

1 AN ACT concerning criminal law.

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

4 Section 1. This Act may be referred to as the Fix the FOID
5 Act.

6 Section 3. The Open Meetings Act is amended by changing
7 Section 2 as follows:

8 (5 ILCS 120/2) (from Ch. 102, par. 42)

9 Sec. 2. Open meetings.

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

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

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

22 (1) The appointment, employment, compensation,

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

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

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

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

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

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

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

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

22 (9) Student disciplinary cases.

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

26 (11) Litigation, when an action against, affecting or

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

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

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

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

26 (15) Professional ethics or performance when

1 considered by an advisory body appointed to advise a
2 licensing or regulatory agency on matters germane to the
3 advisory body's field of competence.

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

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

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

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

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

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

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

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

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

17 (25) Meetings of an independent team of experts under
18 Brian's Law.

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

22 (27) (Blank).

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

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

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

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

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

23 (33) Those meetings or portions of meetings of the
24 advisory committee and peer review subcommittee created
25 under Section 320 of the Illinois Controlled Substances
26 Act during which specific controlled substance prescriber,

1 dispenser, or patient information is discussed.

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

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

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

15 (37) Meetings of the Firearm Owner's Identification
16 Card Review Board under Section 10 of the Firearm Owners
17 Identification Card Act.

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

19 "Employee" means a person employed by a public body whose
20 relationship with the public body constitutes an
21 employer-employee relationship under the usual common law
22 rules, and who is not an independent contractor.

23 "Public office" means a position created by or under the
24 Constitution or laws of this State, the occupant of which is
25 charged with the exercise of some portion of the sovereign
26 power of this State. The term "public office" shall include

1 members of the public body, but it shall not include
2 organizational positions filled by members thereof, whether
3 established by law or by a public body itself, that exist to
4 assist the body in the conduct of its business.

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

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

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

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

21 (5 ILCS 140/7.5)

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

1 (a) All information determined to be confidential
2 under Section 4002 of the Technology Advancement and
3 Development Act.

4 (b) Library circulation and order records identifying
5 library users with specific materials under the Library
6 Records Confidentiality Act.

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

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

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

21 (f) Firm performance evaluations under Section 55 of
22 the Architectural, Engineering, and Land Surveying
23 Qualifications Based Selection Act.

24 (g) Information the disclosure of which is restricted
25 and exempted under Section 50 of the Illinois Prepaid
26 Tuition Act.

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

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

11 (j) Information and data concerning the distribution
12 of surcharge moneys collected and remitted by carriers
13 under the Emergency Telephone System Act.

14 (k) Law enforcement officer identification information
15 or driver identification information compiled by a law
16 enforcement agency or the Department of Transportation
17 under Section 11-212 of the Illinois Vehicle Code.

18 (l) Records and information provided to a residential
19 health care facility resident sexual assault and death
20 review team or the Executive Council under the Abuse
21 Prevention Review Team Act.

22 (m) Information provided to the predatory lending
23 database created pursuant to Article 3 of the Residential
24 Real Property Disclosure Act, except to the extent
25 authorized under that Article.

26 (n) Defense budgets and petitions for certification of

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

7 (o) Information that is prohibited from being
8 disclosed under Section 4 of the Illinois Health and
9 Hazardous Substances Registry Act.

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

17 (q) Information prohibited from being disclosed by the
18 Personnel Record Review Act.

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

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

23 (t) All identified or deidentified health information
24 in the form of health data or medical records contained
25 in, stored in, submitted to, transferred by, or released
26 from the Illinois Health Information Exchange, and

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

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

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

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

1 (w) Personally identifiable information which is
2 exempted from disclosure under subsection (g) of Section
3 19.1 of the Toll Highway Act.

4 (x) Information which is exempted from disclosure
5 under Section 5-1014.3 of the Counties Code or Section
6 8-11-21 of the Illinois Municipal Code.

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

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

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

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

23 (cc) Recordings made under the Law Enforcement
24 Officer-Worn Body Camera Act, except to the extent
25 authorized under that Act.

26 (dd) Information that is prohibited from being

1 disclosed under Section 45 of the Condominium and Common
2 Interest Community Ombudsperson Act.

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

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

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

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

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

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

20 (kk) Information prohibited from disclosure under the
21 Seizure and Forfeiture Reporting Act.

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

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

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

3 (oo) Communications, notes, records, and reports
4 arising out of a peer support counseling session
5 prohibited from disclosure under the First Responders
6 Suicide Prevention Act.

7 (pp) Names and all identifying information relating to
8 an employee of an emergency services provider or law
9 enforcement agency under the First Responders Suicide
10 Prevention Act.

11 (qq) Information and records held by the Department of
12 Public Health and its authorized representatives collected
13 under the Reproductive Health Act.

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

16 (ss) Data reported by an employer to the Department of
17 Human Rights pursuant to Section 2-108 of the Illinois
18 Human Rights Act.

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

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

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

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

3 (xx) Information that is exempt from disclosure or
4 information that shall not be made public under the
5 Illinois Insurance Code.

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

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

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

12 (bbb) Records exempt from disclosure under Section
13 2605-304 of the Department of State Police Law of the
14 Civil Administrative Code of Illinois.

15 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
16 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
17 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
18 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
19 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
20 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
21 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
22 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
23 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,
24 eff. 7-7-20.)

25 Section 10. The Department of State Police Law of the

1 Civil Administrative Code of Illinois is amended by changing
2 Section 2605-605 and by adding Section 2605-304 as follows:

3 (20 ILCS 2605/2605-304 new)

4 Sec. 2605-304. Prohibited persons portal.

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

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

18 (c) The Illinois State Police shall indicate whether the
19 person subject to the revocation or suspension of his or her
20 Firearm Owner's Identification Card has surrendered his or her
21 revoked or suspended Firearm Owner's Identification Card and
22 whether the person has completed a Firearm Disposition Record
23 required under Section 9.5 of the Firearm Owners
24 Identification Card Act. The Illinois State Police shall make
25 reasonable efforts to make this information available on the

1 Law Enforcement Agencies Data System (LEADS).

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

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

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

12 (20 ILCS 2605/2605-605)

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

23 (1) The Task Force may develop and acquire information,
24 training, tools, and resources necessary to implement a
25 data-driven approach to policing, with an emphasis on

1 intelligence development.

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

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

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

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

21 (6) In consultation with the Chief Procurement Officer,
22 the Department of State Police may obtain contracts for
23 software, commodities, resources, and equipment to assist the
24 Task Force with achieving this Act. Any contracts necessary to
25 support the delivery of necessary software, commodities,
26 resources, and equipment are not subject to the Illinois

1 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
2 20-160 and Article 50 of that Code, provided that the Chief
3 Procurement Officer may, in writing with justification, waive
4 any certification required under Article 50 of the Illinois
5 Procurement Code.

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

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

19 (9) To implement this Section, the Director of the
20 Illinois State Police may establish intergovernmental
21 contracts written and executed in conformity with the
22 Intergovernmental Cooperation Act.

23 10) Law enforcement agencies that participate in
24 activities described in paragraphs (7) through (9) may apply
25 to the Illinois State Police for grants from the State Police
26 Revocation Enforcement Fund.

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

2 Section 15. The State Finance Act is amended by changing
3 Section 6z-99 and by adding Sections 5.938 and 6z-124 as
4 follows:

5 (30 ILCS 105/5.938 new)

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

7 (30 ILCS 105/6z-99)

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

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

14 (b) The Department of State Police and Department of Human
15 Services shall coordinate to use moneys in the Fund to finance
16 their respective duties of collecting and reporting data on
17 mental health records and ensuring that mental health firearm
18 possession prohibitors are enforced as set forth under the
19 Firearm Concealed Carry Act and the Firearm Owners
20 Identification Card Act, including reporting prohibitors to
21 the National Instant Criminal Background Check System (NICS).
22 Any surplus in the Fund beyond what is necessary to ensure
23 compliance with mental health reporting under these Acts shall

1 be used by the Department of Human Services for mental health
2 treatment programs as follows: (1) 50% shall be used to fund
3 community-based mental health programs aimed at reducing gun
4 violence, community integration and education, or mental
5 health awareness and prevention, including administrative
6 costs; and (2) 50% shall be used to award grants that use and
7 promote the National School Mental Health Curriculum model for
8 school-based mental health support, integration, and services.

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

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

13 (30 ILCS 105/6z-124 new)

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

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

23 (b) The Illinois State Police may use moneys from the Fund
24 to establish task forces and, if necessary, include other law
25 enforcement agencies, pursuant to intergovernmental contracts

1 written and executed in conformity with the Intergovernmental
2 Cooperation Act.

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

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

12 Section 20. The Firearm Owners Identification Card Act is
13 amended by changing Sections 1.1, 3, 3a, 3.1, 4, 5, 6, 7, 8,
14 8.2, 8.3, 9.5, 10, 11, and 13.2 and by adding Sections 6.2,
15 7.5, 8.4, and 13.4 as follows:

16 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

17 Sec. 1.1. For purposes of this Act:

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

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

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

1 "Addicted to narcotics" does not include possession or use
2 of a prescribed controlled substance under the direction and
3 authority of a physician or other person authorized to
4 prescribe the controlled substance when the controlled
5 substance is used in the prescribed manner.

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

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

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

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

18 (3.5) is guilty but mentally ill, as provided in
19 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

1 (7) is a sexually dangerous person under the Sexually
2 Dangerous Persons Act;

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

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

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

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

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

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

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

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

24 (2) demonstrates threatening physical or verbal
25 behavior, such as violent, suicidal, or assaultive
26 threats, actions, or other behavior, as determined by a

1 physician, clinical psychologist, qualified examiner,
2 school administrator, or law enforcement official.

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

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

9 "Counterfeit" means to copy or imitate, without legal
10 authority, with intent to deceive.

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

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

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

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

25 (2) any device used exclusively for signalling or
26 safety and required or recommended by the United States

1 Coast Guard or the Interstate Commerce Commission;

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

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

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

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

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

21 "Gun show" means an event or function:

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

26 (2) at which not less than 10 gun show vendors

1 display, offer, or exhibit for sale, sell, transfer, or
2 exchange firearms.

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

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

19 "Gun show promoter" means a person who organizes or
20 operates a gun show.

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

26 "Involuntarily admitted" has the meaning as prescribed in

1 Sections 1-119 and 1-119.1 of the Mental Health and
2 Developmental Disabilities Code.

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

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

17 "Patient" means:

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

25 (2) a person who voluntarily or involuntarily receives
26 mental health treatment as an out-patient or is otherwise

1 provided services by a public or private mental health
2 facility, and who poses a clear and present danger to
3 himself, herself, or to others.

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

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

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

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

1 "Protective order" means any orders of protection issued
2 under the Illinois Domestic Violence Act of 1986, stalking no
3 contact orders issued under the Stalking No Contact Order Act,
4 civil no contact orders issued under the Civil No Contact
5 Order Act, and firearms restraining orders issued under the
6 Firearms Restraining Order Act.

7 "Qualified examiner" has the meaning provided in Section
8 1-122 of the Mental Health and Developmental Disabilities
9 Code.

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

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

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

19 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
20 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

21 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

22 Sec. 3. Requirements for firearm transfers.

23 (a) ~~A~~ ~~Except as provided in Section 3a, no person shall not~~
24 ~~may~~ knowingly transfer, or cause to be transferred, any
25 firearm, firearm ammunition, stun gun, or taser to any person

1 within this State unless the transferee with whom he or she
2 deals displays either: (1) a currently valid Firearm Owner's
3 Identification Card which has previously been issued in his or
4 her name by the Department of State Police under the
5 provisions of this Act; or (2) a currently valid license to
6 carry a concealed firearm which has previously been issued in
7 his or her name by the Department of State Police under the
8 Firearm Concealed Carry Act. In addition, all firearm, stun
9 gun, and taser transfers by federally licensed firearm dealers
10 are subject to Section 3.1.

11 (a-5) Beginning 90 days after the effective date of this
12 amendatory Act of the 102nd General Assembly, notwithstanding
13 item (2) of subsection (a) of this Section, any person who is
14 not a federally licensed firearm dealer and who desires to
15 transfer or sell a firearm or firearms to any person who is not
16 a federally licensed firearm dealer shall do so only through a
17 federally licensed firearms dealer as follows:

18 (1) the seller or transferor shall give the firearm to
19 the federally licensed firearms dealer, who shall retain
20 possession of the firearm until every legal requirement
21 for the sale or transfer has been met;

22 (2) the federally licensed firearms dealer shall
23 process the sale or other transfer in compliance with any
24 federal, State, and local law, including a National
25 Instant Criminal Background Check System background check
26 on the buyer or transferee in accordance with 18 U.S.C.

1 922(t) and Section 3.1;

2 (A) if the transaction is not legally prohibited,
3 the federally licensed firearm dealer may then
4 complete transfer of the firearm to the buyer or
5 transferee;

6 (B) if the transaction is legally prohibited, the
7 federally licensed firearm dealer shall conduct a
8 National Instant Criminal Background Check System
9 background check under paragraph (2) of this
10 subsection (a-5) on the transferor or seller before
11 returning the firearm;

12 (C) if the federally licensed firearm dealer
13 cannot return the firearm to either party, the dealer
14 shall notify a local law enforcement agency within 24
15 hours to take possession of the firearm;

16 (D) if there is a delay in completing a background
17 check, the federally licensed firearms dealer shall
18 maintain possession of the firearm until the
19 background check is completed;

20 (3) the federally licensed firearms dealer shall
21 ensure that all required documentation of the sale or
22 transfer are maintained in accordance with federal, State,
23 and local law, including, but not limited to, the
24 completion of the Bureau of Alcohol, Tobacco, Firearms,
25 and Explosives Firearm Transaction Record Form 4473 which
26 shall be open to inspection in accordance with the Firearm

1 Dealer License Certification Act;

2 (4) the federally licensed firearms dealer may charge
3 a fee not to exceed \$10 to perform the sale or transfer
4 under this Section; and

5 (5) no transfer of a firearm shall occur until an
6 approval is issued by the Illinois State Police and the
7 required waiting period established by Section 24-3 of the
8 Criminal Code of 2012 has expired.

9 This subsection shall not apply to sales or transfers by

10 a:

11 (A) law enforcement, corrections, or active duty
12 military officer acting within the course of his or her
13 employment or official duties;

14 (B) person acting under operation of law or court
15 order;

16 (C) gunsmith who receives the firearm solely for the
17 purpose of service or repair;

18 (D) person acting on behalf of a common carrier or
19 other business for purposes of transportation or storage
20 in the ordinary course of his or her business;

21 (E) person who is loaned a firearm while on the
22 premises of a licensed shooting range for the sole purpose
23 of shooting at targets, if the firearm is kept within the
24 premises of the shooting range;

25 (F) minor who is loaned a firearm for lawful hunting
26 or sporting purposes while under the direct supervision of

1 an adult;

2 (G) person who acquires a firearm upon the death of
3 another person from a will, bequest, inheritance, or as a
4 bona fide gift from an immediate family member, as long as
5 he or she notifies the Illinois State Police under Section
6 3.1 within 60 days, at which time the Illinois State
7 Police shall conduct a National Instant Criminal
8 Background Check System background check on the person. In
9 this paragraph, "immediate family member" means a spouse,
10 domestic partner, children, step-children, parents, or
11 step-parents;

12 (H) person who transfers a firearm to a law
13 enforcement agency; or

14 (I) person who is loaned a firearm for lawful hunting
15 or sporting purposes while in the presence of the lawful
16 owner of the firearm.

