

1 AN ACT concerning criminal law.

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

4 Section 5. The Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by adding Section 2310-705 as follows:

7 (20 ILCS 2310/2310-705 new)

8 Sec. 2310-705. Firearms restraining order awareness.

9 (a) The Department, subject to appropriation or other  
10 available funding, shall conduct a program to promote  
11 awareness of firearms restraining orders to the general  
12 public. The program may include, but is not limited to:

13 (1) dissemination of information, either online or  
14 with an in-person pamphlet, of the options people have to  
15 seek assistance using a firearms restraining order and the  
16 process in which to file one;

17 (2) production of materials that can be given to  
18 health care workers that assist in identifying people who  
19 may benefit from awareness of the Firearms Restraining  
20 Order Act; and

21 (3) specific information on situations in which a  
22 firearms restraining order may be appropriate such as with  
23 situations of domestic violence, mental health crisis, or

1 anyone who is at risk of injuring themselves or others.

2 (b) Beginning July 1, 2022, the program must include the  
3 development and dissemination, through print, digital, and  
4 broadcast media, of public service announcements that  
5 publicize the firearms restraining order.

6 Section 10. The Department of State Police Law of the  
7 Civil Administrative Code of Illinois is amended by adding  
8 Section 2605-51 as follows:

9 (20 ILCS 2605/2605-51 new)

10 Sec. 2605-51. Commission on implementing the Firearms  
11 Restraining Order Act.

12 (a) There is created the Commission on Implementing the  
13 Firearms Restraining Order Act composed of at least 12 members  
14 to advise on the strategies of education and implementation of  
15 the Firearms Restraining Order Act. The Commission shall be  
16 appointed by the Director of the Illinois State Police or his  
17 or her designee and shall include a liaison or representative  
18 nominated from the following:

19 (1) the Office of the Attorney General, appointed by  
20 the Attorney General;

21 (2) the Director of the Illinois State Police or his  
22 or her designee;

23 (3) at least 3 State's Attorneys, nominated by the  
24 Director of the Office of the State's Attorneys Appellate

1 Prosecutor;

2 (4) at least 2 municipal police department  
3 representatives, nominated by the Illinois Association of  
4 Chiefs of Police;

5 (5) an Illinois sheriff, nominated by the Illinois  
6 Sheriffs' Association;

7 (6) the Director of Public Health or his or her  
8 designee;

9 (7) the Illinois Law Enforcement Training Standards  
10 Board, nominated by the Executive Director of the Board;

11 (8) a representative from a public defender's office,  
12 nominated by the State Appellate Defender;

13 (9) a circuit court judge, nominated by the Chief  
14 Justice of the Supreme Court;

15 (10) a prosecutor with experience managing or  
16 directing a program in another state where the  
17 implementation of that state's extreme risk protection  
18 order law has achieved high rates of petition filings  
19 nominated by the National District Attorneys Association;  
20 and

21 (11) an expert from law enforcement who has experience  
22 managing or directing a program in another state where the  
23 implementation of that state's extreme risk protection  
24 order law has achieved high rates of petition filings  
25 nominated by the Director of the Illinois State Police.

26 (b) The Commission shall be chaired by the Director of the

1 Illinois State Police or his or her designee. The Commission  
2 shall meet, either virtually or in person, to discuss the  
3 implementation of the Firearms Restraining Order Act as  
4 determined by the Commission while the strategies are being  
5 established.

6 (c) The members of the Commission shall serve without  
7 compensation and shall serve 3-year terms.

8 (d) An annual report shall be submitted to the General  
9 Assembly by the Commission that may include summary  
10 information about firearms restraining order use by county,  
11 challenges to Firearms Restraining Order Act implementation,  
12 and recommendations for increasing and improving  
13 implementation.

14 (e) The Commission shall develop a model policy with an  
15 overall framework for the timely relinquishment of firearms  
16 whenever a firearms restraining order is issued. The model  
17 policy shall be finalized within the first 4 months of  
18 convening. In formulating the model policy, the Commission  
19 shall consult counties in Illinois and other states with  
20 extreme risk protection order laws which have achieved a high  
21 rate of petition filings. Once approved, the Illinois State  
22 Police shall work with their local law enforcement agencies  
23 within their county to design a comprehensive strategy for the  
24 timely relinquishment of firearms, using the model policy as  
25 an overall framework. Each individual agency may make small  
26 modifications as needed to the model policy and must approve

1 and adopt a policy that aligns with the model policy. The  
2 Illinois State Police shall convene local police chiefs and  
3 sheriffs within their county as needed to discuss the  
4 relinquishment of firearms.

