11 Class A misdemeanor.

12 (e) The observation of a Firearm Owner's Identification
13 Card in the possession of a person whose Firearm Owner's
14 Identification Card has been revoked constitutes a sufficient
15 basis for the arrest of that person for violation of this
16 Section.

17 (f) Within 30 days after the effective date of this
18 amendatory Act of the 98th General Assembly, the Department of
19 State Police shall provide written notice of the requirements
20 of this Section to persons whose Firearm Owner's
21 Identification Cards have been revoked, suspended, or expired
22 and who have failed to surrender their cards to the
23 Department.

24 (g) A person whose Firearm Owner's Identification Card has
25 been revoked and who received notice under subsection (f)
26 shall comply with the requirements of this Section within 48

1 hours of receiving notice.

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

3 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

4 Sec. 10. Appeals ~~Appeal to director~~; hearing; relief from
5 firearm prohibitions.

6 (a) Whenever an application for a Firearm Owner's
7 Identification Card is denied, whenever the Illinois State
8 Police Department fails to act on an application within 30
9 days of its receipt, or whenever such a Card is revoked or
10 seized as provided for in Section 8 of this Act, the aggrieved
11 party may appeal to the Firearm Owner's Identification Card
12 Review Board ~~Director of State Police~~ for a hearing upon such
13 denial, revocation or seizure, unless the denial, revocation,
14 or seizure was based upon a forcible felony, stalking,
15 aggravated stalking, domestic battery, any violation of the
16 Illinois Controlled Substances Act, the Methamphetamine
17 Control and Community Protection Act, or the Cannabis Control
18 Act that is classified as a Class 2 or greater felony, any
19 felony violation of Article 24 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, or any adjudication as a delinquent
21 minor for the commission of an offense that if committed by an
22 adult would be a felony, in which case the aggrieved party may
23 petition the circuit court in writing in the county of his or
24 her residence for a hearing upon such denial, revocation, or
25 seizure.

1 (a-5) There is created within the Illinois State Police a
2 Firearm Owner's Identification Card Review Board to consider
3 any appeal under subsection (a), other than an appeal directed
4 to the circuit court.

5 (1) The Board shall consist of 7 members appointed by
6 the Governor, with the advice and consent of the Senate,
7 with 3 members residing within the First Judicial District
8 and one member residing within each of the 4 remaining
9 Judicial Districts. No more than 4 members shall be
10 members of the same political party. The Governor shall
11 designate one member as the chairperson. The Board shall
12 consist of:

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

15 (B) two members with at least 5 years of
16 experience serving as an attorney with the United
17 States Department of Justice, or as a State's Attorney
18 or Assistant State's Attorney;

19 (C) three members with at least 5 years of
20 experience as a federal, State, or local law
21 enforcement agent or as an employee with investigative
22 experience or duties related to criminal justice under
23 the United States Department of Justice, Drug
24 Enforcement Administration, Department of Homeland
25 Security, Federal Bureau of Investigation, or a State
26 or local law enforcement agency; and

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

5 (2) The terms of the members initially appointed after
6 the effective date of this amendatory Act of the 102nd
7 General Assembly shall be as follows: one of the initial
8 members shall be appointed for a term of one year, 3 shall
9 be appointed for terms of 2 years, and 3 shall be appointed
10 for terms of 4 years. Thereafter, members shall hold
11 office for 4 years, with terms expiring on the second
12 Monday in January immediately following the expiration of
13 their terms and every 4 years thereafter. Members may be
14 reappointed. Vacancies in the office of member shall be
15 filled in the same manner as the original appointment, for
16 the remainder of the unexpired term. The Governor may
17 remove a member for incompetence, neglect of duty,
18 malfeasance, or inability to serve. Members shall receive
19 compensation in an amount equal to the compensation of
20 members of the Executive Ethics Commission and may be
21 reimbursed, from funds appropriated for such a purpose,
22 for reasonable expenses actually incurred in the
23 performance of their Board duties. The Illinois State
24 Police shall designate an employee to serve as Executive
25 Director of the Board and provide logistical and
26 administrative assistance to the Board.

1 (3) The Board shall meet at least quarterly each year
2 and at the call of the chairperson as often as necessary to
3 consider appeals of decisions made with respect to
4 applications for a Firearm Owner's Identification Card
5 under this Act. If necessary to ensure the participation
6 of a member, the Board shall allow a member to participate
7 in a Board meeting by electronic communication. Any member
8 participating electronically shall be deemed present for
9 purposes of establishing a quorum and voting.

10 (4) The Board shall adopt rules for the review of
11 appeals and the conduct of hearings. The Board shall
12 maintain a record of its decisions and all materials
13 considered in making its decisions. All Board decisions
14 and voting records shall be kept confidential and all
15 materials considered by the Board shall be exempt from
16 inspection except upon order of a court.

17 (5) In considering an appeal, the Board shall review
18 the materials received concerning the denial, suspension,
19 or revocation by the Illinois State Police. By a vote of at
20 least 4 members, the Board may request additional
21 information from the Illinois State Police or the
22 applicant or the testimony of the Illinois State Police or
23 the applicant. The Board may require that the applicant
24 submit electronic fingerprints to the Illinois State
25 Police for an updated background check if the Board
26 determines it lacks sufficient information to determine

1 eligibility. The Board may consider information submitted
2 by the Illinois State Police, a law enforcement agency, or
3 the applicant. The Board shall review each denial,
4 suspension, or revocation and determine by a majority of
5 members whether an applicant is eligible for a Firearm
6 Owner's Identification Card.

7 (6) The Board shall issue a decision within 45
8 business days of receiving all completed appeal documents
9 from the Illinois State Police and the applicant. However,
10 the Board need not issue a decision within 45 business
11 days if:

12 (A) the Board requests information from the
13 applicant, including, but not limited to, electronic
14 fingerprints to be submitted to the Illinois State
15 Police, in accordance with paragraph (5) of this
16 subsection, in which case the Board shall make a
17 decision within 30 days of receipt of the required
18 information from the applicant;

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

21 (C) the Board notifies the applicant and the
22 Illinois State Police that the Board needs an
23 additional 30 days to issue a decision.

24 (7) If the Board determines by a preponderance of the
25 evidence that the applicant fails to meet the eligibility
26 requirements or is a prohibited person under State or

1 federal law, poses a danger to himself or herself or
2 others, or is a threat to public safety, then the Board
3 shall affirm the denial, suspension, or revocation and
4 shall notify the applicant and the Illinois State Police
5 that the applicant is ineligible for a Firearm Owner's
6 Identification Card. If the Board does not determine by a
7 preponderance of the evidence that the applicant fails to
8 meet the eligibility requirements or is a prohibited
9 person under State or federal law, poses a danger to
10 himself or herself or others, or is a threat to public
11 safety, then the Board shall notify the applicant and the
12 Illinois State Police that the applicant is eligible for a
13 Firearm Owner's Identification Card.

14 (8) Meetings of the Board shall not be subject to the
15 Open Meetings Act and records of the Board shall not be
16 subject to the Freedom of Information Act.