17 ~~Any person who is not a federally licensed firearm dealer and~~
18 ~~who desires to transfer or sell a firearm while that~~
19 ~~person is on the grounds of a gun show must, before selling~~
20 ~~or transferring the firearm, request the Department of~~
21 ~~State Police to conduct a background check on the~~
22 ~~prospective recipient of the firearm in accordance with~~
23 ~~Section 3.1.~~

24 (a-10) The Illinois State Police shall publish, on its
25 website, information for holders of Firearm Owner's
26 Identification Cards that includes the changes included in

1 this amendatory Act of the 102nd General Assembly. Any Firearm
2 Owner's Identification Card issued or renewed beginning 180
3 days after the effective date of this amendatory Act of the
4 102nd General Assembly shall include a statement indicating
5 the changes pertinent in this amendatory Act of the 102nd
6 General Assembly for Firearm Owner's Identification Card
7 holders. Notwithstanding item (2) of subsection (a) of this
8 Section, any person who is not a federally licensed firearm
9 dealer and who desires to transfer or sell a firearm or
10 firearms to any person who is not a federally licensed firearm
11 dealer shall, before selling or transferring the firearms,
12 contact the Department of State Police with the transferee's
13 or purchaser's Firearm Owner's Identification Card number to
14 determine the validity of the transferee's or purchaser's
15 Firearm Owner's Identification Card. This subsection shall not
16 be effective until January 1, 2014. The Department of State
17 Police may adopt rules concerning the implementation of this
18 subsection. The Department of State Police shall provide the
19 seller or transferor an approval number if the purchaser's
20 Firearm Owner's Identification Card is valid. Approvals issued
21 by the Department for the purchase of a firearm pursuant to
22 this subsection are valid for 30 days from the date of issue.

23 (a-15) (Blank). ~~The provisions of subsection (a-10) of~~
24 ~~this Section do not apply to:~~

25 ~~(1) transfers that occur at the place of business of a~~
26 ~~federally licensed firearm dealer, if the federally~~

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

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

19 ~~(3) transfers by persons acting pursuant to operation~~
20 ~~of law or a court order;~~

21 ~~(4) transfers on the grounds of a gun show under~~
22 ~~subsection (a-5) of this Section;~~

23 ~~(5) the delivery of a firearm by its owner to a~~
24 ~~gunsmith for service or repair, the return of the firearm~~
25 ~~to its owner by the gunsmith, or the delivery of a firearm~~
26 ~~by a gunsmith to a federally licensed firearms dealer for~~

1 ~~service or repair and the return of the firearm to the~~
2 ~~gunsmith;~~

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

9 ~~(7) transfers to a law enforcement or corrections~~
10 ~~agency or a law enforcement or corrections officer acting~~
11 ~~within the course and scope of his or her official duties;~~

12 ~~(8) transfers of firearms that have been rendered~~
13 ~~permanently inoperable to a nonprofit historical society,~~
14 ~~museum, or institutional collection; and~~

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

18 (a-20) (Blank). ~~The Department of State Police shall~~
19 ~~develop an Internet based system for individuals to determine~~
20 ~~the validity of a Firearm Owner's Identification Card prior to~~
21 ~~the sale or transfer of a firearm. The Department shall have~~
22 ~~the Internet based system completed and available for use by~~
23 ~~July 1, 2015. The Department shall adopt rules not~~
24 ~~inconsistent with this Section to implement this system.~~

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

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

9 (b-1) Any person within this State who before the
10 provisions of subsection (a-5) become operative, transferred,
11 or caused ~~transfers or causes~~ to be transferred any firearm,
12 stun gun, or taser shall keep a record of such transfer for a
13 period of 10 years from the date of transfer. Such record shall
14 contain the date of the transfer; the description, serial
15 number or other information identifying the firearm, stun gun,
16 or taser if no serial number is available; and, if the transfer
17 was completed within this State, the transferee's Firearm
18 Owner's Identification Card number and any approval number or
19 documentation provided by the Department of State Police
20 ~~pursuant to subsection (a-10) of this Section;~~ if the transfer
21 was not completed within this State, the record shall contain
22 the name and address of the transferee. The ~~On or after January~~
23 ~~1, 2006,~~ the record shall contain the date of application for
24 transfer of the firearm. On demand of a peace officer such
25 transferor shall produce for inspection such record of
26 transfer. If the transfer or sale took place at a gun show, the

1 record shall include the unique identification number. Failure
2 to record the unique identification number or approval number
3 is a petty offense. For transfers of a firearm, stun gun, or
4 taser made on or after January 1, 2019 (the effective date of
5 Public Act 100-1178) and before the provisions of subsection
6 (a-5) become operative ~~this amendatory Act of the 100th~~
7 ~~General Assembly~~, failure by the private seller to maintain
8 the transfer records in accordance with this Section is a
9 Class A misdemeanor for the first offense and a Class 4 felony
10 for a second or subsequent offense. A transferee shall not be
11 criminally liable under this subsection (b-1) ~~Section~~ provided
12 that he or she provides the Department of State Police with the
13 transfer records in accordance with procedures established by
14 the Department. ~~The Department shall establish, by rule, a~~
15 ~~standard form on its website.~~

16 (b-5) (Blank). Any resident may purchase ammunition from a
17 person within or outside of Illinois if shipment is by United
18 States mail or by a private express carrier authorized by
19 federal law to ship ammunition. Any resident purchasing
20 ammunition within or outside the State of Illinois must
21 provide the seller with a copy of his or her valid Firearm
22 Owner's Identification Card or valid concealed carry license
23 and either his or her Illinois driver's license or Illinois
24 State Identification Card prior to the shipment of the
25 ammunition. The ammunition may be shipped only to an address
26 on either of those 2 documents.

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

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

5 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

6 Sec. 3a. (a) Any resident of Illinois who has obtained a
7 firearm owner's identification card pursuant to this Act and
8 who is not otherwise prohibited from obtaining, possessing or
9 using a firearm may purchase or obtain a rifle or shotgun or
10 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,
11 Wisconsin or Kentucky.

12 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or
13 Kentucky or a non-resident with a valid non-resident hunting
14 license, who is 18 years of age or older and who is not
15 prohibited by the laws of Illinois, the state of his domicile,
16 or the United States from obtaining, possessing or using a
17 firearm, may purchase or obtain a rifle, shotgun or ammunition
18 for a rifle or shotgun in Illinois.

19 (b-5) Any non-resident who is participating in a
20 sanctioned competitive shooting event, who is 18 years of age
21 or older and who is not prohibited by the laws of Illinois, the
22 state of his or her domicile, or the United States from
23 obtaining, possessing, or using a firearm, may purchase or
24 obtain a shotgun or shotgun ammunition in Illinois for the
25 purpose of participating in that event. A person may purchase

1 or obtain a shotgun or shotgun ammunition under this
2 subsection only at the site where the sanctioned competitive
3 shooting event is being held.

4 (b-10) Any non-resident registered competitor or attendee
5 of a competitive shooting event held at the World Shooting
6 Complex sanctioned by a national governing body, who is not
7 prohibited by the laws of Illinois, the state of his or her
8 domicile, or the United States from obtaining, possessing, or
9 using a firearm may purchase or obtain a rifle, shotgun, or
10 other long gun or ammunition for a rifle, shotgun, or other
11 long gun at the competitive shooting event. The sanctioning
12 body shall provide a list of registered competitors and
13 attendees as required under subparagraph (5) of paragraph (g)
14 of subsection (A) of Section 24-3 of the Criminal Code of 2012.
15 A competitor or attendee of a competitive shooting event who
16 does not wish to purchase a firearm at the event is not
17 required to register or have his or her name appear on a list
18 of registered competitors and attendees provided to the
19 Department of State Police by the sanctioning body.

20 (c) Any transaction under this Section is subject to the
21 provisions of Section 3 and the Gun Control Act of 1968 (18
22 U.S.C. 922 (b) (3)).

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

24 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

25 Sec. 3.1. Firearm transfer inquiry program ~~Dial up system.~~

1 (a) The Department of State Police shall provide a dial up
2 telephone system or utilize other existing technology which
3 shall be used by any federally licensed firearm dealer, ~~gun~~
4 ~~show promoter, or gun show vendor~~ who is to transfer a firearm,
5 stun gun, or taser under the provisions of this Act. The
6 Department of State Police may utilize existing technology
7 which allows the caller to be charged a fee not to exceed \$2.
8 Fees collected by the Department of State Police shall be
9 deposited in the State Police Services Fund and used to
10 provide the service.

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

1 patient hospitalization information which would disqualify a
2 person from obtaining or require revocation of a currently
3 valid Firearm Owner's Identification Card.

4 (b-5) The Illinois State Police shall by rule provide a
5 process for the automatic renewal of the Firearm Owner's
6 Identification Card of a person at the time of a inquiry in
7 subsection (b). Persons eligible for this process must have a
8 set of fingerprints on file with their application pursuant to
9 either subsection (a-25) of Section 4 or the Firearm Concealed
10 Carry Act.

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

14 (1) assign a unique identification number to the
15 transfer; and

16 (2) provide the licensee, gun show promoter, or gun
17 show vendor with the number.

18 (d) Approvals issued by the Department of State Police for
19 the purchase of a firearm are valid for 30 days from the date
20 of issue.

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

24 (2) The Department of State Police and the Department of
25 Human Services shall, in accordance with State and federal law
26 regarding confidentiality, enter into a memorandum of

1 understanding with the Federal Bureau of Investigation for the
2 purpose of implementing the National Instant Criminal
3 Background Check System in the State. The Department of State
4 Police shall report the name, date of birth, and physical
5 description of any person prohibited from possessing a firearm
6 pursuant to the Firearm Owners Identification Card Act or 18
7 U.S.C. 922(g) and (n) to the National Instant Criminal
8 Background Check System Index, Denied Persons Files.

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

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

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

20 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

21 Sec. 4. Application for Firearm Owner's Identification
22 Cards.

23 (a) Each applicant for a Firearm Owner's Identification
24 Card must:

25 (1) Make application on blank forms prepared and

1 furnished at convenient locations throughout the State by
2 the Department of State Police, or by electronic means, if
3 and when made available by the Department of State Police;
4 and

5 (2) Submit evidence to the Department of State Police
6 that:

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

22 (i-5) This subparagraph (i-5) applies on and after
23 the 181st day following the effective date of this
24 amendatory Act of the 101st General Assembly. He or
25 she is 21 years of age or over, or if he or she is
26 under 21 years of age that he or she has never been

1 convicted of a misdemeanor other than a traffic
2 offense or adjudged delinquent and is an active duty
3 member of the United States Armed Forces or has the
4 written consent of his or her parent or legal guardian
5 to possess and acquire firearms and firearm
6 ammunition, provided, however, that such parent or
7 legal guardian is not an individual prohibited from
8 having a Firearm Owner's Identification Card and files
9 an affidavit with the Department as prescribed by the
10 Department stating that he or she is not an individual
11 prohibited from having a Card or the active duty
12 member of the United States Armed Forces under 21
13 years of age annually submits proof to the Department
14 of State Police, in a manner prescribed by the
15 Department;

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

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

19 (iv) He or she has not been a patient in a mental
20 health facility within the past 5 years or, if he or
21 she has been a patient in a mental health facility more
22 than 5 years ago submit the certification required
23 under subsection (u) of Section 8 of this Act;

24 (v) He or she is not a person with an intellectual
25 disability;

26 (vi) He or she is not an alien who is unlawfully

1 present in the United States under the laws of the
2 United States;

3 (vii) He or she is not subject to an existing order
4 of protection prohibiting him or her from possessing a
5 firearm;

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

11 (ix) He or she has not been convicted of domestic
12 battery, aggravated domestic battery, or a
13 substantially similar offense in another jurisdiction
14 committed before, on or after January 1, 2012 (the
15 effective date of Public Act 97-158). If the applicant
16 knowingly and intelligently waives the right to have
17 an offense described in this clause (ix) tried by a
18 jury, and by guilty plea or otherwise, results in a
19 conviction for an offense in which a domestic
20 relationship is not a required element of the offense
21 but in which a determination of the applicability of
22 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of
23 the Code of Criminal Procedure of 1963, an entry by the
24 court of a judgment of conviction for that offense
25 shall be grounds for denying the issuance of a Firearm
26 Owner's Identification Card under this Section;

1 (x) (Blank);

2 (xi) He or she is not an alien who has been
3 admitted to the United States under a non-immigrant
4 visa (as that term is defined in Section 101(a)(26) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(26))), or that he or she is an alien who has
7 been lawfully admitted to the United States under a
8 non-immigrant visa if that alien is:

9 (1) admitted to the United States for lawful
10 hunting or sporting purposes;

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

13 (A) accredited to the United States
14 Government or the Government's mission to an
15 international organization having its
16 headquarters in the United States; or

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

19 (3) an official of a foreign government or
20 distinguished foreign visitor who has been so
21 designated by the Department of State;

22 (4) a foreign law enforcement officer of a
23 friendly foreign government entering the United
24 States on official business; or

25 (5) one who has received a waiver from the
26 Attorney General of the United States pursuant to

1 18 U.S.C. 922(y)(3);

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

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

11 (xiv) He or she is a resident of the State of
12 Illinois;

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

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

17 (xvii) He or she is not a person with a
18 developmental disability; and

19 (3) Upon request by the Department of State Police,
20 sign a release on a form prescribed by the Department of
21 State Police waiving any right to confidentiality and
22 requesting the disclosure to the Department of State
23 Police of limited mental health institution admission
24 information from another state, the District of Columbia,
25 any other territory of the United States, or a foreign
26 nation concerning the applicant for the sole purpose of

1 determining whether the applicant is or was a patient in a
2 mental health institution and disqualified because of that
3 status from receiving a Firearm Owner's Identification
4 Card. No mental health care or treatment records may be
5 requested. The information received shall be destroyed
6 within one year of receipt.

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

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

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

26 (a-20) Each applicant for a Firearm Owner's Identification

1 Card shall furnish to the Department of State Police his or her
2 photograph. An applicant who is 21 years of age or older
3 seeking a religious exemption to the photograph requirement
4 must furnish with the application an approved copy of United
5 States Department of the Treasury Internal Revenue Service
6 Form 4029. In lieu of a photograph, an applicant regardless of
7 age seeking a religious exemption to the photograph
8 requirement shall submit fingerprints on a form and manner
9 prescribed by the Department with his or her application.

10 (a-25) Beginning 180 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, each applicant
12 for the issuance or renewal of a Firearm Owner's
13 Identification Card shall include a full set of his or her
14 fingerprints in electronic format to the Illinois State
15 Police, unless the applicant has previously provided a full
16 set of his or her fingerprints to the Illinois State Police
17 under this Act or the Firearm Concealed Carry Act.

18 (1) The fingerprints must be transmitted through a
19 live scan fingerprint vendor licensed by the Department of
20 Financial and Professional Regulation. These fingerprints
21 shall be checked against the fingerprint records now and
22 hereafter filed in the Illinois State Police and Federal
23 Bureau of Investigation criminal history records
24 databases, including all available state and local
25 criminal history record information files. A live scan
26 fingerprint vendor may not charge more than \$30 per set of

1 fingerprints reviewed under this Section.

2 (2) The Illinois State Police shall charge applicants
3 a one-time fee for conducting the criminal history record
4 check, which shall be deposited in the State Police
5 Services Fund and shall not exceed the actual cost of the
6 State and national criminal history record check.

7 (a-30) The Illinois State Police shall deny the
8 application of any person who fails to submit evidence
9 required by this Section.