5 (f) The Commission shall be dissolved 3 years after the  
6 effective date of this amendatory Act of the 102nd General  
7 Assembly.

8 (g) This Section is repealed 4 years after the effective  
9 date of this amendatory Act of the 102nd General Assembly.

10 Section 15. The Illinois Police Training Act is amended by  
11 changing Section 7 and by adding Section 7.1 as follows:

12 (50 ILCS 705/7) (from Ch. 85, par. 507)

13 Sec. 7. Rules and standards for schools. The Board shall  
14 adopt rules and minimum standards for such schools which shall  
15 include, but not be limited to, the following:

16 a. The curriculum for probationary police officers  
17 which shall be offered by all certified schools shall  
18 include, but not be limited to, courses of procedural  
19 justice, arrest and use and control tactics, search and  
20 seizure, including temporary questioning, civil rights,  
21 human rights, human relations, cultural competency,  
22 including implicit bias and racial and ethnic sensitivity,  
23 criminal law, law of criminal procedure, constitutional  
24 and proper use of law enforcement authority, vehicle and

1 traffic law including uniform and non-discriminatory  
2 enforcement of the Illinois Vehicle Code, traffic control  
3 and accident investigation, techniques of obtaining  
4 physical evidence, court testimonies, statements, reports,  
5 firearms training, training in the use of electronic  
6 control devices, including the psychological and  
7 physiological effects of the use of those devices on  
8 humans, first-aid (including cardiopulmonary  
9 resuscitation), training in the administration of opioid  
10 antagonists as defined in paragraph (1) of subsection (e)  
11 of Section 5-23 of the Substance Use Disorder Act,  
12 handling of juvenile offenders, recognition of mental  
13 conditions and crises, including, but not limited to, the  
14 disease of addiction, which require immediate assistance  
15 and response and methods to safeguard and provide  
16 assistance to a person in need of mental treatment,  
17 recognition of abuse, neglect, financial exploitation, and  
18 self-neglect of adults with disabilities and older adults,  
19 as defined in Section 2 of the Adult Protective Services  
20 Act, crimes against the elderly, law of evidence, the  
21 hazards of high-speed police vehicle chases with an  
22 emphasis on alternatives to the high-speed chase, and  
23 physical training. The curriculum shall include specific  
24 training in techniques for immediate response to and  
25 investigation of cases of domestic violence and of sexual  
26 assault of adults and children, including cultural

1 perceptions and common myths of sexual assault and sexual  
2 abuse as well as interview techniques that are age  
3 sensitive and are trauma informed, victim centered, and  
4 victim sensitive. The curriculum shall include training in  
5 techniques designed to promote effective communication at  
6 the initial contact with crime victims and ways to  
7 comprehensively explain to victims and witnesses their  
8 rights under the Rights of Crime Victims and Witnesses Act  
9 and the Crime Victims Compensation Act. The curriculum  
10 shall also include training in effective recognition of  
11 and responses to stress, trauma, and post-traumatic stress  
12 experienced by police officers that is consistent with  
13 Section 25 of the Illinois Mental Health First Aid  
14 Training Act in a peer setting, including recognizing  
15 signs and symptoms of work-related cumulative stress,  
16 issues that may lead to suicide, and solutions for  
17 intervention with peer support resources. The curriculum  
18 shall include a block of instruction addressing the  
19 mandatory reporting requirements under the Abused and  
20 Neglected Child Reporting Act. The curriculum shall also  
21 include a block of instruction aimed at identifying and  
22 interacting with persons with autism and other  
23 developmental or physical disabilities, reducing barriers  
24 to reporting crimes against persons with autism, and  
25 addressing the unique challenges presented by cases  
26 involving victims or witnesses with autism and other