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

23 (b) At least 30 days before any hearing in the circuit
24 court, the petitioner shall serve the relevant State's
25 Attorney with a copy of the petition. The State's Attorney may
26 object to the petition and present evidence. At the hearing,

1 the court shall determine whether substantial justice has been
2 done. Should the court determine that substantial justice has
3 not been done, the court shall issue an order directing the
4 Illinois Department of State Police to issue a Card. However,
5 the court shall not issue the order if the petitioner is
6 otherwise prohibited from obtaining, possessing, or using a
7 firearm under federal law.

8 (c) Any person prohibited from possessing a firearm under
9 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
10 acquiring a Firearm Owner's Identification Card under Section
11 8 of this Act may apply to the Firearm Owner's Identification
12 Card Review Board ~~Director of State Police~~ or petition the
13 circuit court in the county where the petitioner resides,
14 whichever is applicable in accordance with subsection (a) of
15 this Section, requesting relief from such prohibition and the
16 Board ~~Director~~ or court may grant such relief if it is
17 established by the applicant to the court's or the Board's
18 ~~Director's~~ satisfaction that:

19 (0.05) when in the circuit court, the State's Attorney
20 has been served with a written copy of the petition at
21 least 30 days before any such hearing in the circuit court
22 and at the hearing the State's Attorney was afforded an
23 opportunity to present evidence and object to the
24 petition;

25 (1) the applicant has not been convicted of a forcible
26 felony under the laws of this State or any other

1 jurisdiction within 20 years of the applicant's
2 application for a Firearm Owner's Identification Card, or
3 at least 20 years have passed since the end of any period
4 of imprisonment imposed in relation to that conviction;

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

9 (3) granting relief would not be contrary to the
10 public interest; and

11 (4) granting relief would not be contrary to federal
12 law.

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

25 (A) the officer has not received treatment
26 involuntarily at a mental health facility, regardless of

1 the length of admission; or has not been voluntarily
2 admitted to a mental health facility for more than 30 days
3 and not for more than one incident within the past 5 years;
4 and

5 (B) the officer has not left the mental institution
6 against medical advice.

7 (2) The Firearm Owner's Identification Card Review Board
8 ~~Director of State Police~~ shall grant expedited relief to
9 active law enforcement officers described in paragraph (1) of
10 this subsection (c-5) upon a determination by the Board
11 ~~Director~~ that the officer's possession of a firearm does not
12 present a threat to themselves, others, or public safety. The
13 Board ~~Director~~ shall act on the request for relief within 30
14 business days of receipt of:

15 (A) a notarized statement from the officer in the form
16 prescribed by the Board ~~Director~~ detailing the
17 circumstances that led to the hospitalization;

18 (B) all documentation regarding the admission,
19 evaluation, treatment and discharge from the treating
20 licensed clinical psychologist or psychiatrist of the
21 officer;

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

24 (D) written confirmation in the form prescribed by the
25 Board ~~Director~~ from the treating licensed clinical
26 psychologist or psychiatrist that the provisions set forth

1 in paragraph (1) of this subsection (c-5) have been met,
2 the person successfully completed treatment, and their
3 professional opinion regarding the person's ability to
4 possess firearms.

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

10 (4) "Clinical psychologist", "psychiatrist", and
11 "qualified examiner" shall have the same meaning as provided
12 in Chapter I of the Mental Health and Developmental
13 Disabilities Code.

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

20 (2) The Board ~~Director~~ shall act on the request for relief
21 within 60 business days of receipt of written certification,
22 in the form prescribed by the Board ~~Director~~, from a physician
23 or clinical psychologist, or qualified examiner, that the
24 aggrieved party's developmental disability or intellectual
25 disability condition is determined by a physician, clinical
26 psychologist, or qualified to be mild. If a fact-finding

1 conference is scheduled to obtain additional information
2 concerning the circumstances of the denial or revocation, the
3 60 business days the Director has to act shall be tolled until
4 the completion of the fact-finding conference.

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

10 (A) granting relief would not be contrary to the
11 public interest; and

12 (B) granting relief would not be contrary to federal
13 law.

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

17 (5) The changes made to this Section by Public Act 99-29
18 ~~this amendatory Act of the 99th General Assembly~~ apply to
19 requests for relief pending on or before July 10, 2015 (the
20 effective date of Public Act 99-29) ~~this amendatory Act~~,
21 except that the 60-day period for the Director to act on
22 requests pending before the effective date shall begin on July
23 10, 2015 (the effective date of Public Act 99-29) ~~this~~
24 ~~amendatory Act~~.

25 (d) When a minor is adjudicated delinquent for an offense
26 which if committed by an adult would be a felony, the court

1 shall notify the Illinois ~~Department of~~ State Police.

2 (e) The court shall review the denial of an application or
3 the revocation of a Firearm Owner's Identification Card of a
4 person who has been adjudicated delinquent for an offense that
5 if committed by an adult would be a felony if an application
6 for relief has been filed at least 10 years after the
7 adjudication of delinquency and the court determines that the
8 applicant should be granted relief from disability to obtain a
9 Firearm Owner's Identification Card. If the court grants
10 relief, the court shall notify the Illinois ~~Department of~~
11 State Police that the disability has been removed and that the
12 applicant is eligible to obtain a Firearm Owner's
13 Identification Card.

14 (f) Any person who is subject to the disabilities of 18
15 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
16 of 1968 because of an adjudication or commitment that occurred
17 under the laws of this State or who was determined to be
18 subject to the provisions of subsections (e), (f), or (g) of
19 Section 8 of this Act may apply to the Illinois ~~Department of~~
20 State Police requesting relief from that prohibition. The
21 Board ~~Director~~ shall grant the relief if it is established by a
22 preponderance of the evidence that the person will not be
23 likely to act in a manner dangerous to public safety and that
24 granting relief would not be contrary to the public interest.
25 In making this determination, the Board ~~Director~~ shall receive
26 evidence concerning (i) the circumstances regarding the

1 firearms disabilities from which relief is sought; (ii) the
2 petitioner's mental health and criminal history records, if
3 any; (iii) the petitioner's reputation, developed at a minimum
4 through character witness statements, testimony, or other
5 character evidence; and (iv) changes in the petitioner's
6 condition or circumstances since the disqualifying events
7 relevant to the relief sought. If relief is granted under this
8 subsection or by order of a court under this Section, the
9 Director shall as soon as practicable but in no case later than
10 15 business days, update, correct, modify, or remove the
11 person's record in any database that the Illinois Department
12 ~~of~~ State Police makes available to the National Instant
13 Criminal Background Check System and notify the United States
14 Attorney General that the basis for the record being made
15 available no longer applies. The Illinois Department ~~of~~ State
16 Police shall adopt rules for the administration of this
17 Section.

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

20 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

21 Sec. 11. Judicial review of final administrative
22 decisions.

23 (a) All final administrative decisions of the Firearm
24 Owner's Identification Card Review Board ~~Department~~ under this
25 Act, except final administrative decisions of 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, shall be subject to
4 judicial review under the provisions of the Administrative
5 Review Law, and all amendments and modifications thereof, and
6 the rules adopted pursuant thereto. The term "administrative
7 decision" is defined as in Section 3-101 of the Code of Civil
8 Procedure.