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

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

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

21 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

22 Sec. 5. Application and renewal.

23 (a) The Department of State Police shall either approve or
24 deny all complete applications within 30 days from the date
25 they are received, except as provided in subsections (b) and

1 ~~(c) subsection (b)~~ of this Section, and every applicant found
2 qualified under Section 8 of this Act by the Department shall
3 be entitled to a Firearm Owner's Identification Card upon the
4 payment of a \$20 \$10 fee, and applicable processing fees. Any
5 applicant who is an active duty member of the Armed Forces of
6 the United States, a member of the Illinois National Guard, or
7 a member of the Reserve Forces of the United States is exempt
8 from the application fee. \$10 of each fee derived from the
9 issuance of Firearm Owner's Identification Cards, or renewals
10 thereof, shall be deposited in the State Police Firearm
11 Services Fund; and \$10 of the fee shall be deposited in the
12 State Police Revocation Enforcement Fund ~~\$6 of each fee~~
13 ~~derived from the issuance of Firearm Owner's Identification~~
14 ~~Cards, or renewals thereof, shall be deposited in the Wildlife~~
15 ~~and Fish Fund in the State Treasury; \$1 of the fee shall be~~
16 ~~deposited in the State Police Services Fund and \$3 of the fee~~
17 ~~shall be deposited in the State Police Firearm Services Fund.~~

18 (b) Complete renewal ~~Renewal~~ applications shall be
19 approved or denied within 60 business days, provided the
20 applicant submitted his or her renewal application prior to
21 the expiration of his or her Firearm Owner's Identification
22 Card. If a renewal application has been submitted prior to the
23 expiration date of the applicant's Firearm Owner's
24 Identification Card, the Firearm Owner's Identification Card
25 shall remain valid while the Department processes the
26 application, unless the person is subject to or becomes

1 subject to revocation under this Act. The cost for a renewal
2 application shall be \$20 and applicable processing fees, of
3 ~~\$10~~ which \$10 shall be deposited into the State Police Firearm
4 Services Fund; and \$10 shall be deposited into the State
5 Police Revocation Enforcement Fund.

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

17 (d) In this Section, "complete application" and "complete
18 renewal application" means the applicant has submitted the
19 evidence required by Section 4.

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

21 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

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

23 (a) A Firearm Owner's Identification Card, issued by the
24 Department of State Police at such places as the Director of
25 the Department shall specify, shall contain the applicant's

1 name, residence, date of birth, sex, physical description,
2 recent photograph, except as provided in subsection (c-5), and
3 signature. Each Firearm Owner's Identification Card must have
4 the Firearm Owner's Identification Card number ~~expiration date~~
5 boldly and conspicuously displayed on the face of the card.
6 Each Firearm Owner's Identification Card must have printed on
7 it the following: "CAUTION - This card does not permit bearer
8 to UNLAWFULLY carry or use firearms." Before December 1, 2002,
9 the Department may use a person's digital photograph and
10 signature from his or her Illinois driver's license or
11 Illinois Identification Card, if available. On and after
12 December 1, 2002, the Department shall use a person's digital
13 photograph and signature from his or her Illinois driver's
14 license or Illinois Identification Card, if available. The
15 Department shall decline to use a person's digital photograph
16 or signature if the digital photograph or signature is the
17 result of or associated with fraudulent or erroneous data,
18 unless otherwise provided by law.

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

1 Firearm Owner's Identification Card.

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

10 (c-5) If a person qualifies for a photograph exemption, in
11 lieu of a photograph, the Firearm Owner's Identification Card
12 shall contain a copy of the card holder's fingerprints. Each
13 Firearm Owner's Identification Card described in this
14 subsection (c-5) must have printed on it the following: "This
15 card is only valid for firearm purchases through a federally
16 licensed firearms dealer when presented with photographic
17 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."
18 (Source: P.A. 97-1131, eff. 1-1-13.)

19 (430 ILCS 65/6.2 new)

20 Sec. 6.2. Electronic Firearm Owner's Identification Cards.
21 The Illinois State Police may develop a system under which the
22 holder of a Firearm Owner's Identification Card may display an
23 electronic version of his or her Firearm Owner's
24 Identification Card on a mobile telephone or other portable
25 electronic device. An electronic version of a Firearm Owner's

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

18 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

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

20 (a) Except as provided in Section 8 of this Act or
21 elsewhere in ~~subsection (b) of~~ this Section, a Firearm Owner's
22 Identification Card issued under the provisions of this Act
23 shall be valid for the person to whom it is issued for a period
24 of 5 ~~10~~ years from the date of issuance. Unless the person no
25 longer meets the requirements or becomes subject to suspension

1 or revocation under this Act, a card issued pursuant to an
2 application made as provided in subsection (a-25) of Section 4
3 shall remain valid if the person meets the requirements of
4 subsection (b-5) of Section 3.1. Any person whose card was
5 previously issued for a period of 10 years shall retain the
6 10-year issuance period until the next date of renewal, at
7 which point the card shall be renewed for 5 years.

8 (b) If a renewal application is submitted to the
9 Department before the expiration date of the applicant's
10 current Firearm Owner's Identification Card, the Firearm
11 Owner's Identification Card shall remain valid ~~for a period of~~
12 ~~60 business days~~, unless the person is subject to or becomes
13 subject to revocation under this Act. Unless the person no
14 longer meets the requirements or becomes subject to suspension
15 or revocation under this Act, a card issued pursuant to a
16 renewal application made as provided in subsection (a-25) of
17 Section 4 shall remain valid if the person meets the
18 implementation requirements of Section 3.1.

19 (c) If the Firearm Owner's Identification Card of a
20 licensee under the Firearm Concealed Carry Act expires during
21 the term of the licensee's concealed carry license, the
22 Firearm Owner's Identification Card and the license remain
23 valid during the validity of the concealed carry license and
24 the licensee does not have to renew his or her Firearm Owner's
25 Identification Card, if the Firearm Owner's Identification
26 Card has not been otherwise renewed as provided in this Act.

1 Unless the Illinois State Police has reason to believe the
2 licensee is no longer eligible for the card, the Illinois
3 State Police may automatically renew the licensee's Firearm
4 Owner's Identification Card and send a renewed Firearm Owner's
5 Identification Card to the licensee.

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

7 (430 ILCS 65/7.5 new)

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

13 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

14 Sec. 8. Grounds for denial and revocation. The Department
15 of State Police has authority to deny an application for or to
16 revoke and seize a Firearm Owner's Identification Card
17 previously issued under this Act only if the Department finds
18 that the applicant or the person to whom such card was issued
19 is or was at the time of issuance:

20 (a) A person under 21 years of age who has been
21 convicted of a misdemeanor other than a traffic offense or
22 adjudged delinquent;

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

1 101st General Assembly. A person under 21 years of age who
2 does not have the written consent of his parent or
3 guardian to acquire and possess firearms and firearm
4 ammunition, or whose parent or guardian has revoked such
5 written consent, or where such parent or guardian does not
6 qualify to have a Firearm Owner's Identification Card;

7 (b-5) This subsection (b-5) applies on and after the
8 181st day following the effective date of this amendatory
9 Act of the 101st General Assembly. A person under 21 years
10 of age who is not an active duty member of the United
11 States Armed Forces and does not have the written consent
12 of his or her parent or guardian to acquire and possess
13 firearms and firearm ammunition, or whose parent or
14 guardian has revoked such written consent, or where such
15 parent or guardian does not qualify to have a Firearm
16 Owner's Identification Card;

17 (c) A person convicted of a felony under the laws of
18 this or any other jurisdiction;

19 (d) A person addicted to narcotics;

20 (e) A person who has been a patient of a mental health
21 facility within the past 5 years or a person who has been a
22 patient in a mental health facility more than 5 years ago
23 who has not received the certification required under
24 subsection (u) of this Section. An active law enforcement
25 officer employed by a unit of government who is denied,
26 revoked, or has his or her Firearm Owner's Identification

1 Card seized under this subsection (e) may obtain relief as
2 described in subsection (c-5) of Section 10 of this Act if
3 the officer did not act in a manner threatening to the
4 officer, another person, or the public as determined by
5 the treating clinical psychologist or physician, and the
6 officer seeks mental health treatment;

7 (f) A person whose mental condition is of such a
8 nature that it poses a clear and present danger to the
9 applicant, any other person or persons or the community;

10 (g) A person who has an intellectual disability;

11 (h) A person who intentionally makes a false statement
12 in the Firearm Owner's Identification Card application;

13 (i) An alien who is unlawfully present in the United
14 States under the laws of the United States;

15 (i-5) An alien who has been admitted to the United
16 States under a non-immigrant visa (as that term is defined
17 in Section 101(a)(26) of the Immigration and Nationality
18 Act (8 U.S.C. 1101(a)(26))), except that this subsection
19 (i-5) does not apply to any alien who has been lawfully
20 admitted to the United States under a non-immigrant visa
21 if that alien is:

22 (1) admitted to the United States for lawful
23 hunting or sporting purposes;

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

26 (A) accredited to the United States Government

1 or the Government's mission to an international
2 organization having its headquarters in the United
3 States; or

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

6 (3) an official of a foreign government or
7 distinguished foreign visitor who has been so
8 designated by the Department of State;

9 (4) a foreign law enforcement officer of a
10 friendly foreign government entering the United States
11 on official business; or

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

15 (j) (Blank);

16 (k) A person who has been convicted within the past 5
17 years of battery, assault, aggravated assault, violation
18 of an order of protection, or a substantially similar
19 offense in another jurisdiction, in which a firearm was
20 used or possessed;

21 (l) A person who has been convicted of domestic
22 battery, aggravated domestic battery, or a substantially
23 similar offense in another jurisdiction committed before,
24 on or after January 1, 2012 (the effective date of Public
25 Act 97-158). If the applicant or person who has been
26 previously issued a Firearm Owner's Identification Card

1 under this Act knowingly and intelligently waives the
2 right to have an offense described in this paragraph (l)
3 tried by a jury, and by guilty plea or otherwise, results
4 in a conviction for an offense in which a domestic
5 relationship is not a required element of the offense but
6 in which a determination of the applicability of 18 U.S.C.
7 922(g)(9) is made under Section 112A-11.1 of the Code of
8 Criminal Procedure of 1963, an entry by the court of a
9 judgment of conviction for that offense shall be grounds
10 for denying an application for and for revoking and
11 seizing a Firearm Owner's Identification Card previously
12 issued to the person under this Act;

13 (m) (Blank);

14 (n) A person who is prohibited from acquiring or
15 possessing firearms or firearm ammunition by any Illinois
16 State statute or by federal law;

17 (o) A minor subject to a petition filed under Section
18 5-520 of the Juvenile Court Act of 1987 alleging that the
19 minor is a delinquent minor for the commission of an
20 offense that if committed by an adult would be a felony;

21 (p) An adult who had been adjudicated a delinquent
22 minor under the Juvenile Court Act of 1987 for the
23 commission of an offense that if committed by an adult
24 would be a felony;

25 (q) A person who is not a resident of the State of
26 Illinois, except as provided in subsection (a-10) of

1 Section 4;

2 (r) A person who has been adjudicated as a person with
3 a mental disability;

4 (s) A person who has been found to have a
5 developmental disability;

6 (t) A person involuntarily admitted into a mental
7 health facility; or

8 (u) A person who has had his or her Firearm Owner's
9 Identification Card revoked or denied under subsection (e)
10 of this Section or item (iv) of paragraph (2) of
11 subsection (a) of Section 4 of this Act because he or she
12 was a patient in a mental health facility as provided in
13 subsection (e) of this Section, shall not be permitted to
14 obtain a Firearm Owner's Identification Card, after the
15 5-year period has lapsed, unless he or she has received a
16 mental health evaluation by a physician, clinical
17 psychologist, or qualified examiner as those terms are
18 defined in the Mental Health and Developmental
19 Disabilities Code, and has received a certification that
20 he or she is not a clear and present danger to himself,
21 herself, or others. The physician, clinical psychologist,
22 or qualified examiner making the certification and his or
23 her employer shall not be held criminally, civilly, or
24 professionally liable for making or not making the
25 certification required under this subsection, except for
26 willful or wanton misconduct. This subsection does not

1 apply to a person whose firearm possession rights have
2 been restored through administrative or judicial action
3 under Section 10 or 11 of this Act; or ~~or~~

4 (v) A person who has failed to submit the evidence
5 required by Section 4.

6 Upon revocation of a person's Firearm Owner's
7 Identification Card, the Department of State Police shall
8 provide notice to the person within 7 business days and the
9 person shall comply with Section 9.5 of this Act.

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

11 (430 ILCS 65/8.2)

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

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

2 (430 ILCS 65/8.3)

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

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

15 (430 ILCS 65/8.4 new)

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

1 Firearm Owner's Identification Card is reported as lost,
2 stolen, or destroyed. The Illinois State Police may adopt
3 rules necessary to implement this Section.

4 (430 ILCS 65/9.5)

5 Sec. 9.5. Revocation or suspension of Firearm Owner's
6 Identification Card.

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

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

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

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

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

1 (C) if any firearm will be transferred to the
2 custody of another person, the name, address and
3 Firearm Owner's Identification Card number of the
4 transferee; and

5 (D) to whom his or her Firearm Owner's
6 Identification Card was surrendered. Once completed,
7 the person shall retain a copy and provide a copy of
8 the Firearm Disposition Record to the Illinois State
9 Police. -

10 (a-5) The Firearm Disposition Record shall contain a
11 statement to be signed by the transferee that the transferee:

12 (1) is aware of, and will abide by, current law
13 regarding the unlawful transfer of a firearm;

14 (2) is aware of the penalties for violating the law as
15 it pertains to unlawful transfer of a firearm; and

16 (3) intends to retain possession of the firearm or
17 firearms until it is determined that the transferor is
18 legally eligible to possess a firearm and has an active
19 Firearm Owner's Identification Card, if applicable, or
20 until a new person is chosen to hold the firearm or
21 firearms.

22 (b) Surrendered Firearm Owner's Identification Cards shall
23 be destroyed by the law enforcement agency receiving the
24 cards. ~~The local law enforcement agency shall provide a copy~~
25 ~~of the Firearm Disposition Record to the person whose Firearm~~
26 ~~Owner's Identification Card has been revoked and to the~~

1 ~~Department of State Police.~~

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

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

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

15 (c) The Illinois State Police shall conduct enforcement
16 operations against persons whose Firearm Owner's
17 Identification Cards have been revoked or suspended and
18 persons who fail to comply with the requirements of this
19 Section, prioritizing individuals presenting a clear and
20 present danger to themselves or to others under paragraph (2)
21 of subsection (d) of Section 8.1. If the person whose Firearm
22 Owner's Identification Card has been revoked or suspended
23 fails to comply with the requirements of this Section, the
24 sheriff or law enforcement agency where the person resides may
25 petition the circuit court to issue a warrant to search for and
26 seize the Firearm Owner's Identification Card and firearms in

1 the possession or under the custody or control of the person
2 whose Firearm Owner's Identification Card has been revoked or
3 suspended.

4 (d) A violation of subsection (a) of this Section is a
5 Class A misdemeanor.

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

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

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

22 (h) Nothing in this Section prevents a court from ordering
23 an individual to surrender his or her Firearm Owner's
24 Identification Card and any firearms to a law enforcement
25 agency of the court's choosing, in a timeframe shorter than 48
26 hours after receipt of the notice of revocation or suspension.

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

2 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

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

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

25 (a-5) There is created within the Illinois State Police a

1 Firearm Owner's Identification Card Review Board to consider
2 any appeal under subsection (a), other than an appeal directed
3 to the circuit court.

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

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

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

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

26 (D) one member with at least 5 years of experience

1 as a licensed physician or clinical psychologist with
2 expertise in the diagnosis and treatment of mental
3 illness.

