

# HB1865



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1865

Introduced 2/17/2021, by Rep. Chris Miller and Brad Halbrook

### SYNOPSIS AS INTRODUCED:

See Index

Repeals the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes. Effective January 1, 2022.

LRB102 11814 RLC 17149 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

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

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted  
11 and exempted under Section 50 of the Illinois Prepaid  
12 Tuition Act.

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

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

23 (j) Information and data concerning the distribution  
24 of surcharge moneys collected and remitted by carriers  
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law  
2 enforcement agency or the Department of Transportation  
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential  
5 health care facility resident sexual assault and death  
6 review team or the Executive Council under the Abuse  
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending  
9 database created pursuant to Article 3 of the Residential  
10 Real Property Disclosure Act, except to the extent  
11 authorized under that Article.

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

19 (o) Information that is prohibited from being  
20 disclosed under Section 4 of the Illinois Health and  
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,  
23 investigation reports, surveys, schedules, lists, data, or  
24 information compiled, collected, or prepared by or for the  
25 Regional Transportation Authority under Section 2.11 of  
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety  
2 Act.

3 (q) Information prohibited from being disclosed by the  
4 Personnel Record Review Act.

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

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

9 (t) All identified or deidentified health information  
10 in the form of health data or medical records contained  
11 in, stored in, submitted to, transferred by, or released  
12 from the Illinois Health Information Exchange, and  
13 identified or deidentified health information in the form  
14 of health data and medical records of the Illinois Health  
15 Information Exchange in the possession of the Illinois  
16 Health Information Exchange Office due to its  
17 administration of the Illinois Health Information  
18 Exchange. The terms "identified" and "deidentified" shall  
19 be given the same meaning as in the Health Insurance  
20 Portability and Accountability Act of 1996, Public Law  
21 104-191, or any subsequent amendments thereto, and any  
22 regulations promulgated thereunder.

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

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act before the  
3 effective date of this amendatory Act of the 102nd General  
4 Assembly or applied for or received a concealed carry  
5 license under the Firearm Concealed Carry Act, unless  
6 otherwise authorized by the Firearm Concealed Carry Act;  
7 and databases under the Firearm Concealed Carry Act,  
8 records of the Concealed Carry Licensing Review Board  
9 under the Firearm Concealed Carry Act, and law enforcement  
10 agency objections under the Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is  
12 exempted from disclosure under subsection (g) of Section  
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure  
15 under Section 5-1014.3 of the Counties Code or Section  
16 8-11-21 of the Illinois Municipal Code.

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

25 (z) Records and information provided to a fatality  
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services  
2 Act.

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

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

7 (cc) Recordings made under the Law Enforcement  
8 Officer-Worn Body Camera Act, except to the extent  
9 authorized under that Act.

10 (dd) Information that is prohibited from being  
11 disclosed under Section 45 of the Condominium and Common  
12 Interest Community Ombudsperson Act.

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

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

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

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

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

25 (jj) Information and reports that are required to be  
26 submitted to the Department of Labor by registering day

1 and temporary labor service agencies but are exempt from  
2 disclosure under subsection (a-1) of Section 45 of the Day  
3 and Temporary Labor Services Act.

4 (kk) Information prohibited from disclosure under the  
5 Seizure and Forfeiture Reporting Act.

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

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

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

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

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

21 (qq) Information and records held by the Department of  
22 Public Health and its authorized representatives collected  
23 under the Reproductive Health Act.

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

26 (ss) Data reported by an employer to the Department of



1 Human Rights pursuant to Section 2-108 of the Illinois  
2 Human Rights Act.

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

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

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

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

13 (xx) Information that is exempt from disclosure or  
14 information that shall not be made public under the  
15 Illinois Insurance Code.

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

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

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

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

1 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,  
2 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
3 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
4 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,  
5 eff. 7-7-20.)