1 developmental disabilities. The curriculum shall include  
2 training in the detection and investigation of all forms  
3 of human trafficking. The curriculum shall also include  
4 instruction in trauma-informed responses designed to  
5 ensure the physical safety and well-being of a child of an  
6 arrested parent or immediate family member; this  
7 instruction must include, but is not limited to: (1)  
8 understanding the trauma experienced by the child while  
9 maintaining the integrity of the arrest and safety of  
10 officers, suspects, and other involved individuals; (2)  
11 de-escalation tactics that would include the use of force  
12 when reasonably necessary; and (3) inquiring whether a  
13 child will require supervision and care. The curriculum  
14 for permanent police officers shall include, but not be  
15 limited to: (1) refresher and in-service training in any  
16 of the courses listed above in this subparagraph, (2)  
17 advanced courses in any of the subjects listed above in  
18 this subparagraph, (3) training for supervisory personnel,  
19 and (4) specialized training in subjects and fields to be  
20 selected by the board. The training in the use of  
21 electronic control devices shall be conducted for  
22 probationary police officers, including University police  
23 officers. The curriculum shall also include training on  
24 the use of a firearms restraining order by providing  
25 instruction on the process used to file a firearms  
26 restraining order and how to identify situations in which



1       a firearms restraining order is appropriate.

2           b. Minimum courses of study, attendance requirements  
3       and equipment requirements.

4           c. Minimum requirements for instructors.

5           d. Minimum basic training requirements, which a  
6       probationary police officer must satisfactorily complete  
7       before being eligible for permanent employment as a local  
8       law enforcement officer for a participating local  
9       governmental agency. Those requirements shall include  
10      training in first aid (including cardiopulmonary  
11      resuscitation).

12          e. Minimum basic training requirements, which a  
13      probationary county corrections officer must  
14      satisfactorily complete before being eligible for  
15      permanent employment as a county corrections officer for a  
16      participating local governmental agency.

17          f. Minimum basic training requirements which a  
18      probationary court security officer must satisfactorily  
19      complete before being eligible for permanent employment as  
20      a court security officer for a participating local  
21      governmental agency. The Board shall establish those  
22      training requirements which it considers appropriate for  
23      court security officers and shall certify schools to  
24      conduct that training.

25           A person hired to serve as a court security officer  
26      must obtain from the Board a certificate (i) attesting to

1 his or her successful completion of the training course;  
2 (ii) attesting to his or her satisfactory completion of a  
3 training program of similar content and number of hours  
4 that has been found acceptable by the Board under the  
5 provisions of this Act; or (iii) attesting to the Board's  
6 determination that the training course is unnecessary  
7 because of the person's extensive prior law enforcement  
8 experience.

9 Individuals who currently serve as court security  
10 officers shall be deemed qualified to continue to serve in  
11 that capacity so long as they are certified as provided by  
12 this Act within 24 months of June 1, 1997 (the effective  
13 date of Public Act 89-685). Failure to be so certified,  
14 absent a waiver from the Board, shall cause the officer to  
15 forfeit his or her position.

16 All individuals hired as court security officers on or  
17 after June 1, 1997 (the effective date of Public Act  
18 89-685) shall be certified within 12 months of the date of  
19 their hire, unless a waiver has been obtained by the  
20 Board, or they shall forfeit their positions.

21 The Sheriff's Merit Commission, if one exists, or the  
22 Sheriff's Office if there is no Sheriff's Merit  
23 Commission, shall maintain a list of all individuals who  
24 have filed applications to become court security officers  
25 and who meet the eligibility requirements established  
26 under this Act. Either the Sheriff's Merit Commission, or

1 the Sheriff's Office if no Sheriff's Merit Commission  
2 exists, shall establish a schedule of reasonable intervals  
3 for verification of the applicants' qualifications under  
4 this Act and as established by the Board.

5 g. Minimum in-service training requirements, which a  
6 police officer must satisfactorily complete every 3 years.  
7 Those requirements shall include constitutional and proper  
8 use of law enforcement authority, procedural justice,  
9 civil rights, human rights, mental health awareness and  
10 response, officer wellness, reporting child abuse and  
11 neglect, and cultural competency.

12 h. Minimum in-service training requirements, which a  
13 police officer must satisfactorily complete at least  
14 annually. Those requirements shall include law updates and  
15 use of force training which shall include scenario based  
16 training, or similar training approved by the Board.

17 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;  
18 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.  
19 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,  
20 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;  
21 101-564, eff. 1-1-20; revised 9-10-19.)"; and

22 (50 ILCS 705/7.1 new)

23 Sec. 7.1. Firearms restraining order training.

24 (a) The Illinois Law Enforcement Training Standards Board  
25 shall develop and approve a standard curriculum for a training

1 program on the Firearms Restraining Order Act. The Board shall  
2 conduct a training program that trains officers on the use of  
3 firearms restraining orders, how to identify situations in  
4 which a firearms restraining order is appropriate, and how to  
5 safely promote the usage of the firearms restraining order in  
6 different situations. Officers who have successfully completed  
7 this program shall be issued a certificate attesting to their  
8 attendance.