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

26 (3) The Board shall meet at least quarterly each year

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

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

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

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

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

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

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

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

23 (7) If the Board determines by a preponderance of the
24 evidence that the applicant fails to meet the eligibility
25 requirements or is a prohibited person under State or
26 federal law, poses a danger to himself or herself or

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

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

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

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

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

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

18 (0.05) when in the circuit court, the State's Attorney
19 has been served with a written copy of the petition at
20 least 30 days before any such hearing in the circuit court
21 and at the hearing the State's Attorney was afforded an
22 opportunity to present evidence and object to the
23 petition;

24 (1) the applicant has not been convicted of a forcible
25 felony under the laws of this State or any other
26 jurisdiction within 20 years of the applicant's

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

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

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

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

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

24 (A) the officer has not received treatment
25 involuntarily at a mental health facility, regardless of
26 the length of admission; or has not been voluntarily

1 admitted to a mental health facility for more than 30 days
2 and not for more than one incident within the past 5 years;
3 and

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

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

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

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

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

23 (D) written confirmation in the form prescribed by the
24 Board ~~Director~~ from the treating licensed clinical
25 psychologist or psychiatrist that the provisions set forth
26 in paragraph (1) of this subsection (c-5) have been met,

1 the person successfully completed treatment, and their
2 professional opinion regarding the person's ability to
3 possess firearms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

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

22 (a) All final administrative decisions of the Firearm
23 Owner's Identification Card Review Board ~~Department~~ under this
24 Act, except final administrative decisions of the Firearm
25 Owner's Identification Card Review Board ~~Director of State~~

1 ~~Police~~ to deny a person's application for relief under
2 subsection (f) of Section 10 of this Act, shall be subject to
3 judicial review under the provisions of the Administrative
4 Review Law, and all amendments and modifications thereof, and
5 the rules adopted pursuant thereto. The term "administrative
6 decision" is defined as in Section 3-101 of the Code of Civil
7 Procedure.

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

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

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

23 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

24 Sec. 13.2. Renewal; name, photograph, or address change;
25 replacement card. The Department of State Police shall, 60

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

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

1 (430 ILCS 65/13.4 new)

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

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

5 (1) When a person who possesses a valid Firearm Owner's
6 Identification Card applies for and is approved for a
7 concealed carry license, the valid Firearm Owner's
8 Identification Card is renewed for 5 years from the time of
9 approval instead of 5 years from the date of the original card.

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

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

22 Section 25. The Firearm Concealed Carry Act is amended by
23 changing Sections 20, 30, 50, and 70 and by adding Sections
24 10.5, 10.6, and 13 as follows:

1 (430 ILCS 66/10.5 new)

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

23 (430 ILCS 66/10.6 new)

24 Sec. 10.6. Email notifications. A person subject to this

1 Act may notify the Illinois State Police upon application or
2 at any time thereafter that he or she would like to receive
3 correspondence from the Illinois State Police via email rather
4 than by mail.

5 (430 ILCS 66/13 new)

6 Sec. 13. Email notifications. A person subject to this Act
7 may notify the Illinois State Police upon application or at
8 any time thereafter that he or she would like to receive
9 correspondence from the Illinois State Police via email rather
10 than by mail.

11 (430 ILCS 66/20)

12 Sec. 20. Concealed Carry Licensing Review Board.

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

1 consist of:

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

4 (2) 2 commissioners with at least 5 years of
5 experience serving as an attorney with the United States
6 Department of Justice;

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

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

16 (b) The initial terms of the commissioners shall end on
17 January 12, 2015. Notwithstanding any provision in this
18 Section to the contrary, the term of office of each
19 commissioner of the Concealed Carry Licensing Review Board is
20 abolished on the effective date of this amendatory Act of the
21 102nd General Assembly. The terms of the commissioners
22 appointed on or after the effective date of this amendatory
23 Act of the 102nd General Assembly shall be as follows: one of
24 the initial members shall be appointed for a term of one year,
25 3 shall be appointed for terms of 2 years, and 3 shall be
26 appointed for terms of 4 years. Thereafter, the commissioners

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

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

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

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

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

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

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

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

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

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

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

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

25 (430 ILCS 66/30)

1 Sec. 30. Contents of license application.

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

10 (b) The application shall contain the following:

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

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

19 (3) a waiver of the applicant's privacy and
20 confidentiality rights and privileges under all federal
21 and state laws, including those limiting access to
22 juvenile court, criminal justice, psychological, or
23 psychiatric records or records relating to any
24 institutionalization of the applicant, and an affirmative
25 request that a person having custody of any of these
26 records provide it or information concerning it to the

1 Department. The waiver only applies to records sought in
2 connection with determining whether the applicant
3 qualifies for a license to carry a concealed firearm under
4 this Act, or whether the applicant remains in compliance
5 with the Firearm Owners Identification Card Act;

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

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

13 (A) a felony;

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

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

22 (6) whether the applicant has failed a drug test for a
23 drug for which the applicant did not have a prescription,
24 within the previous year, and if so, the provider of the
25 test, the specific substance involved, and the date of the
26 test;

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

4 (8) a full set of fingerprints submitted to the
5 Department in electronic format in a form and manner
6 prescribed by the Illinois State Police, unless the
7 applicant has previously provided a full set of his or her
8 fingerprints to the Illinois State Police under the
9 Firearm Owners Identification Card Act; ~~provided the~~
10 ~~Department may accept an application submitted without a~~
11 ~~set of fingerprints in which case the Department shall be~~
12 ~~granted 30 days in addition to the 90 days provided under~~
13 ~~subsection (c) of Section 10 of this Act to issue or deny a~~
14 ~~license;~~

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

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

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

22 (430 ILCS 66/50)

23 Sec. 50. License renewal.

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

1 101st General Assembly. Applications for renewal of a license
2 shall be made to the Department. A license shall be renewed for
3 a period of 5 years upon receipt of a completed renewal
4 application, completion of 3 hours of training required under
5 Section 75 of this Act, payment of the applicable renewal fee,
6 and completion of an investigation under Section 35 of this
7 Act. The renewal application shall contain the information
8 required in Section 30 of this Act, except that the applicant
9 need not resubmit a full set of fingerprints if the applicant
10 has previously provided a full set of his or her fingerprints
11 to the Illinois State Police under this Act or the Firearm
12 Owners Identification Card Act.

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

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

1 (430 ILCS 66/70)

2 Sec. 70. Violations.

3 (a) A license issued or renewed under this Act shall be
4 revoked if, at any time, the licensee is found to be ineligible
5 for a license under this Act or the licensee no longer meets
6 the eligibility requirements of the Firearm Owners
7 Identification Card Act.

8 (b) A license shall be suspended if an order of
9 protection, including an emergency order of protection,
10 plenary order of protection, or interim order of protection
11 under Article 112A of the Code of Criminal Procedure of 1963 or
12 under the Illinois Domestic Violence Act of 1986, or if a
13 firearms restraining order, including an emergency firearms
14 restraining order, under the Firearms Restraining Order Act,
15 is issued against a licensee for the duration of the order, or
16 if the Department is made aware of a similar order issued
17 against the licensee in any other jurisdiction. If an order of
18 protection is issued against a licensee, the licensee shall
19 surrender the license, as applicable, to the court at the time
20 the order is entered or to the law enforcement agency or entity
21 serving process at the time the licensee is served the order.
22 The court, law enforcement agency, or entity responsible for
23 serving the order of protection shall notify the Department
24 within 7 days and transmit the license to the Department.

25 (c) A license is invalid upon expiration of the license,

1 unless the licensee has submitted an application to renew the
2 license, and the applicant is otherwise eligible to possess a
3 license under this Act.

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

9 A licensee in violation of this subsection (d) shall be
10 guilty of a Class A misdemeanor for a first or second violation
11 and a Class 4 felony for a third violation. The Department may
12 suspend a license for up to 6 months for a second violation and
13 shall permanently revoke a license for a third violation.

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

23 (f) A licensee convicted or found guilty of a violation of
24 this Act who has a valid license and is otherwise eligible to
25 carry a concealed firearm shall only be subject to the
26 penalties under this Section and shall not be subject to the

1 penalties under Section 21-6, paragraph (4), (8), or (10) of
2 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
3 of paragraph (3) of subsection (a) of Section 24-1.6 of the
4 Criminal Code of 2012. Except as otherwise provided in this
5 subsection, nothing in this subsection prohibits the licensee
6 from being subjected to penalties for violations other than
7 those specified in this Act.

8 (g) A licensee whose license is revoked, suspended, or
9 denied shall, within 48 hours of receiving notice of the
10 revocation, suspension, or denial, surrender his or her
11 concealed carry license to the local law enforcement agency
12 where the person resides. The local law enforcement agency
13 shall provide the licensee a receipt and transmit the
14 concealed carry license to the Department of State Police. If
15 the licensee whose concealed carry license has been revoked,
16 suspended, or denied fails to comply with the requirements of
17 this subsection, the law enforcement agency where the person
18 resides may petition the circuit court to issue a warrant to
19 search for and seize the concealed carry license in the
20 possession and under the custody or control of the licensee
21 whose concealed carry license has been revoked, suspended, or
22 denied. The observation of a concealed carry license in the
23 possession of a person whose license has been revoked,
24 suspended, or denied constitutes a sufficient basis for the
25 arrest of that person for violation of this subsection. A
26 violation of this subsection is a Class A misdemeanor.

1 (h) Except as otherwise provided in subsection (h-5), a A
2 license issued or renewed under this Act shall be revoked if,
3 at any time, the licensee is found ineligible for a Firearm
4 Owner's Identification Card, or the licensee no longer
5 possesses a valid Firearm Owner's Identification Card. If the
6 Firearm Owner's Identification Card is expired or suspended
7 rather than denied or revoked, the license may be suspended
8 for a period of up to one year to allow the licensee to
9 reinstate his or her Firearm Owner's Identification Card. The
10 Illinois State Police shall adopt rules to enforce this
11 subsection. A licensee whose license is revoked under this
12 subsection (h) shall surrender his or her concealed carry
13 license as provided for in subsection (g) of this Section.

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

18 (h-5) If the Firearm Owner's Identification Card of a
19 licensee under this Act expires during the term of the license
20 issued under this Act, the license and the Firearm Owner's
21 Identification Card remain valid, and the Illinois State
22 Police may automatically renew the licensee's Firearm Owner's
23 Identification Card as provided in subsection (c) of Section 5
24 of the Firearm Owners Identification Card Act.

25 (i) A certified firearms instructor who knowingly provides
26 or offers to provide a false certification that an applicant

1 has completed firearms training as required under this Act is
2 guilty of a Class A misdemeanor. A person guilty of a violation
3 of this subsection (i) is not eligible for court supervision.
4 The Department shall permanently revoke the firearms
5 instructor certification of a person convicted under this
6 subsection (i).

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

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

10 (430 ILCS 67/35)

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

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

21 (b) If the respondent is alleged to pose an immediate and
22 present danger of causing personal injury to an intimate
23 partner, or an intimate partner is alleged to have been the
24 target of a threat or act of violence by the respondent, the

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

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

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

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

24 (f) If a circuit or associate judge finds probable cause
25 to believe that the respondent poses an immediate and present
26 danger of causing personal injury to himself, herself, or

1 another by having in his or her custody or control,
2 purchasing, possessing, or receiving a firearm, the circuit or
3 associate judge shall issue an emergency order.

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

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

13 (1) the respondent to refrain from having in his or
14 her custody or control, purchasing, possessing, or
15 receiving additional firearms for the duration of the
16 order pursuant to Section 8.2 of the Firearm Owners
17 Identification Card Act; and

18 (2) the respondent to comply with Section 9.5 of the
19 Firearm Owners Identification Card Act ~~turn over to the~~
20 ~~local law enforcement agency any Firearm Owner's~~
21 ~~Identification Card~~ and subsection (g) of Section 70 of
22 the Firearm Concealed Carry Act ~~concealed carry license in~~
23 ~~his or her possession. The local law enforcement agency~~
24 ~~shall immediately mail the card and concealed carry~~
25 ~~license to the Department of State Police Firearm Services~~
26 ~~Bureau for safekeeping. The firearm or firearms and~~

1 ~~Firearm Owner's Identification Card and concealed carry~~
2 ~~license, if unexpired, shall be returned to the respondent~~
3 ~~after the firearms restraining order is terminated or~~
4 ~~expired.~~

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

17 (h-5) A respondent whose Firearm Owner's Identification
18 Card has been revoked or suspended may petition the court, if
19 the petitioner is present in court or has notice of the
20 respondent's petition, to transfer the respondent's firearm to
21 a person who is lawfully able to possess the firearm if the
22 person does not reside at the same address as the respondent.
23 Notice of the petition shall be served upon the person
24 protected by the emergency firearms restraining order. While
25 the order is in effect, the transferee who receives the
26 respondent's firearms must swear or affirm by affidavit that

1 he or she shall not transfer the firearm to the respondent or
2 to anyone residing in the same residence as the respondent.

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

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

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

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

23 (i) In accordance with subsection (e) of this Section, the
24 court shall schedule a full hearing as soon as possible, but no
25 longer than 14 days from the issuance of an ex parte firearms
26 restraining order, to determine if a 6-month firearms

1 restraining order shall be issued. The court may extend an ex
2 parte order as needed, but not to exceed 14 days, to effectuate
3 service of the order or if necessary to continue protection.
4 The court may extend the order for a greater length of time by
5 mutual agreement of the parties.

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

7 (430 ILCS 67/40)

8 Sec. 40. Six-month orders.

9 (a) A petitioner may request a 6-month firearms
10 restraining order by filing an affidavit or verified pleading
11 alleging that the respondent poses a significant danger of
12 causing personal injury to himself, herself, or another in the
13 near future by having in his or her custody or control,
14 purchasing, possessing, or receiving a firearm. The petition
15 shall also describe the number, types, and locations of any
16 firearms presently believed by the petitioner to be possessed
17 or controlled by the respondent.

18 (b) If the respondent is alleged to pose a significant
19 danger of causing personal injury to an intimate partner, or
20 an intimate partner is alleged to have been the target of a
21 threat or act of violence by the respondent, the petitioner
22 shall make a good faith effort to provide notice to any and all
23 intimate partners of the respondent. The notice must include
24 that the petitioner intends to petition the court for a
25 6-month firearms restraining order, and, if the petitioner is

1 a law enforcement officer, referral to relevant domestic
2 violence or stalking advocacy or counseling resources, if
3 appropriate. The petitioner shall attest to having provided
4 the notice in the filed affidavit or verified pleading. If,
5 after making a good faith effort, the petitioner is unable to
6 provide notice to any or all intimate partners, the affidavit
7 or verified pleading should describe what efforts were made.

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

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

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

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

21 (2) The history of use, attempted use, or threatened
22 use of physical force by the respondent against another
23 person.

24 (3) Any prior arrest of the respondent for a felony
25 offense.

26 (4) Evidence of the abuse of controlled substances or

1 alcohol by the respondent.

2 (5) A recent threat of violence or act of violence by
3 the respondent directed toward himself, herself, or
4 another.

5 (6) A violation of an emergency order of protection
6 issued under Section 217 of the Illinois Domestic Violence
7 Act of 1986 or Section 112A-17 of the Code of Criminal
8 Procedure of 1963 or of an order of protection issued
9 under Section 214 of the Illinois Domestic Violence Act of
10 1986 or Section 112A-14 of the Code of Criminal Procedure
11 of 1963.

12 (7) A pattern of violent acts or violent threats,
13 including, but not limited to, threats of violence or acts
14 of violence by the respondent directed toward himself,
15 herself, or another.