9 (b) Any final administrative decision by the Firearm
10 Owner's Identification Card Review Board ~~Director of State~~
11 ~~Police~~ to deny a person's application for relief under
12 subsection (f) of Section 10 of this Act is subject to de novo
13 judicial review by the circuit court, and any party may offer
14 evidence that is otherwise proper and admissible without
15 regard to whether that evidence is part of the administrative
16 record.

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

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

24 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

25 Sec. 13.2. Renewal; name, photograph, or address change;

1 replacement card. The Department of State Police shall, 60
2 days prior to the expiration of a Firearm Owner's
3 Identification Card, forward by first class mail to each
4 person whose card is to expire a notification of the
5 expiration of the card and instructions for renewal. It is the
6 obligation of the holder of a Firearm Owner's Identification
7 Card to notify the Department of State Police of any address
8 change since the issuance of the Firearm Owner's
9 Identification Card. The Illinois State Police may update the
10 applicant and card holders address based upon records in the
11 Secretary of State Driver's License or Illinois Identification
12 Card records of applicants who do not have driver's licenses.
13 ~~Whenever any person moves from the residence address named on~~
14 ~~his or her card, the person shall within 21 calendar days~~
15 ~~thereafter notify in a form and manner prescribed by the~~
16 ~~Department of his or her old and new residence addresses and~~
17 ~~the card number held by him or her.~~ Any person whose legal name
18 has changed from the name on the card that he or she has been
19 previously issued must apply for a corrected card within 30
20 calendar days after the change. The cost for an updated or a
21 corrected card shall be \$5. The cost for replacement of a card
22 which has been lost, destroyed, or stolen shall be \$5 if the
23 loss, destruction, or theft of the card is reported to the
24 Department of State Police. The fees collected under this
25 Section shall be deposited into the State Police Firearm
26 Services Fund.

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

2 (430 ILCS 65/13.4 new)

3 Sec. 13.4. Illinois State Police; rule making authority.

4 The Illinois State Police shall by rule adopt the following
5 procedures:

6 (1) When a person who possesses a valid Firearm Owner's
7 Identification Card applies for and is approved for a
8 concealed carry license, the valid Firearm Owner's
9 Identification Card is renewed for 10 years from the time of
10 approval instead of 10 years from the date of the original
11 card.

12 (2) If a person is eligible for both a Firearm Owner's
13 Identification Card and a concealed carry license, the
14 Illinois State Police shall by rule create one card that may be
15 used as both a Firearm Owner's Identification Card and a
16 concealed carry license. A combined Firearm Owner's
17 Identification Card and concealed carry license shall be
18 considered a valid card for the purposes of this Act. The
19 Illinois State Police shall adopt rules to implement this
20 Section.

21 (3) The Illinois State Police may waive the Firearm
22 Owner's Identification Card application fee for the purposes
23 of paragraphs (1) and (2).

24 Section 25. The Firearm Concealed Carry Act is amended by

1 changing Sections 20, 30 and 70 and by adding Sections 10.5 and
2 10.6 as follows:

3 (430 ILCS 66/10.5 new)

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

1 (430 ILCS 66/10.6 new)

2 Sec. 10.6. Email notifications. A person subject to this
3 Act may notify the Illinois State Police upon application or
4 at any time thereafter that he or she would like to receive
5 correspondence from the Illinois State Police via email rather
6 than by mail.

7 (430 ILCS 66/20)

8 Sec. 20. Concealed Carry Licensing Review Board.

9 (a) There is hereby created within the Department of State
10 Police a Concealed Carry Licensing Review Board to consider
11 any objection to an applicant's eligibility to obtain a
12 license under this Act submitted by a law enforcement agency
13 or the Department under Section 15 of this Act. The Board shall
14 consist of 7 commissioners to be appointed by the Governor,
15 with the advice and consent of the Senate, with 3
16 commissioners residing within the First Judicial District and
17 one commissioner residing within each of the 4 remaining
18 Judicial Districts. No more than 4 commissioners shall be
19 members of the same political party. The Governor shall
20 designate one commissioner as the Chairperson. The Board shall
21 consist of:

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

24 (2) 2 commissioners with at least 5 years of
25 experience serving as an attorney with the United States

1 Department of Justice;

2 (3) 3 commissioners with at least 5 years of
3 experience as a federal agent or employee with
4 investigative experience or duties related to criminal
5 justice under the United States Department of Justice,
6 Drug Enforcement Administration, Department of Homeland
7 Security, or Federal Bureau of Investigation; and

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

11 (b) The initial terms of the commissioners shall end on
12 January 12, 2015. Notwithstanding any provision in this
13 Section to the contrary, the term of office of each
14 commissioner of the Concealed Carry Licensing Review Board is
15 abolished on the effective date of this amendatory Act of the
16 102nd General Assembly. The terms of the commissioners
17 appointed on or after the effective date of this amendatory
18 Act of the 102nd General Assembly shall be as follows: one of
19 the initial members shall be appointed for a term of one year,
20 3 shall be appointed for terms of 2 years, and 3 shall be
21 appointed for terms of 4 years. Thereafter, the commissioners
22 shall hold office for 4 years, with terms expiring on the
23 second Monday in January of the fourth year. Commissioners may
24 be reappointed. Vacancies in the office of commissioner shall
25 be filled in the same manner as the original appointment, for
26 the remainder of the unexpired term. The Governor may remove a

1 commissioner for incompetence, neglect of duty, malfeasance,
2 or inability to serve. Commissioners shall receive
3 compensation in an amount equal to the compensation of members
4 of the Executive Ethics Commission and may be reimbursed for
5 reasonable expenses actually incurred in the performance of
6 their Board duties, from funds appropriated for that purpose.

7 (c) The Board shall meet at the call of the chairperson as
8 often as necessary to consider objections to applications for
9 a license under this Act. If necessary to ensure the
10 participation of a commissioner, the Board shall allow a
11 commissioner to participate in a Board meeting by electronic
12 communication. Any commissioner participating electronically
13 shall be deemed present for purposes of establishing a quorum
14 and voting.

15 (d) The Board shall adopt rules for the review of
16 objections and the conduct of hearings. The Board shall
17 maintain a record of its decisions and all materials
18 considered in making its decisions. All Board decisions and
19 voting records shall be kept confidential and all materials
20 considered by the Board shall be exempt from inspection except
21 upon order of a court.

22 (e) In considering an objection of a law enforcement
23 agency or the Department, the Board shall review the materials
24 received with the objection from the law enforcement agency or
25 the Department. By a vote of at least 4 commissioners, the
26 Board may request additional information from the law

1 enforcement agency, Department, or the applicant, or the
2 testimony of the law enforcement agency, Department, or the
3 applicant. The Board may require that the applicant submit
4 electronic fingerprints to the Department for an updated
5 background check where the Board determines it lacks
6 sufficient information to determine eligibility. The Board may
7 only consider information submitted by the Department, a law
8 enforcement agency, or the applicant. The Board shall review
9 each objection and determine by a majority of commissioners
10 whether an applicant is eligible for a license.

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

14 (1) the Board requests information from the applicant,
15 including but not limited to electronic fingerprints to be
16 submitted to the Department, in accordance with subsection
17 (e) of this Section, in which case the Board shall make a
18 decision within 30 days of receipt of the required
19 information from the applicant;

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

22 (3) the Board notifies the applicant and the
23 Department that the Board needs an additional 30 days to
24 issue a decision.