6 Section 10. The Department of State Police Law of the  
7 Civil Administrative Code of Illinois is amended by changing  
8 Sections 2605-45, 2605-300, and 2605-595 as follows:

9 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

10 Sec. 2605-45. Division of Justice Services. The Division  
11 of Justice Services shall exercise the following functions:

12 (1) (Blank).

13 (2) Pursue research and the publication of studies  
14 pertaining to local law enforcement activities.

15 (3) (Blank).

16 (4) Operate an electronic data processing and computer  
17 center for the storage and retrieval of data pertaining to  
18 criminal activity.

19 (5) Exercise the rights, powers, and duties vested in  
20 the former Division of State Troopers by Section 17 of the  
21 State Police Act.

22 (6) (Blank).

23 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~  
24 ~~vested in the Department by the Firearm Owners~~

1 ~~Identification Card Act.~~

2 (7) Exercise other duties that may be assigned by the  
3 Director to fulfill the responsibilities and achieve the  
4 purposes of the Department.

5 (8) Exercise the rights, powers, and duties vested by  
6 law in the Department by the Criminal Identification Act.

7 (Source: P.A. 101-378, eff. 1-1-20.)

8 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

9 Sec. 2605-300. Records; crime laboratories; personnel. To  
10 do the following:

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

13 (2) Be a central repository for criminal history  
14 record information.

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

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

20 (5) Establish general and field crime laboratories.

21 (6) Register and file for record information that may  
22 be required by law for the issuance of ~~firearm owner's~~  
23 ~~identification cards under the Firearm Owners~~  
24 ~~Identification Card Act~~ and concealed carry licenses under  
25 the Firearm Concealed Carry Act.

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

4           (8) Undertake other identification, information,  
5 laboratory, statistical, or registration activities that  
6 may be required by law.

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

8           (20 ILCS 2605/2605-595)

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

10          (a) There is created in the State treasury a special fund  
11 known as the State Police Firearm Services Fund. The Fund  
12 shall receive revenue under the Firearm Concealed Carry Act  
13 ~~and Section 5 of the Firearm Owners Identification Card Act.~~  
14 The Fund may also receive revenue from grants, pass-through  
15 grants, donations, appropriations, and any other legal source.

16          (b) The Department of State Police may use moneys in the  
17 Fund to finance any of its lawful purposes, mandates,  
18 functions, and duties under ~~the Firearm Owners Identification~~  
19 ~~Card Act and~~ the Firearm Concealed Carry Act, including the  
20 cost of sending notices of expiration of ~~Firearm Owner's~~  
21 ~~Identification Cards,~~ concealed carry licenses, the prompt and  
22 efficient processing of applications under ~~the Firearm Owners~~  
23 ~~Identification Card Act and~~ the Firearm Concealed Carry Act,  
24 the improved efficiency and reporting of the LEADS and federal  
25 NICS law enforcement data systems, and support for

1 investigations required under that Act ~~these Acts~~ and law. Any  
2 surplus funds beyond what is needed to comply with the  
3 aforementioned purposes shall be used by the Department to  
4 improve the Law Enforcement Agencies Data System (LEADS) and  
5 criminal history background check system.

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

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

10 (20 ILCS 2605/2605-120 rep.)

11 Section 15. The Department of State Police Law of the  
12 Civil Administrative Code of Illinois is amended by repealing  
13 Section 2605-120.

14 Section 20. The Criminal Identification Act is amended by  
15 changing Section 2.2 as follows:

16 (20 ILCS 2630/2.2)

17 Sec. 2.2. Notification to the Department. Upon judgment of  
18 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
19 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012 when the defendant has been determined, pursuant  
21 to Section 112A-11.1 of the Code of Criminal Procedure of  
22 1963, to be subject to the prohibitions of 18 U.S.C.  
23 922(g)(9), the circuit court clerk shall include notification

1 and a copy of the written determination in a report of the  
2 conviction to the Department of State Police ~~Firearm Owner's~~  
3 ~~Identification Card Office~~ to enable the Department office to  
4 perform its duties under the Firearm Concealed Carry Act and  
5 ~~Sections 4 and 8 of the Firearm Owners Identification Card Act~~  
6 ~~and to report that determination to the Federal Bureau of~~  
7 ~~Investigation~~ to assist the Federal Bureau of Investigation in  
8 identifying persons prohibited from purchasing and possessing  
9 a firearm pursuant to the provisions of 18 U.S.C. 922. The  
10 written determination described in this Section shall be  
11 included in the defendant's record of arrest and conviction in  
12 the manner and form prescribed by the Department of State  
13 Police.