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

21 (g) If the court finds that there is clear and convincing
22 evidence to issue a firearms restraining order, the court
23 shall issue a firearms restraining order that shall be in
24 effect for 6 months subject to renewal under Section 45 of this
25 Act or termination under that Section.

26 (g-5) If the court issues a 6-month firearms restraining

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

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

9 (1) the respondent to refrain from having in his or
10 her custody or control, purchasing, possessing, or
11 receiving additional firearms for the duration of the
12 order pursuant to Section 8.2 of the Firearm Owners
13 Identification Card Act; and

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

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

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

24 (i-6) If a person other than the respondent claims title
25 to any firearms surrendered under this Section, he or she may
26 petition the court, if the petitioner is present in court or

1 has notice of the petition, to have the firearm returned to him
2 or her. If the court determines that person to be the lawful
3 owner of the firearm, the firearm shall be returned to him or
4 her, provided that:

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

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

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

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

21 (k) When the court issues a firearms restraining order
22 under this Section, the court shall inform the respondent that
23 he or she is entitled to one hearing during the period of the
24 order to request a termination of the order, under Section 45
25 of this Act, and shall provide the respondent with a form to
26 request a hearing.

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

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

4 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

6 (A) A person commits the offense of unlawful sale or
7 delivery of firearms when he or she knowingly does any of the
8 following:

9 (a) Sells or gives any firearm of a size which may be
10 concealed upon the person to any person under 18 years of
11 age.

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

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

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

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

22 "Mental institution" means any hospital,
23 institution, clinic, evaluation facility, mental
24 health center, or part thereof, which is used

1 primarily for the care or treatment of persons with
2 mental illness.

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

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

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

1 the firearm is mailed to a federally licensed firearms
2 dealer outside the boundaries of Illinois; (3) (blank);
3 (4) the sale of a firearm to a dealer licensed as a federal
4 firearms dealer under Section 923 of the federal Gun
5 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
6 sale of any rifle, shotgun, or other long gun to a resident
7 registered competitor or attendee or non-resident
8 registered competitor or attendee by any dealer licensed
9 as a federal firearms dealer under Section 923 of the
10 federal Gun Control Act of 1968 at competitive shooting
11 events held at the World Shooting Complex sanctioned by a
12 national governing body. For purposes of transfers or
13 sales under subparagraph (5) of this paragraph (g), the
14 Department of Natural Resources shall give notice to the
15 Department of State Police at least 30 calendar days prior
16 to any competitive shooting events at the World Shooting
17 Complex sanctioned by a national governing body. The
18 notification shall be made on a form prescribed by the
19 Department of State Police. The sanctioning body shall
20 provide a list of all registered competitors and attendees
21 at least 24 hours before the events to the Department of
22 State Police. Any changes to the list of registered
23 competitors and attendees shall be forwarded to the
24 Department of State Police as soon as practicable. The
25 Department of State Police must destroy the list of
26 registered competitors and attendees no later than 30 days

1 after the date of the event. Nothing in this paragraph (g)
2 relieves a federally licensed firearm dealer from the
3 requirements of conducting a NICS background check through
4 the Illinois Point of Contact under 18 U.S.C. 922(t). For
5 purposes of this paragraph (g), "application" means when
6 the buyer and seller reach an agreement to purchase a
7 firearm. For purposes of this paragraph (g), "national
8 governing body" means a group of persons who adopt rules
9 and formulate policy on behalf of a national firearm
10 sporting organization.

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

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

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

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

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

22 (k) Sells or transfers ownership of a firearm to a
23 person in violation of Section 3 of the Firearm Owners
24 Identification Card Act ~~who does not display to the seller~~
25 ~~or transferor of the firearm either: (1) a currently valid~~
26 ~~Firearm Owner's Identification Card that has previously~~

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

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

25 (2) All sellers or transferors who have complied
26 with the requirements of ~~subparagraph (1) of this~~

1 paragraph (k) shall not be liable for damages in any
2 civil action arising from the use or misuse by the
3 transferee of the firearm transferred, except for
4 willful or wanton misconduct on the part of the seller
5 or transferor.

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

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

22 (C) Sentence.

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

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

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

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

6 (4) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (a), (b), or (i) of
8 subsection (A) in any school, on the real property
9 comprising a school, within 1,000 feet of the real
10 property comprising a school, at a school related
11 activity, or on or within 1,000 feet of any conveyance
12 owned, leased, or contracted by a school or school
13 district to transport students to or from school or a
14 school related activity, regardless of the time of day or
15 time of year at which the offense was committed, commits a
16 Class 1 felony. Any person convicted of a second or
17 subsequent violation of unlawful sale or delivery of
18 firearms in violation of paragraph (a), (b), or (i) of
19 subsection (A) in any school, on the real property
20 comprising a school, within 1,000 feet of the real
21 property comprising a school, at a school related
22 activity, or on or within 1,000 feet of any conveyance
23 owned, leased, or contracted by a school or school
24 district to transport students to or from school or a
25 school related activity, regardless of the time of day or
26 time of year at which the offense was committed, commits a

1 Class 1 felony for which the sentence shall be a term of
2 imprisonment of no less than 5 years and no more than 15
3 years.

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

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

24 (7) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (k) of subsection
26 (A) commits a Class 4 felony, except that a violation of

1 item (G) of subsection (a-5) of Section 3 of the Firearm
2 Owners Identification Card Act is a Class A misdemeanor
3 ~~subparagraph (1) of paragraph (k) of subsection (A) shall~~
4 ~~not be punishable as a crime or petty offense.~~ A third or
5 subsequent conviction for a violation of paragraph (k) of
6 subsection (A) is a Class 1 felony.

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

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

19 (10) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (l) of subsection
21 (A) commits a Class 2 felony if the delivery is of one
22 firearm. Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (l) of subsection
24 (A) commits a Class 1 felony if the delivery is of not less
25 than 2 and not more than 5 firearms at the same time or
26 within a one year period. Any person convicted of unlawful

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

26 (D) For purposes of this Section:

1 "School" means a public or private elementary or secondary
2 school, community college, college, or university.

3 "School related activity" means any sporting, social,
4 academic, or other activity for which students' attendance or
5 participation is sponsored, organized, or funded in whole or
6 in part by a school or school district.

7 (E) A prosecution for a violation of paragraph (k) of
8 subsection (A) of this Section may be commenced within 6 years
9 after the commission of the offense. A prosecution for a
10 violation of this Section other than paragraph (g) of
11 subsection (A) of this Section may be commenced within 5 years
12 after the commission of the offense defined in the particular
13 paragraph.

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

16 Section 35. The Code of Criminal Procedure of 1963 is
17 amended by changing Sections 110-10 and 112A-14 as follows:

18 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

19 Sec. 110-10. Conditions of bail bond.

20 (a) If a person is released prior to conviction, either
21 upon payment of bail security or on his or her own
22 recognizance, the conditions of the bail bond shall be that he
23 or she will:

24 (1) Appear to answer the charge in the court having

1 jurisdiction on a day certain and thereafter as ordered by
2 the court until discharged or final order of the court;

3 (2) Submit himself or herself to the orders and
4 process of the court;

5 (3) Not depart this State without leave of the court;

6 (4) Not violate any criminal statute of any
7 jurisdiction;

8 (5) At a time and place designated by the court, the
9 defendant shall physically surrender all firearms in his
10 or her possession to a law enforcement agency designated
11 by the court to take custody of and impound the firearms
12 and physically surrender his or her Firearm Owner's
13 Identification Card to the law enforcement agency as a
14 condition of remaining on bond pending trial ~~surrender all~~
15 ~~firearms in his or her possession to a law enforcement~~
16 ~~officer designated by the court to take custody of and~~
17 ~~impound the firearms and physically surrender his or her~~
18 ~~Firearm Owner's Identification Card to the clerk of the~~
19 ~~circuit court~~ when the offense the person has been charged
20 with is a forcible felony, stalking, aggravated stalking,
21 domestic battery, any violation of the Illinois Controlled
22 Substances Act, the Methamphetamine Control and Community
23 Protection Act, or the Cannabis Control Act that is
24 classified as a Class 2 or greater felony, or any felony
25 violation of Article 24 of the Criminal Code of 1961 or the
26 Criminal Code of 2012. A defendant whose Firearm Owner's

1 Identification Card has been revoked or suspended may
2 petition the court to transfer the defendant'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
5 defendant. Any transfer must be conducted under Section 3
6 of the Firearm Owners Identification Card Act. The
7 transferee who receives the defendant's firearms must
8 swear or affirm by affidavit that he or she shall not
9 transfer the firearm to the defendant or to anyone
10 residing in the same residence as the defendant, until the
11 defendant's Firearm Owner's Identification Card has been
12 reinstated. The law enforcement agency, upon transfer of
13 the firearms, shall require the defendant to complete a
14 Firearm Disposition Record under Section 9.5 of the
15 Firearm Owners Identification Card Act and provide a copy
16 to the Illinois State Police along with the defendant's
17 Firearm Owner's Identification Card; the court may,
18 however, forgo the imposition of this condition when the
19 defendant has provided proof to the court that he or she
20 has legally disposed or transferred his or her firearms
21 and returned his or her Firearm Owner's Identification
22 Card to the Illinois State Police. If the court finds the
23 circumstances of the case clearly do not warrant it or
24 when its imposition would be impractical, the court shall
25 indicate on the record and in writing and the court's
26 basis for making the determination ~~when the circumstances~~

1 ~~of the case clearly do not warrant it or when its~~
2 ~~imposition would be impractical; all legally possessed~~
3 ~~firearms shall be returned to the person upon proof being~~
4 ~~provided to the law enforcement agency of the~~
5 ~~reinstatement of the person's Firearm Owner's~~
6 ~~Identification Card; if the Firearm Owner's Identification~~
7 ~~Card is confiscated, the clerk of the circuit court shall~~
8 ~~mail the confiscated card to the Illinois State Police;~~
9 ~~all legally possessed firearms shall be returned to the~~
10 ~~person upon the charges being dismissed, or if the person~~
11 ~~is found not guilty, unless the finding of not guilty is by~~
12 ~~reason of insanity; and~~

13 (6) At a time and place designated by the court,
14 submit to a psychological evaluation when the person has
15 been charged with a violation of item (4) of subsection
16 (a) of Section 24-1 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 and that violation occurred in a
18 school or in any conveyance owned, leased, or contracted
19 by a school to transport students to or from school or a
20 school-related activity, or on any public way within 1,000
21 feet of real property comprising any school.

22 Psychological evaluations ordered pursuant to this Section
23 shall be completed promptly and made available to the State,
24 the defendant, and the court. As a further condition of bail
25 under these circumstances, the court shall order the defendant
26 to refrain from entering upon the property of the school,

1 including any conveyance owned, leased, or contracted by a
2 school to transport students to or from school or a
3 school-related activity, or on any public way within 1,000
4 feet of real property comprising any school. Upon receipt of
5 the psychological evaluation, either the State or the
6 defendant may request a change in the conditions of bail,
7 pursuant to Section 110-6 of this Code. The court may change
8 the conditions of bail to include a requirement that the
9 defendant follow the recommendations of the psychological
10 evaluation, including undergoing psychiatric treatment. The
11 conclusions of the psychological evaluation and any statements
12 elicited from the defendant during its administration are not
13 admissible as evidence of guilt during the course of any trial
14 on the charged offense, unless the defendant places his or her
15 mental competency in issue.

16 (b) The court may impose other conditions, such as the
17 following, if the court finds that such conditions are
18 reasonably necessary to assure the defendant's appearance in
19 court, protect the public from the defendant, or prevent the
20 defendant's unlawful interference with the orderly
21 administration of justice:

22 (1) Report to or appear in person before such person
23 or agency as the court may direct;

24 (2) Refrain from possessing a firearm or other
25 dangerous weapon;

26 (3) Refrain from approaching or communicating with

1 particular persons or classes of persons;

2 (4) Refrain from going to certain described
3 geographical areas or premises;

4 (5) Refrain from engaging in certain activities or
5 indulging in intoxicating liquors or in certain drugs;

6 (6) Undergo treatment for drug addiction or
7 alcoholism;

8 (7) Undergo medical or psychiatric treatment;

9 (8) Work or pursue a course of study or vocational
10 training;

11 (9) Attend or reside in a facility designated by the
12 court;

13 (10) Support his or her dependents;

14 (11) If a minor resides with his or her parents or in a
15 foster home, attend school, attend a non-residential
16 program for youths, and contribute to his or her own
17 support at home or in a foster home;

18 (12) Observe any curfew ordered by the court;

19 (13) Remain in the custody of such designated person
20 or organization agreeing to supervise his release. Such
21 third party custodian shall be responsible for notifying
22 the court if the defendant fails to observe the conditions
23 of release which the custodian has agreed to monitor, and
24 shall be subject to contempt of court for failure so to
25 notify the court;

26 (14) Be placed under direct supervision of the

1 Pretrial Services Agency, Probation Department or Court
2 Services Department in a pretrial bond home supervision
3 capacity with or without the use of an approved electronic
4 monitoring device subject to Article 8A of Chapter V of
5 the Unified Code of Corrections;

6 (14.1) The court shall impose upon a defendant who is
7 charged with any alcohol, cannabis, methamphetamine, or
8 controlled substance violation and is placed under direct
9 supervision of the Pretrial Services Agency, Probation
10 Department or Court Services Department in a pretrial bond
11 home supervision capacity with the use of an approved
12 monitoring device, as a condition of such bail bond, a fee
13 that represents costs incidental to the electronic
14 monitoring for each day of such bail supervision ordered
15 by the court, unless after determining the inability of
16 the defendant to pay the fee, the court assesses a lesser
17 fee or no fee as the case may be. The fee shall be
18 collected by the clerk of the circuit court, except as
19 provided in an administrative order of the Chief Judge of
20 the circuit court. The clerk of the circuit court shall
21 pay all monies collected from this fee to the county
22 treasurer for deposit in the substance abuse services fund
23 under Section 5-1086.1 of the Counties Code, except as
24 provided in an administrative order of the Chief Judge of
25 the circuit court.

26 The Chief Judge of the circuit court of the county may

1 by administrative order establish a program for electronic
2 monitoring of offenders with regard to drug-related and
3 alcohol-related offenses, in which a vendor supplies and
4 monitors the operation of the electronic monitoring
5 device, and collects the fees on behalf of the county. The
6 program shall include provisions for indigent offenders
7 and the collection of unpaid fees. The program shall not
8 unduly burden the offender and shall be subject to review
9 by the Chief Judge.

10 The Chief Judge of the circuit court may suspend any
11 additional charges or fees for late payment, interest, or
12 damage to any device;

13 (14.2) The court shall impose upon all defendants,
14 including those defendants subject to paragraph (14.1)
15 above, placed under direct supervision of the Pretrial
16 Services Agency, Probation Department or Court Services
17 Department in a pretrial bond home supervision capacity
18 with the use of an approved monitoring device, as a
19 condition of such bail bond, a fee which shall represent
20 costs incidental to such electronic monitoring for each
21 day of such bail supervision ordered by the court, unless
22 after determining the inability of the defendant to pay
23 the fee, the court assesses a lesser fee or no fee as the
24 case may be. The fee shall be collected by the clerk of the
25 circuit court, except as provided in an administrative
26 order of the Chief Judge of the circuit court. The clerk of

1 the circuit court shall pay all monies collected from this
2 fee to the county treasurer who shall use the monies
3 collected to defray the costs of corrections. The county
4 treasurer shall deposit the fee collected in the county
5 working cash fund under Section 6-27001 or Section 6-29002
6 of the Counties Code, as the case may be, except as
7 provided in an administrative order of the Chief Judge of
8 the circuit court.