9 (b) Every law enforcement officer shall complete this  
10 training once each year.

11 (c) If adequate training is unavailable, the Illinois Law  
12 Enforcement Training Standards Board may approve training to  
13 be conducted by a third party.

14 Section 20. The Firearms Restraining Order Act is amended  
15 by changing Sections 5, 10, 35, 40, and 45 and by adding  
16 Section 85 as follows:

17 (430 ILCS 67/5)

18 Sec. 5. Definitions. As used in this Act:

19 "Family member of the respondent" means a spouse, former  
20 spouse, person with whom the respondent has a minor child in  
21 common, parent, child, or step-child of the respondent, any  
22 other person related by blood or present marriage to the  
23 respondent, or a person who shares a common dwelling with the  
24 respondent.

1 "Firearms restraining order" means an order issued by the  
2 court, prohibiting and enjoining a named person from having in  
3 his or her custody or control, purchasing, possessing, or  
4 receiving any firearms or ammunition, or removing firearm  
5 parts that could be assembled to make an operable firearm.

6 "Intimate partner" means a spouse, former spouse, a person  
7 with whom the respondent has or allegedly has a child in  
8 common, or a person with whom the respondent has or has had a  
9 dating or engagement relationship.

10 "Petitioner" means:

11 (1) a family member of the respondent as defined in  
12 this Act; or

13 (2) a law enforcement officer who files a petition  
14 alleging that the respondent poses a danger of causing  
15 personal injury to himself, herself, or another by having  
16 in his or her custody or control, purchasing, possessing,  
17 or receiving a firearm, ammunition, or firearm parts that  
18 could be assembled to make an operable firearm or removing  
19 firearm parts that could be assembled to make an operable  
20 firearm.

21 "Respondent" means the person alleged in the petition to  
22 pose a danger of causing personal injury to himself, herself,  
23 or another by having in his or her custody or control,  
24 purchasing, possessing, or receiving a firearm, ammunition, or  
25 firearm parts that could be assembled to make an operable  
26 firearm or removing firearm parts that could be assembled to

1 make an operable firearm.

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

3 (430 ILCS 67/10)

4 Sec. 10. Commencement of action; procedure.

5 (a) An action for a firearms restraining order is  
6 commenced by filing a verified petition for a firearms  
7 restraining order in any circuit court.

8 (b) A petition for a firearms restraining order may be  
9 filed in: (1) any county where the respondent resides or (2)  
10 any county where an incident occurred that involved the  
11 respondent posing an immediate and present danger of causing  
12 personal injury to the respondent or another by having in his  
13 or her custody or control, or purchasing, possessing, or  
14 receiving, a firearm, ammunition, or firearm parts that could  
15 be assembled to make an operable firearm.

16 (c) No fee shall be charged by the clerk for filing,  
17 amending, vacating, certifying, printing, or photocopying  
18 petitions or orders; or for issuing alias summons; or for any  
19 related filing service. No fee shall be charged by the sheriff  
20 or other law enforcement for service by the sheriff or other  
21 law enforcement of a petition, rule, motion, or order in an  
22 action commenced under this Section.

23 (d) The court shall provide, through the office of the  
24 clerk of the court, simplified forms and clerical assistance  
25 to help with the writing and filing of a petition under this

1 Section by any person not represented by counsel. In addition,  
2 that assistance may be provided by the State's Attorney.

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

4 (430 ILCS 67/35)

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

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

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

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

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

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

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

20 (f) If a circuit or associate judge finds probable cause  
21 to believe that the respondent poses an immediate and present  
22 danger of causing personal injury to himself, herself, or  
23 another by having in his or her custody or control,  
24 purchasing, possessing, or receiving a firearm, ammunition, or  
25 firearm parts that could be assembled to make an operable  
26 firearm, the circuit or associate judge shall issue an



1 emergency order.