25 (g) If the Board determines by a preponderance of the
26 evidence that the applicant poses a danger to himself or

1 herself or others, or is a threat to public safety, then the
2 Board shall affirm the objection of the law enforcement agency
3 or the Department and shall notify the Department that the
4 applicant is ineligible for a license. If the Board does not
5 determine by a preponderance of the evidence that the
6 applicant poses a danger to himself or herself or others, or is
7 a threat to public safety, then the Board shall notify the
8 Department that the applicant is eligible for a license.

9 (h) Meetings of the Board shall not be subject to the Open
10 Meetings Act and records of the Board shall not be subject to
11 the Freedom of Information Act.

12 (i) The Board shall report monthly to the Governor and the
13 General Assembly on the number of objections received and
14 provide details of the circumstances in which the Board has
15 determined to deny licensure based on law enforcement or
16 Department objections under Section 15 of this Act. The report
17 shall not contain any identifying information about the
18 applicants.

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

20 (430 ILCS 66/30)

21 Sec. 30. Contents of license application.

22 (a) The license application shall be in writing, under
23 penalty of perjury, on a standard form adopted by the
24 Department and shall be accompanied by the documentation
25 required in this Section and the applicable fee. Each

1 application form shall include the following statement printed
2 in bold type: "Warning: Entering false information on this
3 form is punishable as perjury under Section 32-2 of the
4 Criminal Code of 2012."

5 (b) The application shall contain the following:

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

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

14 (3) a waiver of the applicant's privacy and
15 confidentiality rights and privileges under all federal
16 and state laws, including those limiting access to
17 juvenile court, criminal justice, psychological, or
18 psychiatric records or records relating to any
19 institutionalization of the applicant, and an affirmative
20 request that a person having custody of any of these
21 records provide it or information concerning it to the
22 Department. The waiver only applies to records sought in
23 connection with determining whether the applicant
24 qualifies for a license to carry a concealed firearm under
25 this Act, or whether the applicant remains in compliance
26 with the Firearm Owners Identification Card Act;

1 (4) an affirmation that the applicant possesses a
2 currently valid Firearm Owner's Identification Card and
3 card number if possessed or notice the applicant is
4 applying for a Firearm Owner's Identification Card in
5 conjunction with the license application;

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

8 (A) a felony;

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

12 (C) 2 or more violations related to driving while
13 under the influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or any combination
15 thereof, within the 5 years preceding the date of the
16 license application; and

17 (6) whether the applicant has failed a drug test for a
18 drug for which the applicant did not have a prescription,
19 within the previous year, and if so, the provider of the
20 test, the specific substance involved, and the date of the
21 test;

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

25 (8) unless submitted under subsection (a-25) of
26 Section 4 of the Firearm Owner's Identification Card Act,

1 a full set of fingerprints submitted to the Department in
2 electronic format, provided the Department may accept an
3 application submitted without a set of fingerprints in
4 which case the Department shall be granted 30 days in
5 addition to the 90 days provided under subsection (e) of
6 Section 10 of this Act to issue or deny a license;

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

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

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

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
25 under the Illinois Domestic Violence Act of 1986, or if a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (430 ILCS 67/35)

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

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

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

26 (c) Every person who files a petition for an emergency

1 firearms restraining order, knowing the information provided
2 to the court at any hearing or in the affidavit or verified
3 pleading to be false, is guilty of perjury under Section 32-2
4 of the Criminal Code of 2012.

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

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

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

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

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

26 (1) the respondent to refrain from having in his or

1 her custody or control, purchasing, possessing, or
2 receiving additional firearms for the duration of the
3 order pursuant to Section 8.2 of the Firearm Owners
4 Identification Card Act; and

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

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

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

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

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

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

1 firearm; and

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

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

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

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

20 (430 ILCS 67/40)

21 Sec. 40. Six-month orders.

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

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

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

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

26 (d) Upon receipt of a petition for a 6-month firearms

1 restraining order, the court shall order a hearing within 30
2 days.

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

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

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

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

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

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

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

25 (7) A pattern of violent acts or violent threats,
26 including, but not limited to, threats of violence or acts

1 of violence by the respondent directed toward himself,
2 herself, or another.

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

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

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

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

22 (1) the respondent to refrain from having in his or
23 her custody or control, purchasing, possessing, or
24 receiving additional firearms for the duration of the
25 order pursuant to Section 8.2 of the Firearm Owners
26 Identification Card Act; and

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

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

25 (i-5) A respondent whose Firearm Owner's Identification
26 Card has been revoked or suspended may petition the court, if

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

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

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

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

25 The person petitioning for the return of his or her
26 firearm must swear or affirm by affidavit that he or she: (i)

1 is the lawful owner of the firearm; (ii) shall not transfer the
2 firearm to the respondent; and (iii) will store the firearm in
3 a manner that the respondent does not have access to or control
4 of the firearm.

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

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

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

15 Section 30. The Criminal Code of 2012 is amended by
16 changing Section 24-3 as follows:

17 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

19 (A) A person commits the offense of unlawful sale or
20 delivery of firearms when he or she knowingly does any of the
21 following:

22 (a) Sells or gives any firearm of a size which may be
23 concealed upon the person to any person under 18 years of
24 age.

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

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

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

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

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

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

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

24 (g) Delivers any firearm, incidental to a sale,
25 without withholding delivery of the firearm for at least
26 72 hours after application for its purchase has been made,

1 or delivers a stun gun or taser, incidental to a sale,
2 without withholding delivery of the stun gun or taser for
3 at least 24 hours after application for its purchase has
4 been made. However, this paragraph (g) does not apply to:

5 (1) the sale of a firearm to a law enforcement officer if
6 the seller of the firearm knows that the person to whom he
7 or she is selling the firearm is a law enforcement officer
8 or the sale of a firearm to a person who desires to
9 purchase a firearm for use in promoting the public
10 interest incident to his or her employment as a bank
11 guard, armed truck guard, or other similar employment; (2)

12 a mail order sale of a firearm from a federally licensed
13 firearms dealer to a nonresident of Illinois under which
14 the firearm is mailed to a federally licensed firearms
15 dealer outside the boundaries of Illinois; (3) (blank);

16 (4) the sale of a firearm to a dealer licensed as a federal
17 firearms dealer under Section 923 of the federal Gun
18 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
19 sale of any rifle, shotgun, or other long gun to a resident
20 registered competitor or attendee or non-resident
21 registered competitor or attendee by any dealer licensed
22 as a federal firearms dealer under Section 923 of the
23 federal Gun Control Act of 1968 at competitive shooting
24 events held at the World Shooting Complex sanctioned by a
25 national governing body. For purposes of transfers or
26 sales under subparagraph (5) of this paragraph (g), the

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

24 (h) While holding any license as a dealer, importer,
25 manufacturer or pawnbroker under the federal Gun Control
26 Act of 1968, manufactures, sells or delivers to any

1 unlicensed person a handgun having a barrel, slide, frame
2 or receiver which is a die casting of zinc alloy or any
3 other nonhomogeneous metal which will melt or deform at a
4 temperature of less than 800 degrees Fahrenheit. For
5 purposes of this paragraph, (1) "firearm" is defined as in
6 the Firearm Owners Identification Card Act; and (2)
7 "handgun" is defined as a firearm designed to be held and
8 fired by the use of a single hand, and includes a
9 combination of parts from which such a firearm can be
10 assembled.