9 The Chief Judge of the circuit court of the county may
10 by administrative order establish a program for electronic
11 monitoring of offenders with regard to drug-related and
12 alcohol-related offenses, in which a vendor supplies and
13 monitors the operation of the electronic monitoring
14 device, and collects the fees on behalf of the county. The
15 program shall include provisions for indigent offenders
16 and the collection of unpaid fees. The program shall not
17 unduly burden the offender and shall be subject to review
18 by the Chief Judge.

19 The Chief Judge of the circuit court may suspend any
20 additional charges or fees for late payment, interest, or
21 damage to any device;

22 (14.3) The Chief Judge of the Judicial Circuit may
23 establish reasonable fees to be paid by a person receiving
24 pretrial services while under supervision of a pretrial
25 services agency, probation department, or court services
26 department. Reasonable fees may be charged for pretrial

1 services including, but not limited to, pretrial
2 supervision, diversion programs, electronic monitoring,
3 victim impact services, drug and alcohol testing, DNA
4 testing, GPS electronic monitoring, assessments and
5 evaluations related to domestic violence and other
6 victims, and victim mediation services. The person
7 receiving pretrial services may be ordered to pay all
8 costs incidental to pretrial services in accordance with
9 his or her ability to pay those costs;

10 (14.4) For persons charged with violating Section
11 11-501 of the Illinois Vehicle Code, refrain from
12 operating a motor vehicle not equipped with an ignition
13 interlock device, as defined in Section 1-129.1 of the
14 Illinois Vehicle Code, pursuant to the rules promulgated
15 by the Secretary of State for the installation of ignition
16 interlock devices. Under this condition the court may
17 allow a defendant who is not self-employed to operate a
18 vehicle owned by the defendant's employer that is not
19 equipped with an ignition interlock device in the course
20 and scope of the defendant's employment;

21 (15) Comply with the terms and conditions of an order
22 of protection issued by the court under the Illinois
23 Domestic Violence Act of 1986 or an order of protection
24 issued by the court of another state, tribe, or United
25 States territory;

26 (16) Under Section 110-6.5 comply with the conditions

1 of the drug testing program; and

2 (17) Such other reasonable conditions as the court may
3 impose.

4 (c) When a person is charged with an offense under Section
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
6 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, involving a victim who is a minor under
8 18 years of age living in the same household with the defendant
9 at the time of the offense, in granting bail or releasing the
10 defendant on his own recognizance, the judge shall impose
11 conditions to restrict the defendant's access to the victim
12 which may include, but are not limited to conditions that he
13 will:

14 1. Vacate the household.

15 2. Make payment of temporary support to his
16 dependents.

17 3. Refrain from contact or communication with the
18 child victim, except as ordered by the court.

19 (d) When a person is charged with a criminal offense and
20 the victim is a family or household member as defined in
21 Article 112A, conditions shall be imposed at the time of the
22 defendant's release on bond that restrict the defendant's
23 access to the victim. Unless provided otherwise by the court,
24 the restrictions shall include requirements that the defendant
25 do the following:

26 (1) refrain from contact or communication with the

1 victim for a minimum period of 72 hours following the
2 defendant's release; and

3 (2) refrain from entering or remaining at the victim's
4 residence for a minimum period of 72 hours following the
5 defendant's release.

6 (e) Local law enforcement agencies shall develop
7 standardized bond forms for use in cases involving family or
8 household members as defined in Article 112A, including
9 specific conditions of bond as provided in subsection (d).
10 Failure of any law enforcement department to develop or use
11 those forms shall in no way limit the applicability and
12 enforcement of subsections (d) and (f).

13 (f) If the defendant is admitted to bail after conviction
14 the conditions of the bail bond shall be that he will, in
15 addition to the conditions set forth in subsections (a) and
16 (b) hereof:

17 (1) Duly prosecute his appeal;

18 (2) Appear at such time and place as the court may
19 direct;

20 (3) Not depart this State without leave of the court;

21 (4) Comply with such other reasonable conditions as
22 the court may impose; and

23 (5) If the judgment is affirmed or the cause reversed
24 and remanded for a new trial, forthwith surrender to the
25 officer from whose custody he was bailed.

26 (g) Upon a finding of guilty for any felony offense, the

1 defendant shall physically surrender, at a time and place
2 designated by the court, all firearms in his or her possession
3 to a law enforcement officer designated by the court to take
4 custody of and impound the firearms and physically surrender
5 his or her Firearm Owner's Identification Card to the law
6 enforcement agency as a condition of remaining on bond pending
7 sentencing. A defendant whose Firearm Owner's Identification
8 Card has been revoked or suspended may petition the court to
9 transfer the defendant's firearm to a person who is lawfully
10 able to possess the firearm if the person does not reside at
11 the same address as the defendant. Any transfer must be
12 conducted under Section 3 of the Firearm Owners Identification
13 Card Act. The transferee who receives the defendant's firearms
14 must swear or affirm by affidavit that he or she shall not
15 transfer the firearm to the defendant or to anyone residing in
16 the same residence as the defendant, until the defendant's
17 Firearm Owner's Identification Card has been reinstated. The
18 law enforcement agency, upon transfer of the firearms, shall
19 require the defendant to complete a Firearm Disposition Record
20 under Section 9.5 of the Firearm Owners Identification Card
21 Act and provide a copy to the Illinois State Police along with
22 the defendant's Firearm Owner's Identification Card ~~the~~
23 ~~defendant shall physically surrender, at a time and place~~
24 ~~designated by the court, any and all firearms in his or her~~
25 ~~possession and his or her Firearm Owner's Identification Card~~
26 as a condition of remaining on bond pending sentencing.

1 (h) Upon indictment for any felony offense, the defendant
2 shall physically surrender, at a time and place designated by
3 the court, all firearms in his or her possession to a law
4 enforcement officer designated by the court to take custody of
5 and impound the firearms and physically surrender his or her
6 Firearm Owner's Identification Card to the law enforcement
7 agency as a condition of remaining on bond pending trial. A
8 defendant whose Firearm Owner's Identification Card has been
9 revoked or suspended may petition the court to transfer the
10 defendant's firearm to a person who is lawfully able to
11 possess the firearm if the person does not reside at the same
12 address as the defendant. Any transfer must be conducted under
13 Section 3 of the Firearm Owners Identification Card Act. The
14 transferee who receives the defendant's firearms must swear or
15 affirm by affidavit that he or she shall not transfer the
16 firearm to the defendant or to anyone residing in the same
17 residence as the defendant, until the defendant's Firearm
18 Owner's Identification Card has been reinstated. The law
19 enforcement agency upon transfer of the firearms shall require
20 the defendant to complete a Firearm Disposition Record under
21 Section 9.5 of the Firearm Owners Identification Card Act and
22 provide a copy to the Illinois State Police along with the
23 defendants Firearm Owner's Identification Card. All legally
24 possessed firearms shall be returned to the person upon proof
25 being provided to the law enforcement agency of the
26 reinstatement of the person's Firearm Owner's Identification

1 Card.

2 (i) ~~(h)~~ In the event the defendant is unable to post bond,
3 the court may impose a no contact provision with the victim or
4 other interested party that shall be enforced while the
5 defendant remains in custody.

6 (Source: P.A. 101-138, eff. 1-1-20.)

7 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

8 Sec. 112A-14. Domestic violence order of protection;
9 remedies.

10 (a) (Blank).

11 (b) The court may order any of the remedies listed in this
12 subsection (b). The remedies listed in this subsection (b)
13 shall be in addition to other civil or criminal remedies
14 available to petitioner.

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

21 (2) Grant of exclusive possession of residence.
22 Prohibit respondent from entering or remaining in any
23 residence, household, or premises of the petitioner,
24 including one owned or leased by respondent, if petitioner
25 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall
2 not affect title to real property, nor shall the court be
3 limited by the standard set forth in subsection (c-2) of
4 Section 501 of the Illinois Marriage and Dissolution of
5 Marriage Act.

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

15 (B) Presumption of hardships. If petitioner and
16 respondent each has the right to occupancy of a
17 residence or household, the court shall balance (i)
18 the hardships to respondent and any minor child or
19 dependent adult in respondent's care resulting from
20 entry of this remedy with (ii) the hardships to
21 petitioner and any minor child or dependent adult in
22 petitioner's care resulting from continued exposure to
23 the risk of abuse (should petitioner remain at the
24 residence or household) or from loss of possession of
25 the residence or household (should petitioner leave to
26 avoid the risk of abuse). When determining the balance

1 of hardships, the court shall also take into account
2 the accessibility of the residence or household.
3 Hardships need not be balanced if respondent does not
4 have a right to occupancy.

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

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

26 (A) If a domestic violence order of protection

1 grants petitioner exclusive possession of the
2 residence, prohibits respondent from entering the
3 residence, or orders respondent to stay away from
4 petitioner or other protected persons, then the court
5 may allow respondent access to the residence to remove
6 items of clothing and personal adornment used
7 exclusively by respondent, medications, and other
8 items as the court directs. The right to access shall
9 be exercised on only one occasion as the court directs
10 and in the presence of an agreed-upon adult third
11 party or law enforcement officer.

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

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

1 school district or private or non-public school, the
2 school district or private or non-public school shall
3 have sole discretion to determine the attendance
4 center to which the respondent is transferred. If the
5 court order results in a transfer of the minor
6 respondent to another attendance center, a change in
7 the respondent's placement, or a change of the
8 respondent's program, the parents, guardian, or legal
9 custodian of the respondent is responsible for
10 transportation and other costs associated with the
11 transfer or change.

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

21 (4) Counseling. Require or recommend the respondent to
22 undergo counseling for a specified duration with a social
23 worker, psychologist, clinical psychologist,
24 psychiatrist, family service agency, alcohol or substance
25 abuse program, mental health center guidance counselor,
26 agency providing services to elders, program designed for

1 domestic violence abusers, or any other guidance service
2 the court deems appropriate. The court may order the
3 respondent in any intimate partner relationship to report
4 to an Illinois Department of Human Services protocol
5 approved partner abuse intervention program for an
6 assessment and to follow all recommended treatment.

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

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

22 (6) Temporary allocation of parental responsibilities
23 and significant decision-making responsibilities. Award
24 temporary significant decision-making responsibility to
25 petitioner in accordance with this Section, the Illinois
26 Marriage and Dissolution of Marriage Act, the Illinois

1 Parentage Act of 2015, and this State's Uniform
2 Child-Custody Jurisdiction and Enforcement Act.

3 If the respondent is charged with abuse (as defined in
4 Section 112A-3 of this Code) of a minor child, there shall
5 be a rebuttable presumption that awarding temporary
6 significant decision-making responsibility to respondent
7 would not be in the child's best interest.

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

15 (i) abuse or endanger the minor child during
16 parenting time;

17 (ii) use the parenting time as an opportunity to
18 abuse or harass petitioner or petitioner's family or
19 household members;

20 (iii) improperly conceal or detain the minor
21 child; or

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

24 The court shall not be limited by the standards set
25 forth in Section 603.10 of the Illinois Marriage and
26 Dissolution of Marriage Act. If the court grants parenting

1 time, the order shall specify dates and times for the
2 parenting time to take place or other specific parameters
3 or conditions that are appropriate. No order for parenting
4 time shall refer merely to the term "reasonable parenting
5 time". Petitioner may deny respondent access to the minor
6 child if, when respondent arrives for parenting time,
7 respondent is under the influence of drugs or alcohol and
8 constitutes a threat to the safety and well-being of
9 petitioner or petitioner's minor children or is behaving
10 in a violent or abusive manner. If necessary to protect
11 any member of petitioner's family or household from future
12 abuse, respondent shall be prohibited from coming to
13 petitioner's residence to meet the minor child for
14 parenting time, and the petitioner and respondent shall
15 submit to the court their recommendations for reasonable
16 alternative arrangements for parenting time. A person may
17 be approved to supervise parenting time only after filing
18 an affidavit accepting that responsibility and
19 acknowledging accountability to the court.

20 (8) Removal or concealment of minor child. Prohibit
21 respondent from removing a minor child from the State or
22 concealing the child within the State.

23 (9) Order to appear. Order the respondent to appear in
24 court, alone or with a minor child, to prevent abuse,
25 neglect, removal or concealment of the child, to return
26 the child to the custody or care of the petitioner, or to

1 permit any court-ordered interview or examination of the
2 child or the respondent.

3 (10) Possession of personal property. Grant petitioner
4 exclusive possession of personal property and, if
5 respondent has possession or control, direct respondent to
6 promptly make it available to petitioner, if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the petitioner and respondent own the
10 property jointly; sharing it would risk abuse of
11 petitioner by respondent or is impracticable; and the
12 balance of hardships favors temporary possession by
13 petitioner.

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

21 No order under this provision shall affect title to
22 property.

23 (11) Protection of property. Forbid the respondent
24 from taking, transferring, encumbering, concealing,
25 damaging, or otherwise disposing of any real or personal
26 property, except as explicitly authorized by the court,

1 if:

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

4 (ii) the petitioner and respondent own the
5 property jointly, and the balance of hardships favors
6 granting this remedy.

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

13 The court may further prohibit respondent from
14 improperly using the financial or other resources of an
15 aged member of the family or household for the profit or
16 advantage of respondent or of any other person.

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

26 (12) Order for payment of support. Order respondent to

1 pay temporary support for the petitioner or any child in
2 the petitioner's care or over whom the petitioner has been
3 allocated parental responsibility, when the respondent has
4 a legal obligation to support that person, in accordance
5 with the Illinois Marriage and Dissolution of Marriage
6 Act, which shall govern, among other matters, the amount
7 of support, payment through the clerk and withholding of
8 income to secure payment. An order for child support may
9 be granted to a petitioner with lawful physical care of a
10 child, or an order or agreement for physical care of a
11 child, prior to entry of an order allocating significant
12 decision-making responsibility. Such a support order shall
13 expire upon entry of a valid order allocating parental
14 responsibility differently and vacating petitioner's
15 significant decision-making responsibility unless
16 otherwise provided in the order.

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

25 (i) Losses affecting family needs. If a party is
26 entitled to seek maintenance, child support, or

1 property distribution from the other party under the
2 Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended, the court may order
4 respondent to reimburse petitioner's actual losses, to
5 the extent that such reimbursement would be
6 "appropriate temporary relief", as authorized by
7 subsection (a) (3) of Section 501 of that Act.

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

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

20 (14.5) Prohibition of firearm possession.

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

26 (B) Any firearms in the possession of the

1 respondent, except as provided in subparagraph (C) of
2 this paragraph (14.5), shall be ordered by the court
3 to be turned over to a person with a valid Firearm
4 Owner's Identification Card for safekeeping. The court
5 shall issue an order that the respondent comply with
6 Section 9.5 of the Firearm Owners Identification Card
7 Act. ~~the respondent's Firearm Owner's Identification~~
8 ~~Card be turned over to the local law enforcement~~
9 ~~agency, which in turn shall immediately mail the card~~
10 ~~to the Department of State Police Firearm Owner's~~
11 ~~Identification Card Office for safekeeping. The period~~
12 ~~of safekeeping shall be for the duration of the~~
13 ~~domestic violence order of protection. The firearm or~~
14 ~~firearms and Firearm Owner's Identification Card, if~~
15 ~~unexpired, shall at the respondent's request be~~
16 ~~returned to the respondent at expiration of the~~
17 ~~domestic violence order of protection.~~

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

1 (D) Upon expiration of the period of safekeeping,
2 if the firearms or Firearm Owner's Identification Card
3 cannot be returned to respondent because respondent
4 cannot be located, fails to respond to requests to
5 retrieve the firearms, or is not lawfully eligible to
6 possess a firearm, upon petition from the local law
7 enforcement agency, the court may order the local law
8 enforcement agency to destroy the firearms, use the
9 firearms for training purposes, or for any other
10 application as deemed appropriate by the local law
11 enforcement agency; or that the firearms be turned
12 over to a third party who is lawfully eligible to
13 possess firearms, and who does not reside with
14 respondent.