2 (f-5) If the court issues an emergency firearms  
3 restraining order, it shall, upon a finding of probable cause  
4 that the respondent possesses firearms, ammunition, or firearm  
5 parts that could be assembled to make an operable firearm,  
6 issue a search warrant directing a law enforcement agency to  
7 seize the respondent's firearms, ammunition, and firearm parts  
8 that could be assembled to make an operable firearm. The court  
9 may, as part of that warrant, direct the law enforcement  
10 agency to search the respondent's residence and other places  
11 where the court finds there is probable cause to believe he or  
12 she is likely to possess the firearms, ammunition, or firearm  
13 parts that could be assembled to make an operable firearm. A  
14 return of the search warrant shall be filed by the law  
15 enforcement agency within 4 days thereafter, setting forth the  
16 time, date, and location that the search warrant was executed  
17 and what items, if any, were seized.

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

19 (1) the respondent to refrain from having in his or  
20 her custody or control, purchasing, possessing, or  
21 receiving additional firearms, ammunition, or firearm  
22 parts that could be assembled to make an operable firearm,  
23 or removing firearm parts that could be assembled to make  
24 an operable firearm for the duration of the order; and

25 (2) the respondent to turn over to the local law  
26 enforcement agency any Firearm Owner's Identification Card

1 and concealed carry license in his or her possession. The  
2 local law enforcement agency shall immediately mail the  
3 card and concealed carry license to the Department of  
4 State Police Firearm Services Bureau for safekeeping. The  
5 firearm or firearms, ammunition, and firearm parts that  
6 could be assembled to make an operable firearm and Firearm  
7 Owner's Identification Card and concealed carry license,  
8 if unexpired, shall be returned to the respondent after  
9 the firearms restraining order is terminated or expired.

10 (h) Except as otherwise provided in subsection (h-5) of  
11 this Section, upon expiration of the period of safekeeping, if  
12 the firearms, ammunition, and firearm parts that could be  
13 assembled to make an operable firearm or Firearm Owner's  
14 Identification Card and concealed carry license cannot be  
15 returned to the respondent because the respondent cannot be  
16 located, fails to respond to requests to retrieve the  
17 firearms, or is not lawfully eligible to possess a firearm,  
18 ammunition, or firearm parts that could be assembled to make  
19 an operable firearm, upon petition from the local law  
20 enforcement agency, the court may order the local law  
21 enforcement agency to destroy the firearms, ammunition, and  
22 firearm parts that could be assembled to make an operable  
23 firearm, use the firearms, ammunition, and firearm parts that  
24 could be assembled to make an operable firearm for training  
25 purposes, or use the firearms, ammunition, and firearm parts  
26 that could be assembled to make an operable firearm for any

1 other application as deemed appropriate by the local law  
2 enforcement agency.

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

21 (h-6) If a person other than the respondent claims title  
22 to any firearms, ammunition, and firearm parts that could be  
23 assembled to make an operable firearm surrendered under this  
24 Section, he or she may petition the court, if the petitioner is  
25 present in court or has notice of the petition, to have the  
26 firearm, ammunition, and firearm parts that could be assembled

1 to make an operable firearm returned to him or her. If the  
2 court determines that person to be the lawful owner of the  
3 firearm, ammunition, and firearm parts that could be assembled  
4 to make an operable firearm, the firearm, ammunition, and  
5 firearm parts that could be assembled to make an operable  
6 firearm shall be returned to him or her, provided that:

7 (1) the firearm, ammunition, and firearm parts that  
8 could be assembled to make an operable firearm are ~~is~~  
9 removed from the respondent's custody, control, or  
10 possession and the lawful owner agrees to store the  
11 firearm, ammunition, and firearm parts that could be  
12 assembled to make an operable firearm in a manner such  
13 that the respondent does not have access to or control of  
14 the firearm, ammunition, and firearm parts that could be  
15 assembled to make an operable firearm; and

16 (2) the firearm, ammunition, and firearm parts that  
17 could be assembled to make an operable firearm are ~~is~~ not  
18 otherwise unlawfully possessed by the owner.

19 The person petitioning for the return of his or her  
20 firearm, ammunition, and firearm parts that could be assembled  
21 to make an operable firearm must swear or affirm by affidavit  
22 that he or she: (i) is the lawful owner of the firearm,  
23 ammunition, and firearm parts that could be assembled to make  
24 an operable firearm; (ii) shall not transfer the firearm,  
25 ammunition, and firearm parts that could be assembled to make  
26 an operable firearm to the respondent; and (iii) will store

1 the firearm, ammunition, and firearm parts that could be  
2 assembled to make an operable firearm in a manner that the  
3 respondent does not have access to or control of the firearm,  
4 ammunition, and firearm parts that could be assembled to make  
5 an operable firearm.