14 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

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

17 (30 ILCS 105/6z-99)

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

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

24 (b) The Department of State Police and Department of Human

1 Services shall coordinate to use moneys in the Fund to finance  
2 their respective duties of collecting and reporting data on  
3 mental health records and ensuring that mental health firearm  
4 possession prohibitors are enforced as set forth under the  
5 Firearm Concealed Carry Act ~~and the Firearm Owners~~  
6 ~~Identification Card Act~~. Any surplus in the Fund beyond what  
7 is necessary to ensure compliance with mental health reporting  
8 under that Act ~~these Acts~~ shall be used by the Department of  
9 Human Services for mental health treatment programs.

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

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

14 Section 30. The Peace Officer Firearm Training Act is  
15 amended by changing Section 1 as follows:

16 (50 ILCS 710/1) (from Ch. 85, par. 515)

17 Sec. 1. Definitions. As used in this Act:

18 (a) "Peace officer" means (i) any person who by virtue of  
19 his office or public employment is vested by law with a primary  
20 duty to maintain public order or to make arrests for offenses,  
21 whether that duty extends to all offenses or is limited to  
22 specific offenses, and who is employed in such capacity by any  
23 county or municipality or (ii) any retired law enforcement  
24 officers qualified under federal law to carry a concealed

1 weapon.

2 (a-5) "Probation officer" means a county probation officer  
3 authorized by the Chief Judge of the Circuit Court to carry a  
4 firearm as part of his or her duties under Section 12 of the  
5 Probation and Probation Officers Act and Section 24-2 of the  
6 Criminal Code of 2012.

7 (b) "Firearms" means any weapon or device defined as a  
8 firearm in Section 2-7.5 of the Criminal Code of 2012 ~~1.1 of~~  
9 ~~"An Act relating to the acquisition, possession and transfer~~  
10 ~~of firearms and firearm ammunition, to provide a penalty for~~  
11 ~~the violation thereof and to make an appropriation in~~  
12 ~~connection therewith", approved August 3, 1967, as amended.~~

13 (Source: P.A. 98-725, eff. 1-1-15.)

14 Section 35. The School Code is amended by changing  
15 Sections 10-22.6, 10-27.1A and 34-8.05 as follows:

16 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

17 Sec. 10-22.6. Suspension or expulsion of pupils; school  
18 searches.

19 (a) To expel pupils guilty of gross disobedience or  
20 misconduct, including gross disobedience or misconduct  
21 perpetuated by electronic means, pursuant to subsection (b-20)  
22 of this Section, and no action shall lie against them for such  
23 expulsion. Expulsion shall take place only after the parents  
24 have been requested to appear at a meeting of the board, or



1 with a hearing officer appointed by it, to discuss their  
2 child's behavior. Such request shall be made by registered or  
3 certified mail and shall state the time, place and purpose of  
4 the meeting. The board, or a hearing officer appointed by it,  
5 at such meeting shall state the reasons for dismissal and the  
6 date on which the expulsion is to become effective. If a  
7 hearing officer is appointed by the board, he shall report to  
8 the board a written summary of the evidence heard at the  
9 meeting and the board may take such action thereon as it finds  
10 appropriate. If the board acts to expel a pupil, the written  
11 expulsion decision shall detail the specific reasons why  
12 removing the pupil from the learning environment is in the  
13 best interest of the school. The expulsion decision shall also  
14 include a rationale as to the specific duration of the  
15 expulsion. An expelled pupil may be immediately transferred to  
16 an alternative program in the manner provided in Article 13A  
17 or 13B of this Code. A pupil must not be denied transfer  
18 because of the expulsion, except in cases in which such  
19 transfer is deemed to cause a threat to the safety of students  
20 or staff in the alternative program.