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

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

19 A person "engaged in the business" means a person who
20 devotes time, attention, and labor to engaging in the
21 activity as a regular course of trade or business with the
22 principal objective of livelihood and profit, but does not
23 include a person who makes occasional repairs of firearms
24 or who occasionally fits special barrels, stocks, or
25 trigger mechanisms to firearms.

26 "With the principal objective of livelihood and

1 profit" means that the intent underlying the sale or
2 disposition of firearms is predominantly one of obtaining
3 livelihood and pecuniary gain, as opposed to other
4 intents, such as improving or liquidating a personal
5 firearms collection; however, proof of profit shall not be
6 required as to a person who engages in the regular and
7 repetitive purchase and disposition of firearms for
8 criminal purposes or terrorism.

9 (k) Sells or transfers ownership of a firearm to a
10 person who does not possess ~~display to the seller or~~
11 ~~transferor of the firearm~~ either: (1) a currently valid
12 Firearm Owner's Identification Card that has previously
13 been issued in the transferee's name by the Department of
14 State Police under the provisions of the Firearm Owners
15 Identification Card Act; or (2) a currently valid license
16 to carry a concealed firearm that has previously been
17 issued in the transferee's name by the Department of State
18 Police under the Firearm Concealed Carry Act. This
19 paragraph (k) does not apply to the transfer of a firearm
20 to a person who is exempt from the requirement of
21 possessing a Firearm Owner's Identification Card under
22 Section 2 of the Firearm Owners Identification Card Act.
23 For the purposes of this Section, a currently valid
24 Firearm Owner's Identification Card or license to carry a
25 concealed firearm means receipt of ~~(i) a Firearm Owner's~~
26 ~~Identification Card that has not expired or (ii) an~~

1 approval number issued in accordance with subsection
2 (a-10) of subsection 3 or Section 3.1 of the Firearm
3 Owners Identification Card Act shall be proof that the
4 Firearm Owner's Identification Card was valid.

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

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

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

24 (B) Paragraph (h) of subsection (A) does not include
25 firearms sold within 6 months after enactment of Public Act
26 78-355 (approved August 21, 1973, effective October 1, 1973),

1 nor is any firearm legally owned or possessed by any citizen or
2 purchased by any citizen within 6 months after the enactment
3 of Public Act 78-355 subject to confiscation or seizure under
4 the provisions of that Public Act. Nothing in Public Act
5 78-355 shall be construed to prohibit the gift or trade of any
6 firearm if that firearm was legally held or acquired within 6
7 months after the enactment of that Public Act.

8 (C) Sentence.

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

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

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

18 (4) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (a), (b), or (i) of
20 subsection (A) in any school, on the real property
21 comprising a school, within 1,000 feet of the real
22 property comprising a school, at a school related
23 activity, or on or within 1,000 feet of any conveyance
24 owned, leased, or contracted by a school or school
25 district to transport students to or from school or a
26 school related activity, regardless of the time of day or

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

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

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

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

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

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

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

1 of firearms in violation of paragraph (d) of subsection
2 (A) commits a Class 3 felony.

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

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

10 (D) For purposes of this Section:

11 "School" means a public or private elementary or secondary
12 school, community college, college, or university.

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

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

24 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
25 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

1 Section 35. The Code of Criminal Procedure of 1963 is
2 amended by changing Section 112A-14 as follows:

3 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

4 Sec. 112A-14. Domestic violence order of protection;
5 remedies.

6 (a) (Blank).

7 (b) The court may order any of the remedies listed in this
8 subsection (b). The remedies listed in this subsection (b)
9 shall be in addition to other civil or criminal remedies
10 available to petitioner.

11 (1) Prohibition of abuse. Prohibit respondent's
12 harassment, interference with personal liberty,
13 intimidation of a dependent, physical abuse, or willful
14 deprivation, as defined in this Article, if such abuse has
15 occurred or otherwise appears likely to occur if not
16 prohibited.

17 (2) Grant of exclusive possession of residence.
18 Prohibit respondent from entering or remaining in any
19 residence, household, or premises of the petitioner,
20 including one owned or leased by respondent, if petitioner
21 has a right to occupancy thereof. The grant of exclusive
22 possession of the residence, household, or premises shall
23 not affect title to real property, nor shall the court be
24 limited by the standard set forth in subsection (c-2) of
25 Section 501 of the Illinois Marriage and Dissolution of

1 Marriage Act.

2 (A) Right to occupancy. A party has a right to
3 occupancy of a residence or household if it is solely
4 or jointly owned or leased by that party, that party's
5 spouse, a person with a legal duty to support that
6 party or a minor child in that party's care, or by any
7 person or entity other than the opposing party that
8 authorizes that party's occupancy (e.g., a domestic
9 violence shelter). Standards set forth in subparagraph
10 (B) shall not preclude equitable relief.

11 (B) Presumption of hardships. If petitioner and
12 respondent each has the right to occupancy of a
13 residence or household, the court shall balance (i)
14 the hardships to respondent and any minor child or
15 dependent adult in respondent's care resulting from
16 entry of this remedy with (ii) the hardships to
17 petitioner and any minor child or dependent adult in
18 petitioner's care resulting from continued exposure to
19 the risk of abuse (should petitioner remain at the
20 residence or household) or from loss of possession of
21 the residence or household (should petitioner leave to
22 avoid the risk of abuse). When determining the balance
23 of hardships, the court shall also take into account
24 the accessibility of the residence or household.
25 Hardships need not be balanced if respondent does not
26 have a right to occupancy.

1 The balance of hardships is presumed to favor
2 possession by petitioner unless the presumption is
3 rebutted by a preponderance of the evidence, showing
4 that the hardships to respondent substantially
5 outweigh the hardships to petitioner and any minor
6 child or dependent adult in petitioner's care. The
7 court, on the request of petitioner or on its own
8 motion, may order respondent to provide suitable,
9 accessible, alternate housing for petitioner instead
10 of excluding respondent from a mutual residence or
11 household.

12 (3) Stay away order and additional prohibitions. Order
13 respondent to stay away from petitioner or any other
14 person protected by the domestic violence order of
15 protection, or prohibit respondent from entering or
16 remaining present at petitioner's school, place of
17 employment, or other specified places at times when
18 petitioner is present, or both, if reasonable, given the
19 balance of hardships. Hardships need not be balanced for
20 the court to enter a stay away order or prohibit entry if
21 respondent has no right to enter the premises.

22 (A) If a domestic violence order of protection
23 grants petitioner exclusive possession of the
24 residence, prohibits respondent from entering the
25 residence, or orders respondent to stay away from
26 petitioner or other protected persons, then the court

1 may allow respondent access to the residence to remove
2 items of clothing and personal adornment used
3 exclusively by respondent, medications, and other
4 items as the court directs. The right to access shall
5 be exercised on only one occasion as the court directs
6 and in the presence of an agreed-upon adult third
7 party or law enforcement officer.