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

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

16 (430 ILCS 67/40)

17 Sec. 40. Six-month orders.

18 (a) A petitioner may request a 6-month firearms  
19 restraining order by filing an affidavit or verified pleading  
20 alleging that the respondent poses a significant danger of  
21 causing personal injury to himself, herself, or another in the  
22 near future by having in his or her custody or control,  
23 purchasing, possessing, or receiving a firearm, ammunition,  
24 and firearm parts that could be assembled to make an operable  
25 firearm. The petition shall also describe the number, types,

1 and locations of any firearms, ammunition, and firearm parts  
2 that could be assembled to make an operable firearm presently  
3 believed by the petitioner to be possessed or controlled by  
4 the respondent.

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

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

25 (d) Upon receipt of a petition for a 6-month firearms  
26 restraining order, the court shall order a hearing within 30

1 days.

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

5 (1) The unlawful and reckless use, display, or  
6 brandishing of a firearm, ammunition, and firearm parts  
7 that could be assembled to make an operable firearm by the  
8 respondent.

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

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

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

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

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

26 (7) A pattern of violent acts or violent threats,

1 including, but not limited to, threats of violence or acts  
2 of violence by the respondent directed toward himself,  
3 herself, or another.

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

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

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



1 that could be assembled to make an operable firearm. A return  
2 of the search warrant shall be filed by the law enforcement  
3 agency within 4 days thereafter, setting forth the time, date,  
4 and location that the search warrant was executed and what  
5 items, if any, were seized.

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

7 (1) the respondent to refrain from having in his or  
8 her custody or control, purchasing, possessing, or  
9 receiving additional firearms, ammunition, and firearm  
10 parts that could be assembled to make an operable firearm  
11 for the duration of the order; and

12 (2) the respondent to turn over to the local law  
13 enforcement agency any firearm, ammunition, and firearm  
14 parts that could be assembled to make an operable firearm  
15 or Firearm Owner's Identification Card and concealed carry  
16 license in his or her possession. The local law  
17 enforcement agency shall immediately mail the card and  
18 concealed carry license to the Department of State Police  
19 Firearm Services Bureau for safekeeping. The firearm or  
20 firearms, ammunition, and firearm parts that could be  
21 assembled to make an operable firearm and Firearm Owner's  
22 Identification Card and concealed carry license, if  
23 unexpired, shall be returned to the respondent after the  
24 firearms restraining order is terminated or expired.

25 (i) Except as otherwise provided in subsection (i-5) of  
26 this Section, upon expiration of the period of safekeeping, if

1 the firearms, ammunition, and firearm parts that could be  
2 assembled to make an operable firearm or Firearm Owner's  
3 Identification Card cannot be returned to the respondent  
4 because the respondent cannot be located, fails to respond to  
5 requests to retrieve the firearms, ammunition, and firearm  
6 parts that could be assembled to make an operable firearm, or  
7 is not lawfully eligible to possess a firearm, ammunition, and  
8 firearm parts that could be assembled to make an operable  
9 firearm, upon petition from the local law enforcement agency,  
10 the court may order the local law enforcement agency to  
11 destroy the firearms, ammunition, and firearm parts that could  
12 be assembled to make an operable firearm, use the firearms,  
13 ammunition, and firearm parts that could be assembled to make  
14 an operable firearm for training purposes, or use the  
15 firearms, ammunition, and firearm parts that could be  
16 assembled to make an operable firearm for any other  
17 application as deemed appropriate by the local law enforcement  
18 agency.

19 (i-5) A respondent whose Firearm Owner's Identification  
20 Card has been revoked or suspended may petition the court, if  
21 the petitioner is present in court or has notice of the  
22 respondent's petition, to transfer the respondent's firearm,  
23 ammunition, and firearm parts that could be assembled to make  
24 an operable firearm to a person who is lawfully able to possess  
25 the firearm, ammunition, and firearm parts that could be  
26 assembled to make an operable firearm if the person does not

1 reside at the same address as the respondent. Notice of the  
2 petition shall be served upon the person protected by the  
3 emergency firearms restraining order. While the order is in  
4 effect, the transferee who receives the respondent's firearms,  
5 ammunition, and firearm parts that could be assembled to make  
6 an operable firearm must swear or affirm by affidavit that he  
7 or she shall not transfer the firearm, ammunition, and firearm  
8 parts that could be assembled to make an operable firearm to  
9 the respondent or to anyone residing in the same residence as  
10 the respondent.