21 (b) To suspend or by policy to authorize the  
22 superintendent of the district or the principal, assistant  
23 principal, or dean of students of any school to suspend pupils  
24 guilty of gross disobedience or misconduct, or to suspend  
25 pupils guilty of gross disobedience or misconduct on the  
26 school bus from riding the school bus, pursuant to subsections

1 (b-15) and (b-20) of this Section, and no action shall lie  
2 against them for such suspension. The board may by policy  
3 authorize the superintendent of the district or the principal,  
4 assistant principal, or dean of students of any school to  
5 suspend pupils guilty of such acts for a period not to exceed  
6 10 school days. If a pupil is suspended due to gross  
7 disobedience or misconduct on a school bus, the board may  
8 suspend the pupil in excess of 10 school days for safety  
9 reasons.

10 Any suspension shall be reported immediately to the  
11 parents or guardian of a pupil along with a full statement of  
12 the reasons for such suspension and a notice of their right to  
13 a review. The school board must be given a summary of the  
14 notice, including the reason for the suspension and the  
15 suspension length. Upon request of the parents or guardian,  
16 the school board or a hearing officer appointed by it shall  
17 review such action of the superintendent or principal,  
18 assistant principal, or dean of students. At such review, the  
19 parents or guardian of the pupil may appear and discuss the  
20 suspension with the board or its hearing officer. If a hearing  
21 officer is appointed by the board, he shall report to the board  
22 a written summary of the evidence heard at the meeting. After  
23 its hearing or upon receipt of the written report of its  
24 hearing officer, the board may take such action as it finds  
25 appropriate. If a student is suspended pursuant to this  
26 subsection (b), the board shall, in the written suspension

1 decision, detail the specific act of gross disobedience or  
2 misconduct resulting in the decision to suspend. The  
3 suspension decision shall also include a rationale as to the  
4 specific duration of the suspension. A pupil who is suspended  
5 in excess of 20 school days may be immediately transferred to  
6 an alternative program in the manner provided in Article 13A  
7 or 13B of this Code. A pupil must not be denied transfer  
8 because of the suspension, except in cases in which such  
9 transfer is deemed to cause a threat to the safety of students  
10 or staff in the alternative program.

11 (b-5) Among the many possible disciplinary interventions  
12 and consequences available to school officials, school  
13 exclusions, such as out-of-school suspensions and expulsions,  
14 are the most serious. School officials shall limit the number  
15 and duration of expulsions and suspensions to the greatest  
16 extent practicable, and it is recommended that they use them  
17 only for legitimate educational purposes. To ensure that  
18 students are not excluded from school unnecessarily, it is  
19 recommended that school officials consider forms of  
20 non-exclusionary discipline prior to using out-of-school  
21 suspensions or expulsions.

22 (b-10) Unless otherwise required by federal law or this  
23 Code, school boards may not institute zero-tolerance policies  
24 by which school administrators are required to suspend or  
25 expel students for particular behaviors.

26 (b-15) Out-of-school suspensions of 3 days or less may be

1 used only if the student's continuing presence in school would  
2 pose a threat to school safety or a disruption to other  
3 students' learning opportunities. For purposes of this  
4 subsection (b-15), "threat to school safety or a disruption to  
5 other students' learning opportunities" shall be determined on  
6 a case-by-case basis by the school board or its designee.  
7 School officials shall make all reasonable efforts to resolve  
8 such threats, address such disruptions, and minimize the  
9 length of suspensions to the greatest extent practicable.