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

25 (16) Order for payment of shelter services. Order
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the
2 cost of the services, as certified by the shelter and
3 deemed reasonable by the court.

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

13 (18) Telephone services.

14 (A) Unless a condition described in subparagraph
15 (B) of this paragraph exists, the court may, upon
16 request by the petitioner, order a wireless telephone
17 service provider to transfer to the petitioner the
18 right to continue to use a telephone number or numbers
19 indicated by the petitioner and the financial
20 responsibility associated with the number or numbers,
21 as set forth in subparagraph (C) of this paragraph. In
22 this paragraph (18), the term "wireless telephone
23 service provider" means a provider of commercial
24 mobile service as defined in 47 U.S.C. 332. The
25 petitioner may request the transfer of each telephone
26 number that the petitioner, or a minor child in his or

1 her custody, uses. The clerk of the court shall serve
2 the order on the wireless telephone service provider's
3 agent for service of process provided to the Illinois
4 Commerce Commission. The order shall contain all of
5 the following:

6 (i) The name and billing telephone number of
7 the account holder including the name of the
8 wireless telephone service provider that serves
9 the account.

10 (ii) Each telephone number that will be
11 transferred.

12 (iii) A statement that the provider transfers
13 to the petitioner all financial responsibility for
14 and right to the use of any telephone number
15 transferred under this paragraph.

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

23 (i) The account holder named in the order has
24 terminated the account.

25 (ii) A difference in network technology would
26 prevent or impair the functionality of a device on

1 a network if the transfer occurs.

2 (iii) The transfer would cause a geographic or
3 other limitation on network or service provision
4 to the petitioner.

5 (iv) Another technological or operational
6 issue would prevent or impair the use of the
7 telephone number if the transfer occurs.

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

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

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

24 (F) All wireless service providers that provide
25 services to residential customers shall provide to the
26 Illinois Commerce Commission the name and address of

1 an agent for service of orders entered under this
2 paragraph (18). Any change in status of the registered
3 agent must be reported to the Illinois Commerce
4 Commission within 30 days of such change.

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

12 (c) Relevant factors; findings.

13 (1) In determining whether to grant a specific remedy,
14 other than payment of support, the court shall consider
15 relevant factors, including, but not limited to, the
16 following:

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

25 (ii) the danger that any minor child will be
26 abused or neglected or improperly relocated from the

1 jurisdiction, improperly concealed within the State,
2 or improperly separated from the child's primary
3 caretaker.

4 (2) In comparing relative hardships resulting to the
5 parties from loss of possession of the family home, the
6 court shall consider relevant factors, including, but not
7 limited to, the following:

8 (i) availability, accessibility, cost, safety,
9 adequacy, location, and other characteristics of
10 alternate housing for each party and any minor child
11 or dependent adult in the party's care;

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

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

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

20 (i) That the court has considered the applicable
21 relevant factors described in paragraphs (1) and (2)
22 of this subsection (c).

23 (ii) Whether the conduct or actions of respondent,
24 unless prohibited, will likely cause irreparable harm
25 or continued abuse.

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or
2 other alleged abused persons.

3 (4) (Blank).

4 (5) Never married parties. No rights or
5 responsibilities for a minor child born outside of
6 marriage attach to a putative father until a father and
7 child relationship has been established under the Illinois
8 Parentage Act of 1984, the Illinois Parentage Act of 2015,
9 the Illinois Public Aid Code, Section 12 of the Vital
10 Records Act, the Juvenile Court Act of 1987, the Probate
11 Act of 1975, the Uniform Interstate Family Support Act,
12 the Expedited Child Support Act of 1990, any judicial,
13 administrative, or other act of another state or
14 territory, any other statute of this State, or by any
15 foreign nation establishing the father and child
16 relationship, any other proceeding substantially in
17 conformity with the federal Personal Responsibility and
18 Work Opportunity Reconciliation Act of 1996, or when both
19 parties appeared in open court or at an administrative
20 hearing acknowledging under oath or admitting by
21 affirmation the existence of a father and child
22 relationship. Absent such an adjudication, no putative
23 father shall be granted temporary allocation of parental
24 responsibilities, including parenting time with the minor
25 child, or physical care and possession of the minor child,
26 nor shall an order of payment for support of the minor

1 child be entered.

2 (d) Balance of hardships; findings. If the court finds
3 that the balance of hardships does not support the granting of
4 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
5 subsection (b) of this Section, which may require such
6 balancing, the court's findings shall so indicate and shall
7 include a finding as to whether granting the remedy will
8 result in hardship to respondent that would substantially
9 outweigh the hardship to petitioner from denial of the remedy.
10 The findings shall be an official record or in writing.

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

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

16 (2) respondent was voluntarily intoxicated;

17 (3) petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article 7 of the Criminal Code
20 of 2012;

21 (4) petitioner did not act in self-defense or defense
22 of another;

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

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

1 (7) conduct by any family or household member excused
2 the abuse by respondent, unless that same conduct would
3 have excused such abuse if the parties had not been family
4 or household members.

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

8 Section 40. The Unified Code of Corrections is amended by
9 changing Section 5-6-3 as follows:

10 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

11 Sec. 5-6-3. Conditions of probation and of conditional
12 discharge.

13 (a) The conditions of probation and of conditional
14 discharge shall be that the person:

15 (1) not violate any criminal statute of any
16 jurisdiction;

17 (2) report to or appear in person before such person
18 or agency as directed by the court;

19 (3) refrain from possessing a firearm or other
20 dangerous weapon where the offense is a felony or, if a
21 misdemeanor, the offense involved the intentional or
22 knowing infliction of bodily harm or threat of bodily
23 harm;

24 (4) not leave the State without the consent of the

1 court or, in circumstances in which the reason for the
2 absence is of such an emergency nature that prior consent
3 by the court is not possible, without the prior
4 notification and approval of the person's probation
5 officer. Transfer of a person's probation or conditional
6 discharge supervision to another state is subject to
7 acceptance by the other state pursuant to the Interstate
8 Compact for Adult Offender Supervision;

9 (5) permit the probation officer to visit him at his
10 home or elsewhere to the extent necessary to discharge his
11 duties;

12 (6) perform no less than 30 hours of community service
13 and not more than 120 hours of community service, if
14 community service is available in the jurisdiction and is
15 funded and approved by the county board where the offense
16 was committed, where the offense was related to or in
17 furtherance of the criminal activities of an organized
18 gang and was motivated by the offender's membership in or
19 allegiance to an organized gang. The community service
20 shall include, but not be limited to, the cleanup and
21 repair of any damage caused by a violation of Section
22 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
23 2012 and similar damage to property located within the
24 municipality or county in which the violation occurred.
25 When possible and reasonable, the community service should
26 be performed in the offender's neighborhood. For purposes

1 of this Section, "organized gang" has the meaning ascribed
2 to it in Section 10 of the Illinois Streetgang Terrorism
3 Omnibus Prevention Act. The court may give credit toward
4 the fulfillment of community service hours for
5 participation in activities and treatment as determined by
6 court services;

7 (7) if he or she is at least 17 years of age and has
8 been sentenced to probation or conditional discharge for a
9 misdemeanor or felony in a county of 3,000,000 or more
10 inhabitants and has not been previously convicted of a
11 misdemeanor or felony, may be required by the sentencing
12 court to attend educational courses designed to prepare
13 the defendant for a high school diploma and to work toward
14 a high school diploma or to work toward passing high
15 school equivalency testing or to work toward completing a
16 vocational training program approved by the court. The
17 person on probation or conditional discharge must attend a
18 public institution of education to obtain the educational
19 or vocational training required by this paragraph (7). The
20 court shall revoke the probation or conditional discharge
21 of a person who wilfully fails to comply with this
22 paragraph (7). The person on probation or conditional
23 discharge shall be required to pay for the cost of the
24 educational courses or high school equivalency testing if
25 a fee is charged for those courses or testing. The court
26 shall resentence the offender whose probation or

1 conditional discharge has been revoked as provided in
2 Section 5-6-4. This paragraph (7) does not apply to a
3 person who has a high school diploma or has successfully
4 passed high school equivalency testing. This paragraph (7)
5 does not apply to a person who is determined by the court
6 to be a person with a developmental disability or
7 otherwise mentally incapable of completing the educational
8 or vocational program;

9 (8) if convicted of possession of a substance
10 prohibited by the Cannabis Control Act, the Illinois
11 Controlled Substances Act, or the Methamphetamine Control
12 and Community Protection Act after a previous conviction
13 or disposition of supervision for possession of a
14 substance prohibited by the Cannabis Control Act or
15 Illinois Controlled Substances Act or after a sentence of
16 probation under Section 10 of the Cannabis Control Act,
17 Section 410 of the Illinois Controlled Substances Act, or
18 Section 70 of the Methamphetamine Control and Community
19 Protection Act and upon a finding by the court that the
20 person is addicted, undergo treatment at a substance abuse
21 program approved by the court;

22 (8.5) if convicted of a felony sex offense as defined
23 in the Sex Offender Management Board Act, the person shall
24 undergo and successfully complete sex offender treatment
25 by a treatment provider approved by the Board and
26 conducted in conformance with the standards developed

1 under the Sex Offender Management Board Act;

2 (8.6) if convicted of a sex offense as defined in the
3 Sex Offender Management Board Act, refrain from residing
4 at the same address or in the same condominium unit or
5 apartment unit or in the same condominium complex or
6 apartment complex with another person he or she knows or
7 reasonably should know is a convicted sex offender or has
8 been placed on supervision for a sex offense; the
9 provisions of this paragraph do not apply to a person
10 convicted of a sex offense who is placed in a Department of
11 Corrections licensed transitional housing facility for sex
12 offenders;

13 (8.7) if convicted for an offense committed on or
14 after June 1, 2008 (the effective date of Public Act
15 95-464) that would qualify the accused as a child sex
16 offender as defined in Section 11-9.3 or 11-9.4 of the
17 Criminal Code of 1961 or the Criminal Code of 2012,
18 refrain from communicating with or contacting, by means of
19 the Internet, a person who is not related to the accused
20 and whom the accused reasonably believes to be under 18
21 years of age; for purposes of this paragraph (8.7),
22 "Internet" has the meaning ascribed to it in Section
23 16-0.1 of the Criminal Code of 2012; and a person is not
24 related to the accused if the person is not: (i) the
25 spouse, brother, or sister of the accused; (ii) a
26 descendant of the accused; (iii) a first or second cousin

1 of the accused; or (iv) a step-child or adopted child of
2 the accused;

3 (8.8) if convicted for an offense under Section 11-6,
4 11-9.1, 11-14.4 that involves soliciting for a juvenile
5 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 or any attempt to commit any of these offenses, committed
8 on or after June 1, 2009 (the effective date of Public Act
9 95-983):

10 (i) not access or use a computer or any other
11 device with Internet capability without the prior
12 written approval of the offender's probation officer,
13 except in connection with the offender's employment or
14 search for employment with the prior approval of the
15 offender's probation officer;

16 (ii) submit to periodic unannounced examinations
17 of the offender's computer or any other device with
18 Internet capability by the offender's probation
19 officer, a law enforcement officer, or assigned
20 computer or information technology specialist,
21 including the retrieval and copying of all data from
22 the computer or device and any internal or external
23 peripherals and removal of such information,
24 equipment, or device to conduct a more thorough
25 inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or
3 software systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a
6 computer or any other device with Internet capability
7 imposed by the offender's probation officer;

8 (8.9) if convicted of a sex offense as defined in the
9 Sex Offender Registration Act committed on or after
10 January 1, 2010 (the effective date of Public Act 96-262),
11 refrain from accessing or using a social networking
12 website as defined in Section 17-0.5 of the Criminal Code
13 of 2012;

14 (9) if convicted ~~of a felony or~~ of any misdemeanor
15 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
16 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
17 2012 that was determined, pursuant to Section 112A-11.1 of
18 the Code of Criminal Procedure of 1963, to trigger the
19 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
20 physically surrender, at a time and place designated by
21 the court, all firearms in his or her possession to a law
22 enforcement officer designated by the court to take
23 custody of and impound the firearms and physically
24 surrender his or her Firearm Owner's Identification Card
25 to the law enforcement agency as a condition of remaining
26 on bond pending sentencing. A defendant whose Firearm

1 Owner's Identification Card has been revoked or suspended
2 may petition the court to transfer the defendant's firearm
3 to a person who is lawfully able to possess the firearm if
4 the person does not reside at the same address as the
5 defendant. Any transfer must be conducted under Section 3
6 of the Firearm Owners Identification Card Act. The
7 transferee who receives the defendant's firearms must
8 swear or affirm by affidavit that he or she shall not
9 transfer the firearm to the defendant or to anyone
10 residing in the same residence as the defendant, until the
11 defendant's Firearm Owner's Identification Card has been
12 reinstated. The law enforcement agency, upon transfer of
13 the firearms, shall require the defendant to complete a
14 Firearm Disposition Record under Section 9.5 of the
15 Firearm Owner's Identification Card Act and provide a copy
16 to the Illinois State Police along with the defendants
17 Firearm Owner's Identification Card ~~physically surrender~~
18 ~~at a time and place designated by the court, his or her~~
19 ~~Firearm Owner's Identification Card and any and all~~
20 ~~firearms in his or her possession. The Court shall return~~
21 ~~to the Department of State Police Firearm Owner's~~
22 ~~Identification Card Office the person's Firearm Owner's~~
23 ~~Identification Card;~~

24 (10) if convicted of a sex offense as defined in
25 subsection (a-5) of Section 3-1-2 of this Code, unless the
26 offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial
2 minors are present, not participate in a holiday event
3 involving children under 18 years of age, such as
4 distributing candy or other items to children on
5 Halloween, wearing a Santa Claus costume on or preceding
6 Christmas, being employed as a department store Santa
7 Claus, or wearing an Easter Bunny costume on or preceding
8 Easter;

9 (11) if convicted of a sex offense as defined in
10 Section 2 of the Sex Offender Registration Act committed
11 on or after January 1, 2010 (the effective date of Public
12 Act 96-362) that requires the person to register as a sex
13 offender under that Act, may not knowingly use any
14 computer scrub software on any computer that the sex
15 offender uses;

16 (12) if convicted of a violation of the
17 Methamphetamine Control and Community Protection Act, the
18 Methamphetamine Precursor Control Act, or a
19 methamphetamine related offense:

20 (A) prohibited from purchasing, possessing, or
21 having under his or her control any product containing
22 pseudoephedrine unless prescribed by a physician; and

23 (B) prohibited from purchasing, possessing, or
24 having under his or her control any product containing
25 ammonium nitrate; ~~and~~

26 (13) if convicted of a hate crime involving the

1 protected class identified in subsection (a) of Section
2 12-7.1 of the Criminal Code of 2012 that gave rise to the
3 offense the offender committed, perform public or
4 community service of no less than 200 hours and enroll in
5 an educational program discouraging hate crimes that
6 includes racial, ethnic, and cultural sensitivity training
7 ordered by the court.