8 (B) When the petitioner and the respondent attend
9 the same public, private, or non-public elementary,
10 middle, or high school, the court when issuing a
11 domestic violence order of protection and providing
12 relief shall consider the severity of the act, any
13 continuing physical danger or emotional distress to
14 the petitioner, the educational rights guaranteed to
15 the petitioner and respondent under federal and State
16 law, the availability of a transfer of the respondent
17 to another school, a change of placement or a change of
18 program of the respondent, the expense, difficulty,
19 and educational disruption that would be caused by a
20 transfer of the respondent to another school, and any
21 other relevant facts of the case. The court may order
22 that the respondent not attend the public, private, or
23 non-public elementary, middle, or high school attended
24 by the petitioner, order that the respondent accept a
25 change of placement or change of program, as
26 determined by the school district or private or

1 non-public school, or place restrictions on the
2 respondent's movements within the school attended by
3 the petitioner. The respondent bears the burden of
4 proving by a preponderance of the evidence that a
5 transfer, change of placement, or change of program of
6 the respondent is not available. The respondent also
7 bears the burden of production with respect to the
8 expense, difficulty, and educational disruption that
9 would be caused by a transfer of the respondent to
10 another school. A transfer, change of placement, or
11 change of program is not unavailable to the respondent
12 solely on the ground that the respondent does not
13 agree with the school district's or private or
14 non-public school's transfer, change of placement, or
15 change of program or solely on the ground that the
16 respondent fails or refuses to consent or otherwise
17 does not take an action required to effectuate a
18 transfer, change of placement, or change of program.
19 When a court orders a respondent to stay away from the
20 public, private, or non-public school attended by the
21 petitioner and the respondent requests a transfer to
22 another attendance center within the respondent's
23 school district or private or non-public school, the
24 school district or private or non-public school shall
25 have sole discretion to determine the attendance
26 center to which the respondent is transferred. If the

1 court order results in a transfer of the minor
2 respondent to another attendance center, a change in
3 the respondent's placement, or a change of the
4 respondent's program, the parents, guardian, or legal
5 custodian of the respondent is responsible for
6 transportation and other costs associated with the
7 transfer or change.

8 (C) The court may order the parents, guardian, or
9 legal custodian of a minor respondent to take certain
10 actions or to refrain from taking certain actions to
11 ensure that the respondent complies with the order. If
12 the court orders a transfer of the respondent to
13 another school, the parents, guardian, or legal
14 custodian of the respondent is responsible for
15 transportation and other costs associated with the
16 change of school by the respondent.

17 (4) Counseling. Require or recommend the respondent to
18 undergo counseling for a specified duration with a social
19 worker, psychologist, clinical psychologist,
20 psychiatrist, family service agency, alcohol or substance
21 abuse program, mental health center guidance counselor,
22 agency providing services to elders, program designed for
23 domestic violence abusers, or any other guidance service
24 the court deems appropriate. The court may order the
25 respondent in any intimate partner relationship to report
26 to an Illinois Department of Human Services protocol

1 approved partner abuse intervention program for an
2 assessment and to follow all recommended treatment.

3 (5) Physical care and possession of the minor child.
4 In order to protect the minor child from abuse, neglect,
5 or unwarranted separation from the person who has been the
6 minor child's primary caretaker, or to otherwise protect
7 the well-being of the minor child, the court may do either
8 or both of the following: (i) grant petitioner physical
9 care or possession of the minor child, or both, or (ii)
10 order respondent to return a minor child to, or not remove
11 a minor child from, the physical care of a parent or person
12 in loco parentis.

13 If the respondent is charged with abuse (as defined in
14 Section 112A-3 of this Code) of a minor child, there shall
15 be a rebuttable presumption that awarding physical care to
16 respondent would not be in the minor child's best
17 interest.

18 (6) Temporary allocation of parental responsibilities
19 and significant decision-making responsibilities. Award
20 temporary significant decision-making responsibility to
21 petitioner in accordance with this Section, the Illinois
22 Marriage and Dissolution of Marriage Act, the Illinois
23 Parentage Act of 2015, and this State's Uniform
24 Child-Custody Jurisdiction and Enforcement Act.

25 If the respondent is charged with abuse (as defined in
26 Section 112A-3 of this Code) of a minor child, there shall

1 be a rebuttable presumption that awarding temporary
2 significant decision-making responsibility to respondent
3 would not be in the child's best interest.

4 (7) Parenting time. Determine the parenting time, if
5 any, of respondent in any case in which the court awards
6 physical care or temporary significant decision-making
7 responsibility of a minor child to petitioner. The court
8 shall restrict or deny respondent's parenting time with a
9 minor child if the court finds that respondent has done or
10 is likely to do any of the following:

11 (i) abuse or endanger the minor child during
12 parenting time;

13 (ii) use the parenting time as an opportunity to
14 abuse or harass petitioner or petitioner's family or
15 household members;

16 (iii) improperly conceal or detain the minor
17 child; or

18 (iv) otherwise act in a manner that is not in the
19 best interests of the minor child.

20 The court shall not be limited by the standards set
21 forth in Section 603.10 of the Illinois Marriage and
22 Dissolution of Marriage Act. If the court grants parenting
23 time, the order shall specify dates and times for the
24 parenting time to take place or other specific parameters
25 or conditions that are appropriate. No order for parenting
26 time shall refer merely to the term "reasonable parenting

1 time". Petitioner may deny respondent access to the minor
2 child if, when respondent arrives for parenting time,
3 respondent is under the influence of drugs or alcohol and
4 constitutes a threat to the safety and well-being of
5 petitioner or petitioner's minor children or is behaving
6 in a violent or abusive manner. If necessary to protect
7 any member of petitioner's family or household from future
8 abuse, respondent shall be prohibited from coming to
9 petitioner's residence to meet the minor child for
10 parenting time, and the petitioner and respondent shall
11 submit to the court their recommendations for reasonable
12 alternative arrangements for parenting time. A person may
13 be approved to supervise parenting time only after filing
14 an affidavit accepting that responsibility and
15 acknowledging accountability to the court.

16 (8) Removal or concealment of minor child. Prohibit
17 respondent from removing a minor child from the State or
18 concealing the child within the State.

19 (9) Order to appear. Order the respondent to appear in
20 court, alone or with a minor child, to prevent abuse,
21 neglect, removal or concealment of the child, to return
22 the child to the custody or care of the petitioner, or to
23 permit any court-ordered interview or examination of the
24 child or the respondent.

25 (10) Possession of personal property. Grant petitioner
26 exclusive possession of personal property and, if

1 respondent has possession or control, direct respondent to
2 promptly make it available to petitioner, if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the petitioner and respondent own the
6 property jointly; sharing it would risk abuse of
7 petitioner by respondent or is impracticable; and the
8 balance of hardships favors temporary possession by
9 petitioner.

10 If petitioner's sole claim to ownership of the
11 property is that it is marital property, the court may
12 award petitioner temporary possession thereof under the
13 standards of subparagraph (ii) of this paragraph only if a
14 proper proceeding has been filed under the Illinois
15 Marriage and Dissolution of Marriage Act, as now or
16 hereafter amended.