10 (b-20) Unless otherwise required by this Code,  
11 out-of-school suspensions of longer than 3 days, expulsions,  
12 and disciplinary removals to alternative schools may be used  
13 only if other appropriate and available behavioral and  
14 disciplinary interventions have been exhausted and the  
15 student's continuing presence in school would either (i) pose  
16 a threat to the safety of other students, staff, or members of  
17 the school community or (ii) substantially disrupt, impede, or  
18 interfere with the operation of the school. For purposes of  
19 this subsection (b-20), "threat to the safety of other  
20 students, staff, or members of the school community" and  
21 "substantially disrupt, impede, or interfere with the  
22 operation of the school" shall be determined on a case-by-case  
23 basis by school officials. For purposes of this subsection  
24 (b-20), the determination of whether "appropriate and  
25 available behavioral and disciplinary interventions have been  
26 exhausted" shall be made by school officials. School officials

1 shall make all reasonable efforts to resolve such threats,  
2 address such disruptions, and minimize the length of student  
3 exclusions to the greatest extent practicable. Within the  
4 suspension decision described in subsection (b) of this  
5 Section or the expulsion decision described in subsection (a)  
6 of this Section, it shall be documented whether other  
7 interventions were attempted or whether it was determined that  
8 there were no other appropriate and available interventions.

9 (b-25) Students who are suspended out-of-school for longer  
10 than 4 school days shall be provided appropriate and available  
11 support services during the period of their suspension. For  
12 purposes of this subsection (b-25), "appropriate and available  
13 support services" shall be determined by school authorities.  
14 Within the suspension decision described in subsection (b) of  
15 this Section, it shall be documented whether such services are  
16 to be provided or whether it was determined that there are no  
17 such appropriate and available services.

18 A school district may refer students who are expelled to  
19 appropriate and available support services.

20 A school district shall create a policy to facilitate the  
21 re-engagement of students who are suspended out-of-school,  
22 expelled, or returning from an alternative school setting.

23 (b-30) A school district shall create a policy by which  
24 suspended pupils, including those pupils suspended from the  
25 school bus who do not have alternate transportation to school,  
26 shall have the opportunity to make up work for equivalent

1 academic credit. It shall be the responsibility of a pupil's  
2 parent or guardian to notify school officials that a pupil  
3 suspended from the school bus does not have alternate  
4 transportation to school.

5 (c) The Department of Human Services shall be invited to  
6 send a representative to consult with the board at such  
7 meeting whenever there is evidence that mental illness may be  
8 the cause for expulsion or suspension.

9 (c-5) School districts shall make reasonable efforts to  
10 provide ongoing professional development to teachers,  
11 administrators, school board members, school resource  
12 officers, and staff on the adverse consequences of school  
13 exclusion and justice-system involvement, effective classroom  
14 management strategies, culturally responsive discipline, the  
15 appropriate and available supportive services for the  
16 promotion of student attendance and engagement, and  
17 developmentally appropriate disciplinary methods that promote  
18 positive and healthy school climates.

19 (d) The board may expel a student for a definite period of  
20 time not to exceed 2 calendar years, as determined on a  
21 case-by-case basis. A student who is determined to have  
22 brought one of the following objects to school, any  
23 school-sponsored activity or event, or any activity or event  
24 that bears a reasonable relationship to school shall be  
25 expelled for a period of not less than one year:

26 (1) A firearm. For the purposes of this Section,

1 "firearm" means any gun, rifle, shotgun, weapon as defined  
2 by Section 921 of Title 18 of the United States Code,  
3 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~  
4 ~~Owners Identification Card Act, or firearm as defined in~~  
5 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion  
6 period under this subdivision (1) may be modified by the  
7 superintendent, and the superintendent's determination may  
8 be modified by the board on a case-by-case basis.

9 (2) A knife, brass knuckles or other knuckle weapon  
10 regardless of its composition, a billy club, or any other  
11 object if used or attempted to be used to cause bodily  
12 harm, including "look alike" of any firearm as defined in  
13 subdivision (1) of this subsection (d). The expulsion  
14 requirement under this subdivision (2) may be modified by  
15 the superintendent, and the superintendent's determination  
16 may be modified by the board on a case-by-case basis.