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

23 (1) the firearm, ammunition, and firearm parts that  
24 could be assembled to make an operable firearm are ~~is~~  
25 removed from the respondent's custody, control, or  
26 possession and the lawful owner agrees to store the

1        firearm, ammunition, and firearm parts that could be  
2        assembled to make an operable firearm in a manner such  
3        that the respondent does not have access to or control of  
4        the firearm, ammunition, and firearm parts that could be  
5        assembled to make an operable firearm; and

6            (2) the firearm, ammunition, and firearm parts that  
7            could be assembled to make an operable firearm are ~~is~~ not  
8            otherwise unlawfully possessed by the owner.

9        The person petitioning for the return of his or her  
10       firearm, ammunition, and firearm parts that could be assembled  
11       to make an operable firearm must swear or affirm by affidavit  
12       that he or she: (i) is the lawful owner of the firearm,  
13       ammunition, and firearm parts that could be assembled to make  
14       an operable firearm; (ii) shall not transfer the firearm,  
15       ammunition, and firearm parts that could be assembled to make  
16       an operable firearm to the respondent; and (iii) will store  
17       the firearm, ammunition, and firearm parts that could be  
18       assembled to make an operable firearm in a manner that the  
19       respondent does not have access to or control of the firearm,  
20       ammunition, and firearm parts that could be assembled to make  
21       an operable firearm.

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

25            (k) When the court issues a firearms restraining order  
26       under this Section, the court shall inform the respondent that

1 he or she is entitled to one hearing during the period of the  
2 order to request a termination of the order, under Section 45  
3 of this Act, and shall provide the respondent with a form to  
4 request a hearing.

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

6 (430 ILCS 67/45)

7 Sec. 45. Termination and renewal.

8 (a) A person subject to a firearms restraining order  
9 issued under this Act may submit one written request at any  
10 time during the effective period of the order for a hearing to  
11 terminate the order.

12 (1) The respondent shall have the burden of proving by  
13 a preponderance of the evidence that the respondent does  
14 not pose a danger of causing personal injury to himself,  
15 herself, or another in the near future by having in his or  
16 her custody or control, purchasing, possessing, or  
17 receiving a firearm, ammunition, and firearm parts that  
18 could be assembled to make an operable firearm.

19 (2) If the court finds after the hearing that the  
20 respondent has met his or her burden, the court shall  
21 terminate the order.

22 (b) A petitioner may request a renewal of a firearms  
23 restraining order at any time within the 3 months before the  
24 expiration of a firearms restraining order.

25 (1) A court shall, after notice and a hearing, renew a

1 firearms restraining order issued under this part if the  
2 petitioner proves, by clear and convincing evidence, that  
3 the respondent continues to pose a danger of causing  
4 personal injury to himself, herself, or another in the  
5 near future by having in his or her custody or control,  
6 purchasing, possessing, or receiving a firearm,  
7 ammunition, and firearm parts that could be assembled to  
8 make an operable firearm.

9 (2) In determining whether to renew a firearms  
10 restraining order issued under this Act, the court shall  
11 consider evidence of the facts identified in subsection  
12 (e) of Section 40 of this Act and any other evidence of an  
13 increased risk for violence.

14 (3) At the hearing, the petitioner shall have the  
15 burden of proving by clear and convincing evidence that  
16 the respondent continues to pose a danger of causing  
17 personal injury to himself, herself, or another in the  
18 near future by having in his or her custody or control,  
19 purchasing, possessing, or receiving a firearm,  
20 ammunition, and firearm parts that could be assembled to  
21 make an operable firearm.

22 (4) The renewal of a firearms restraining order issued  
23 under this Section shall be in effect for 6 months,  
24 subject to termination by further order of the court at a  
25 hearing held under this Section and further renewal by  
26 further order of the court under this Section.

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

2 (430 ILCS 67/85 new)

3 Sec. 85. Report to the General Assembly. The Illinois  
4 State Police shall submit a yearly report to the General  
5 Assembly or make available on its website the number of  
6 petitions entered into the Law Enforcement Agencies Data  
7 System.