17 No order under this provision shall affect title to
18 property.

19 (11) Protection of property. Forbid the respondent
20 from taking, transferring, encumbering, concealing,
21 damaging, or otherwise disposing of any real or personal
22 property, except as explicitly authorized by the court,
23 if:

24 (i) petitioner, but not respondent, owns the
25 property; or

26 (ii) the petitioner and respondent own the

1 property jointly, and the balance of hardships favors
2 granting this remedy.

3 If petitioner's sole claim to ownership of the
4 property is that it is marital property, the court may
5 grant petitioner relief under subparagraph (ii) of this
6 paragraph only if a proper proceeding has been filed under
7 the Illinois Marriage and Dissolution of Marriage Act, as
8 now or hereafter amended.

9 The court may further prohibit respondent from
10 improperly using the financial or other resources of an
11 aged member of the family or household for the profit or
12 advantage of respondent or of any other person.

13 (11.5) Protection of animals. Grant the petitioner the
14 exclusive care, custody, or control of any animal owned,
15 possessed, leased, kept, or held by either the petitioner
16 or the respondent or a minor child residing in the
17 residence or household of either the petitioner or the
18 respondent and order the respondent to stay away from the
19 animal and forbid the respondent from taking,
20 transferring, encumbering, concealing, harming, or
21 otherwise disposing of the animal.

22 (12) Order for payment of support. Order respondent to
23 pay temporary support for the petitioner or any child in
24 the petitioner's care or over whom the petitioner has been
25 allocated parental responsibility, when the respondent has
26 a legal obligation to support that person, in accordance

1 with the Illinois Marriage and Dissolution of Marriage
2 Act, which shall govern, among other matters, the amount
3 of support, payment through the clerk and withholding of
4 income to secure payment. An order for child support may
5 be granted to a petitioner with lawful physical care of a
6 child, or an order or agreement for physical care of a
7 child, prior to entry of an order allocating significant
8 decision-making responsibility. Such a support order shall
9 expire upon entry of a valid order allocating parental
10 responsibility differently and vacating petitioner's
11 significant decision-making responsibility unless
12 otherwise provided in the order.

13 (13) Order for payment of losses. Order respondent to
14 pay petitioner for losses suffered as a direct result of
15 the abuse. Such losses shall include, but not be limited
16 to, medical expenses, lost earnings or other support,
17 repair or replacement of property damaged or taken,
18 reasonable attorney's fees, court costs, and moving or
19 other travel expenses, including additional reasonable
20 expenses for temporary shelter and restaurant meals.

21 (i) Losses affecting family needs. If a party is
22 entitled to seek maintenance, child support, or
23 property distribution from the other party under the
24 Illinois Marriage and Dissolution of Marriage Act, as
25 now or hereafter amended, the court may order
26 respondent to reimburse petitioner's actual losses, to

1 the extent that such reimbursement would be
2 "appropriate temporary relief", as authorized by
3 subsection (a) (3) of Section 501 of that Act.

4 (ii) Recovery of expenses. In the case of an
5 improper concealment or removal of a minor child, the
6 court may order respondent to pay the reasonable
7 expenses incurred or to be incurred in the search for
8 and recovery of the minor child, including, but not
9 limited to, legal fees, court costs, private
10 investigator fees, and travel costs.

11 (14) Prohibition of entry. Prohibit the respondent
12 from entering or remaining in the residence or household
13 while the respondent is under the influence of alcohol or
14 drugs and constitutes a threat to the safety and
15 well-being of the petitioner or the petitioner's children.

16 (14.5) Prohibition of firearm possession.

17 (A) A person who is subject to an existing
18 domestic violence order of protection issued under
19 this Code may not lawfully possess weapons or a valid
20 Firearm Owner's Identification Card under Section 8.2
21 of the Firearm Owners Identification Card Act.

22 (B) Any firearms in the possession of the
23 respondent, except as provided in subparagraph (C) of
24 this paragraph (14.5), shall be ordered by the court
25 to be turned over to a person with a valid Firearm
26 Owner's Identification Card for safekeeping. The court

1 shall issue an order that the respondent comply with
2 Section 9.5 of the Firearm Owners Identification Card
3 Act. ~~the respondent's Firearm Owner's Identification~~
4 ~~Card be turned over to the local law enforcement~~
5 ~~agency, which in turn shall immediately mail the card~~
6 ~~to the Department of State Police Firearm Owner's~~
7 ~~Identification Card Office for safekeeping. The period~~
8 ~~of safekeeping shall be for the duration of the~~
9 ~~domestic violence order of protection. The firearm or~~
10 ~~firearms and Firearm Owner's Identification Card, if~~
11 ~~unexpired, shall at the respondent's request be~~
12 ~~returned to the respondent at expiration of the~~
13 ~~domestic violence order of protection.~~

14 (C) If the respondent is a peace officer as
15 defined in Section 2-13 of the Criminal Code of 2012,
16 the court shall order that any firearms used by the
17 respondent in the performance of his or her duties as a
18 peace officer be surrendered to the chief law
19 enforcement executive of the agency in which the
20 respondent is employed, who shall retain the firearms
21 for safekeeping for the duration of the domestic
22 violence order of protection.

23 (D) Upon expiration of the period of safekeeping,
24 if the firearms or Firearm Owner's Identification Card
25 cannot be returned to respondent because respondent
26 cannot be located, fails to respond to requests to

1 retrieve the firearms, or is not lawfully eligible to
2 possess a firearm, upon petition from the local law
3 enforcement agency, the court may order the local law
4 enforcement agency to destroy the firearms, use the
5 firearms for training purposes, or for any other
6 application as deemed appropriate by the local law
7 enforcement agency; or that the firearms be turned
8 over to a third party who is lawfully eligible to
9 possess firearms, and who does not reside with
10 respondent.

11 (15) Prohibition of access to records. If a domestic
12 violence order of protection prohibits respondent from
13 having contact with the minor child, or if petitioner's
14 address is omitted under subsection (b) of Section 112A-5
15 of this Code, or if necessary to prevent abuse or wrongful
16 removal or concealment of a minor child, the order shall
17 deny respondent access to, and prohibit respondent from
18 inspecting, obtaining, or attempting to inspect or obtain,
19 school or any other records of the minor child who is in
20 the care of petitioner.

21 (16) Order for payment of shelter services. Order
22 respondent to reimburse a shelter providing temporary
23 housing and counseling services to the petitioner for the
24 cost of the services, as certified by the shelter and
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive

1 relief necessary or appropriate to prevent further abuse
2 of a family or household member or to effectuate one of the
3 granted remedies, if supported by the balance of
4 hardships. If the harm to be prevented by the injunction
5 is abuse or any other harm that one of the remedies listed
6 in paragraphs (1) through (16) of this subsection is
7 designed to prevent, no further evidence is necessary to
8 establish that the harm is an irreparable injury.

9 (18) Telephone services.