8 (b) The Court may in addition to other reasonable
9 conditions relating to the nature of the offense or the
10 rehabilitation of the defendant as determined for each
11 defendant in the proper discretion of the Court require that
12 the person:

13 (1) serve a term of periodic imprisonment under
14 Article 7 for a period not to exceed that specified in
15 paragraph (d) of Section 5-7-1;

16 (2) pay a fine and costs;

17 (3) work or pursue a course of study or vocational
18 training;

19 (4) undergo medical, psychological or psychiatric
20 treatment; or treatment for drug addiction or alcoholism;

21 (5) attend or reside in a facility established for the
22 instruction or residence of defendants on probation;

23 (6) support his dependents;

24 (7) and in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a
3 foster home;

4 (v) with the consent of the superintendent of the
5 facility, attend an educational program at a facility
6 other than the school in which the offense was
7 committed if he or she is convicted of a crime of
8 violence as defined in Section 2 of the Crime Victims
9 Compensation Act committed in a school, on the real
10 property comprising a school, or within 1,000 feet of
11 the real property comprising a school;

12 (8) make restitution as provided in Section 5-5-6 of
13 this Code;

14 (9) perform some reasonable public or community
15 service;

16 (10) serve a term of home confinement. In addition to
17 any other applicable condition of probation or conditional
18 discharge, the conditions of home confinement shall be
19 that the offender:

20 (i) remain within the interior premises of the
21 place designated for his confinement during the hours
22 designated by the court;

23 (ii) admit any person or agent designated by the
24 court into the offender's place of confinement at any
25 time for purposes of verifying the offender's
26 compliance with the conditions of his confinement; and

1 (iii) if further deemed necessary by the court or
2 the Probation or Court Services Department, be placed
3 on an approved electronic monitoring device, subject
4 to Article 8A of Chapter V;

5 (iv) for persons convicted of any alcohol,
6 cannabis or controlled substance violation who are
7 placed on an approved monitoring device as a condition
8 of probation or conditional discharge, the court shall
9 impose a reasonable fee for each day of the use of the
10 device, as established by the county board in
11 subsection (g) of this Section, unless after
12 determining the inability of the offender to pay the
13 fee, the court assesses a lesser fee or no fee as the
14 case may be. This fee shall be imposed in addition to
15 the fees imposed under subsections (g) and (i) of this
16 Section. The fee shall be collected by the clerk of the
17 circuit court, except as provided in an administrative
18 order of the Chief Judge of the circuit court. The
19 clerk of the circuit court shall pay all monies
20 collected from this fee to the county treasurer for
21 deposit in the substance abuse services fund under
22 Section 5-1086.1 of the Counties Code, except as
23 provided in an administrative order of the Chief Judge
24 of the circuit court.

25 The Chief Judge of the circuit court of the county
26 may by administrative order establish a program for

1 electronic monitoring of offenders, in which a vendor
2 supplies and monitors the operation of the electronic
3 monitoring device, and collects the fees on behalf of
4 the county. The program shall include provisions for
5 indigent offenders and the collection of unpaid fees.
6 The program shall not unduly burden the offender and
7 shall be subject to review by the Chief Judge.

8 The Chief Judge of the circuit court may suspend
9 any additional charges or fees for late payment,
10 interest, or damage to any device; and

11 (v) for persons convicted of offenses other than
12 those referenced in clause (iv) above and who are
13 placed on an approved monitoring device as a condition
14 of probation or conditional discharge, the court shall
15 impose a reasonable fee for each day of the use of the
16 device, as established by the county board in
17 subsection (g) of this Section, unless after
18 determining the inability of the defendant to pay the
19 fee, the court assesses a lesser fee or no fee as the
20 case may be. This fee shall be imposed in addition to
21 the fees imposed under subsections (g) and (i) of this
22 Section. The fee shall be collected by the clerk of the
23 circuit court, except as provided in an administrative
24 order of the Chief Judge of the circuit court. The
25 clerk of the circuit court shall pay all monies
26 collected from this fee to the county treasurer who

1 shall use the monies collected to defray the costs of
2 corrections. The county treasurer shall deposit the
3 fee collected in the probation and court services
4 fund. The Chief Judge of the circuit court of the
5 county may by administrative order establish a program
6 for electronic monitoring of offenders, in which a
7 vendor supplies and monitors the operation of the
8 electronic monitoring device, and collects the fees on
9 behalf of the county. The program shall include
10 provisions for indigent offenders and the collection
11 of unpaid fees. The program shall not unduly burden
12 the offender and shall be subject to review by the
13 Chief Judge.

14 The Chief Judge of the circuit court may suspend
15 any additional charges or fees for late payment,
16 interest, or damage to any device.

17 (11) comply with the terms and conditions of an order
18 of protection issued by the court pursuant to the Illinois
19 Domestic Violence Act of 1986, as now or hereafter
20 amended, or an order of protection issued by the court of
21 another state, tribe, or United States territory. A copy
22 of the order of protection shall be transmitted to the
23 probation officer or agency having responsibility for the
24 case;

25 (12) reimburse any "local anti-crime program" as
26 defined in Section 7 of the Anti-Crime Advisory Council

1 Act for any reasonable expenses incurred by the program on
2 the offender's case, not to exceed the maximum amount of
3 the fine authorized for the offense for which the
4 defendant was sentenced;

5 (13) contribute a reasonable sum of money, not to
6 exceed the maximum amount of the fine authorized for the
7 offense for which the defendant was sentenced, (i) to a
8 "local anti-crime program", as defined in Section 7 of the
9 Anti-Crime Advisory Council Act, or (ii) for offenses
10 under the jurisdiction of the Department of Natural
11 Resources, to the fund established by the Department of
12 Natural Resources for the purchase of evidence for
13 investigation purposes and to conduct investigations as
14 outlined in Section 805-105 of the Department of Natural
15 Resources (Conservation) Law;

16 (14) refrain from entering into a designated
17 geographic area except upon such terms as the court finds
18 appropriate. Such terms may include consideration of the
19 purpose of the entry, the time of day, other persons
20 accompanying the defendant, and advance approval by a
21 probation officer, if the defendant has been placed on
22 probation or advance approval by the court, if the
23 defendant was placed on conditional discharge;

24 (15) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of persons, including but not limited to members of

1 street gangs and drug users or dealers;

2 (16) refrain from having in his or her body the
3 presence of any illicit drug prohibited by the Cannabis
4 Control Act, the Illinois Controlled Substances Act, or
5 the Methamphetamine Control and Community Protection Act,
6 unless prescribed by a physician, and submit samples of
7 his or her blood or urine or both for tests to determine
8 the presence of any illicit drug;

9 (17) if convicted for an offense committed on or after
10 June 1, 2008 (the effective date of Public Act 95-464)
11 that would qualify the accused as a child sex offender as
12 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
13 of 1961 or the Criminal Code of 2012, refrain from
14 communicating with or contacting, by means of the
15 Internet, a person who is related to the accused and whom
16 the accused reasonably believes to be under 18 years of
17 age; for purposes of this paragraph (17), "Internet" has
18 the meaning ascribed to it in Section 16-0.1 of the
19 Criminal Code of 2012; and a person is related to the
20 accused if the person is: (i) the spouse, brother, or
21 sister of the accused; (ii) a descendant of the accused;
22 (iii) a first or second cousin of the accused; or (iv) a
23 step-child or adopted child of the accused;

24 (18) if convicted for an offense committed on or after
25 June 1, 2009 (the effective date of Public Act 95-983)
26 that would qualify as a sex offense as defined in the Sex

1 Offender Registration Act:

2 (i) not access or use a computer or any other
3 device with Internet capability without the prior
4 written approval of the offender's probation officer,
5 except in connection with the offender's employment or
6 search for employment with the prior approval of the
7 offender's probation officer;

8 (ii) submit to periodic unannounced examinations
9 of the offender's computer or any other device with
10 Internet capability by the offender's probation
11 officer, a law enforcement officer, or assigned
12 computer or information technology specialist,
13 including the retrieval and copying of all data from
14 the computer or device and any internal or external
15 peripherals and removal of such information,
16 equipment, or device to conduct a more thorough
17 inspection;

18 (iii) submit to the installation on the offender's
19 computer or device with Internet capability, at the
20 subject's expense, of one or more hardware or software
21 systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions
23 concerning the offender's use of or access to a
24 computer or any other device with Internet capability
25 imposed by the offender's probation officer; and

26 (19) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a misdemeanor that
2 did not involve the intentional or knowing infliction of
3 bodily harm or threat of bodily harm.

4 (c) The court may as a condition of probation or of
5 conditional discharge require that a person under 18 years of
6 age found guilty of any alcohol, cannabis or controlled
7 substance violation, refrain from acquiring a driver's license
8 during the period of probation or conditional discharge. If
9 such person is in possession of a permit or license, the court
10 may require that the minor refrain from driving or operating
11 any motor vehicle during the period of probation or
12 conditional discharge, except as may be necessary in the
13 course of the minor's lawful employment.

14 (d) An offender sentenced to probation or to conditional
15 discharge shall be given a certificate setting forth the
16 conditions thereof.

17 (e) Except where the offender has committed a fourth or
18 subsequent violation of subsection (c) of Section 6-303 of the
19 Illinois Vehicle Code, the court shall not require as a
20 condition of the sentence of probation or conditional
21 discharge that the offender be committed to a period of
22 imprisonment in excess of 6 months. This 6-month limit shall
23 not include periods of confinement given pursuant to a
24 sentence of county impact incarceration under Section 5-8-1.2.

25 Persons committed to imprisonment as a condition of
26 probation or conditional discharge shall not be committed to

1 the Department of Corrections.

2 (f) The court may combine a sentence of periodic
3 imprisonment under Article 7 or a sentence to a county impact
4 incarceration program under Article 8 with a sentence of
5 probation or conditional discharge.

6 (g) An offender sentenced to probation or to conditional
7 discharge and who during the term of either undergoes
8 mandatory drug or alcohol testing, or both, or is assigned to
9 be placed on an approved electronic monitoring device, shall
10 be ordered to pay all costs incidental to such mandatory drug
11 or alcohol testing, or both, and all costs incidental to such
12 approved electronic monitoring in accordance with the
13 defendant's ability to pay those costs. The county board with
14 the concurrence of the Chief Judge of the judicial circuit in
15 which the county is located shall establish reasonable fees
16 for the cost of maintenance, testing, and incidental expenses
17 related to the mandatory drug or alcohol testing, or both, and
18 all costs incidental to approved electronic monitoring,
19 involved in a successful probation program for the county. The
20 concurrence of the Chief Judge shall be in the form of an
21 administrative order. The fees shall be collected by the clerk
22 of the circuit court, except as provided in an administrative
23 order of the Chief Judge of the circuit court. The clerk of the
24 circuit court shall pay all moneys collected from these fees
25 to the county treasurer who shall use the moneys collected to
26 defray the costs of drug testing, alcohol testing, and

1 electronic monitoring. The county treasurer shall deposit the
2 fees collected in the county working cash fund under Section
3 6-27001 or Section 6-29002 of the Counties Code, as the case
4 may be. The Chief Judge of the circuit court of the county may
5 by administrative order establish a program for electronic
6 monitoring of offenders, in which a vendor supplies and
7 monitors the operation of the electronic monitoring device,
8 and collects the fees on behalf of the county. The program
9 shall include provisions for indigent offenders and the
10 collection of unpaid fees. The program shall not unduly burden
11 the offender and shall be subject to review by the Chief Judge.

12 The Chief Judge of the circuit court may suspend any
13 additional charges or fees for late payment, interest, or
14 damage to any device.

15 (h) Jurisdiction over an offender may be transferred from
16 the sentencing court to the court of another circuit with the
17 concurrence of both courts. Further transfers or retransfers
18 of jurisdiction are also authorized in the same manner. The
19 court to which jurisdiction has been transferred shall have
20 the same powers as the sentencing court. The probation
21 department within the circuit to which jurisdiction has been
22 transferred, or which has agreed to provide supervision, may
23 impose probation fees upon receiving the transferred offender,
24 as provided in subsection (i). For all transfer cases, as
25 defined in Section 9b of the Probation and Probation Officers
26 Act, the probation department from the original sentencing

1 court shall retain all probation fees collected prior to the
2 transfer. After the transfer, all probation fees shall be paid
3 to the probation department within the circuit to which
4 jurisdiction has been transferred.

5 (i) The court shall impose upon an offender sentenced to
6 probation after January 1, 1989 or to conditional discharge
7 after January 1, 1992 or to community service under the
8 supervision of a probation or court services department after
9 January 1, 2004, as a condition of such probation or
10 conditional discharge or supervised community service, a fee
11 of \$50 for each month of probation or conditional discharge
12 supervision or supervised community service ordered by the
13 court, unless after determining the inability of the person
14 sentenced to probation or conditional discharge or supervised
15 community service to pay the fee, the court assesses a lesser
16 fee. The court may not impose the fee on a minor who is placed
17 in the guardianship or custody of the Department of Children
18 and Family Services under the Juvenile Court Act of 1987 while
19 the minor is in placement. The fee shall be imposed only upon
20 an offender who is actively supervised by the probation and
21 court services department. The fee shall be collected by the
22 clerk of the circuit court. The clerk of the circuit court
23 shall pay all monies collected from this fee to the county
24 treasurer for deposit in the probation and court services fund
25 under Section 15.1 of the Probation and Probation Officers
26 Act.

1 A circuit court may not impose a probation fee under this
2 subsection (i) in excess of \$25 per month unless the circuit
3 court has adopted, by administrative order issued by the chief
4 judge, a standard probation fee guide determining an
5 offender's ability to pay. Of the amount collected as a
6 probation fee, up to \$5 of that fee collected per month may be
7 used to provide services to crime victims and their families.

8 The Court may only waive probation fees based on an
9 offender's ability to pay. The probation department may
10 re-evaluate an offender's ability to pay every 6 months, and,
11 with the approval of the Director of Court Services or the
12 Chief Probation Officer, adjust the monthly fee amount. An
13 offender may elect to pay probation fees due in a lump sum. Any
14 offender that has been assigned to the supervision of a
15 probation department, or has been transferred either under
16 subsection (h) of this Section or under any interstate
17 compact, shall be required to pay probation fees to the
18 department supervising the offender, based on the offender's
19 ability to pay.

20 Public Act 93-970 deletes the \$10 increase in the fee
21 under this subsection that was imposed by Public Act 93-616.
22 This deletion is intended to control over any other Act of the
23 93rd General Assembly that retains or incorporates that fee
24 increase.

25 (i-5) In addition to the fees imposed under subsection (i)
26 of this Section, in the case of an offender convicted of a

1 felony sex offense (as defined in the Sex Offender Management
2 Board Act) or an offense that the court or probation
3 department has determined to be sexually motivated (as defined
4 in the Sex Offender Management Board Act), the court or the
5 probation department shall assess additional fees to pay for
6 all costs of treatment, assessment, evaluation for risk and
7 treatment, and monitoring the offender, based on that
8 offender's ability to pay those costs either as they occur or
9 under a payment plan.

10 (j) All fines and costs imposed under this Section for any
11 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
12 Code, or a similar provision of a local ordinance, and any
13 violation of the Child Passenger Protection Act, or a similar
14 provision of a local ordinance, shall be collected and
15 disbursed by the circuit clerk as provided under the Criminal
16 and Traffic Assessment Act.

17 (k) Any offender who is sentenced to probation or
18 conditional discharge for a felony sex offense as defined in
19 the Sex Offender Management Board Act or any offense that the
20 court or probation department has determined to be sexually
21 motivated as defined in the Sex Offender Management Board Act
22 shall be required to refrain from any contact, directly or
23 indirectly, with any persons specified by the court and shall
24 be available for all evaluations and treatment programs
25 required by the court or the probation department.

26 (l) The court may order an offender who is sentenced to

1 probation or conditional discharge for a violation of an order
2 of protection be placed under electronic surveillance as
3 provided in Section 5-8A-7 of this Code.

4 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
5 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
6 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)