10 (A) Unless a condition described in subparagraph
11 (B) of this paragraph exists, the court may, upon
12 request by the petitioner, order a wireless telephone
13 service provider to transfer to the petitioner the
14 right to continue to use a telephone number or numbers
15 indicated by the petitioner and the financial
16 responsibility associated with the number or numbers,
17 as set forth in subparagraph (C) of this paragraph. In
18 this paragraph (18), the term "wireless telephone
19 service provider" means a provider of commercial
20 mobile service as defined in 47 U.S.C. 332. The
21 petitioner may request the transfer of each telephone
22 number that the petitioner, or a minor child in his or
23 her custody, uses. The clerk of the court shall serve
24 the order on the wireless telephone service provider's
25 agent for service of process provided to the Illinois
26 Commerce Commission. The order shall contain all of

1 the following:

2 (i) The name and billing telephone number of
3 the account holder including the name of the
4 wireless telephone service provider that serves
5 the account.

6 (ii) Each telephone number that will be
7 transferred.

8 (iii) A statement that the provider transfers
9 to the petitioner all financial responsibility for
10 and right to the use of any telephone number
11 transferred under this paragraph.

12 (B) A wireless telephone service provider shall
13 terminate the respondent's use of, and shall transfer
14 to the petitioner use of, the telephone number or
15 numbers indicated in subparagraph (A) of this
16 paragraph unless it notifies the petitioner, within 72
17 hours after it receives the order, that one of the
18 following applies:

19 (i) The account holder named in the order has
20 terminated the account.

21 (ii) A difference in network technology would
22 prevent or impair the functionality of a device on
23 a network if the transfer occurs.

24 (iii) The transfer would cause a geographic or
25 other limitation on network or service provision
26 to the petitioner.

1 (iv) Another technological or operational
2 issue would prevent or impair the use of the
3 telephone number if the transfer occurs.

4 (C) The petitioner assumes all financial
5 responsibility for and right to the use of any
6 telephone number transferred under this paragraph. In
7 this paragraph, "financial responsibility" includes
8 monthly service costs and costs associated with any
9 mobile device associated with the number.

10 (D) A wireless telephone service provider may
11 apply to the petitioner its routine and customary
12 requirements for establishing an account or
13 transferring a number, including requiring the
14 petitioner to provide proof of identification,
15 financial information, and customer preferences.

16 (E) Except for willful or wanton misconduct, a
17 wireless telephone service provider is immune from
18 civil liability for its actions taken in compliance
19 with a court order issued under this paragraph.

20 (F) All wireless service providers that provide
21 services to residential customers shall provide to the
22 Illinois Commerce Commission the name and address of
23 an agent for service of orders entered under this
24 paragraph (18). Any change in status of the registered
25 agent must be reported to the Illinois Commerce
26 Commission within 30 days of such change.

1 (G) The Illinois Commerce Commission shall
2 maintain the list of registered agents for service for
3 each wireless telephone service provider on the
4 Commission's website. The Commission may consult with
5 wireless telephone service providers and the Circuit
6 Court Clerks on the manner in which this information
7 is provided and displayed.

8 (c) Relevant factors; findings.

9 (1) In determining whether to grant a specific remedy,
10 other than payment of support, the court shall consider
11 relevant factors, including, but not limited to, the
12 following:

13 (i) the nature, frequency, severity, pattern, and
14 consequences of the respondent's past abuse of the
15 petitioner or any family or household member,
16 including the concealment of his or her location in
17 order to evade service of process or notice, and the
18 likelihood of danger of future abuse to petitioner or
19 any member of petitioner's or respondent's family or
20 household; and

21 (ii) the danger that any minor child will be
22 abused or neglected or improperly relocated from the
23 jurisdiction, improperly concealed within the State,
24 or improperly separated from the child's primary
25 caretaker.

26 (2) In comparing relative hardships resulting to the

1 parties from loss of possession of the family home, the
2 court shall consider relevant factors, including, but not
3 limited to, the following:

4 (i) availability, accessibility, cost, safety,
5 adequacy, location, and other characteristics of
6 alternate housing for each party and any minor child
7 or dependent adult in the party's care;

8 (ii) the effect on the party's employment; and

9 (iii) the effect on the relationship of the party,
10 and any minor child or dependent adult in the party's
11 care, to family, school, church, and community.

12 (3) Subject to the exceptions set forth in paragraph
13 (4) of this subsection (c), the court shall make its
14 findings in an official record or in writing, and shall at
15 a minimum set forth the following:

16 (i) That the court has considered the applicable
17 relevant factors described in paragraphs (1) and (2)
18 of this subsection (c).

19 (ii) Whether the conduct or actions of respondent,
20 unless prohibited, will likely cause irreparable harm
21 or continued abuse.

22 (iii) Whether it is necessary to grant the
23 requested relief in order to protect petitioner or
24 other alleged abused persons.

25 (4) (Blank).

26 (5) Never married parties. No rights or

1 responsibilities for a minor child born outside of
2 marriage attach to a putative father until a father and
3 child relationship has been established under the Illinois
4 Parentage Act of 1984, the Illinois Parentage Act of 2015,
5 the Illinois Public Aid Code, Section 12 of the Vital
6 Records Act, the Juvenile Court Act of 1987, the Probate
7 Act of 1975, the Uniform Interstate Family Support Act,
8 the Expedited Child Support Act of 1990, any judicial,
9 administrative, or other act of another state or
10 territory, any other statute of this State, or by any
11 foreign nation establishing the father and child
12 relationship, any other proceeding substantially in
13 conformity with the federal Personal Responsibility and
14 Work Opportunity Reconciliation Act of 1996, or when both
15 parties appeared in open court or at an administrative
16 hearing acknowledging under oath or admitting by
17 affirmation the existence of a father and child
18 relationship. Absent such an adjudication, no putative
19 father shall be granted temporary allocation of parental
20 responsibilities, including parenting time with the minor
21 child, or physical care and possession of the minor child,
22 nor shall an order of payment for support of the minor
23 child be entered.

24 (d) Balance of hardships; findings. If the court finds
25 that the balance of hardships does not support the granting of
26 a remedy governed by paragraph (2), (3), (10), (11), or (16) of

1 subsection (b) of this Section, which may require such
2 balancing, the court's findings shall so indicate and shall
3 include a finding as to whether granting the remedy will
4 result in hardship to respondent that would substantially
5 outweigh the hardship to petitioner from denial of the remedy.
6 The findings shall be an official record or in writing.

7 (e) Denial of remedies. Denial of any remedy shall not be
8 based, in whole or in part, on evidence that:

9 (1) respondent has cause for any use of force, unless
10 that cause satisfies the standards for justifiable use of
11 force provided by Article 7 of the Criminal Code of 2012;

12 (2) respondent was voluntarily intoxicated;

13 (3) petitioner acted in self-defense or defense of
14 another, provided that, if petitioner utilized force, such
15 force was justifiable under Article 7 of the Criminal Code
16 of 2012;

17 (4) petitioner did not act in self-defense or defense
18 of another;

19 (5) petitioner left the residence or household to
20 avoid further abuse by respondent;

21 (6) petitioner did not leave the residence or
22 household to avoid further abuse by respondent; or

23 (7) conduct by any family or household member excused
24 the abuse by respondent, unless that same conduct would
25 have excused such abuse if the parties had not been family
26 or household members.

1 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
2 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
3 1-1-19; 101-81, eff. 7-12-19.)".