17 Expulsion or suspension shall be construed in a manner  
18 consistent with the federal Individuals with Disabilities  
19 Education Act. A student who is subject to suspension or  
20 expulsion as provided in this Section may be eligible for a  
21 transfer to an alternative school program in accordance with  
22 Article 13A of the School Code.

23 (d-5) The board may suspend or by regulation authorize the  
24 superintendent of the district or the principal, assistant  
25 principal, or dean of students of any school to suspend a  
26 student for a period not to exceed 10 school days or may expel

1 a student for a definite period of time not to exceed 2  
2 calendar years, as determined on a case-by-case basis, if (i)  
3 that student has been determined to have made an explicit  
4 threat on an Internet website against a school employee, a  
5 student, or any school-related personnel, (ii) the Internet  
6 website through which the threat was made is a site that was  
7 accessible within the school at the time the threat was made or  
8 was available to third parties who worked or studied within  
9 the school grounds at the time the threat was made, and (iii)  
10 the threat could be reasonably interpreted as threatening to  
11 the safety and security of the threatened individual because  
12 of his or her duties or employment status or status as a  
13 student inside the school.

14 (e) To maintain order and security in the schools, school  
15 authorities may inspect and search places and areas such as  
16 lockers, desks, parking lots, and other school property and  
17 equipment owned or controlled by the school, as well as  
18 personal effects left in those places and areas by students,  
19 without notice to or the consent of the student, and without a  
20 search warrant. As a matter of public policy, the General  
21 Assembly finds that students have no reasonable expectation of  
22 privacy in these places and areas or in their personal effects  
23 left in these places and areas. School authorities may request  
24 the assistance of law enforcement officials for the purpose of  
25 conducting inspections and searches of lockers, desks, parking  
26 lots, and other school property and equipment owned or



1 controlled by the school for illegal drugs, weapons, or other  
2 illegal or dangerous substances or materials, including  
3 searches conducted through the use of specially trained dogs.  
4 If a search conducted in accordance with this Section produces  
5 evidence that the student has violated or is violating either  
6 the law, local ordinance, or the school's policies or rules,  
7 such evidence may be seized by school authorities, and  
8 disciplinary action may be taken. School authorities may also  
9 turn over such evidence to law enforcement authorities.

10 (f) Suspension or expulsion may include suspension or  
11 expulsion from school and all school activities and a  
12 prohibition from being present on school grounds.

13 (g) A school district may adopt a policy providing that if  
14 a student is suspended or expelled for any reason from any  
15 public or private school in this or any other state, the  
16 student must complete the entire term of the suspension or  
17 expulsion in an alternative school program under Article 13A  
18 of this Code or an alternative learning opportunities program  
19 under Article 13B of this Code before being admitted into the  
20 school district if there is no threat to the safety of students  
21 or staff in the alternative program.

22 (h) School officials shall not advise or encourage  
23 students to drop out voluntarily due to behavioral or academic  
24 difficulties.

25 (i) A student may not be issued a monetary fine or fee as a  
26 disciplinary consequence, though this shall not preclude

1 requiring a student to provide restitution for lost, stolen,  
2 or damaged property.

3 (j) Subsections (a) through (i) of this Section shall  
4 apply to elementary and secondary schools, charter schools,  
5 special charter districts, and school districts organized  
6 under Article 34 of this Code.

7 (k) The expulsion of children enrolled in programs funded  
8 under Section 1C-2 of this Code is subject to the requirements  
9 under paragraph (7) of subsection (a) of Section 2-3.71 of  
10 this Code.

11 (l) Beginning with the 2018-2019 school year, an in-school  
12 suspension program provided by a school district for any  
13 students in kindergarten through grade 12 may focus on  
14 promoting non-violent conflict resolution and positive  
15 interaction with other students and school personnel. A school  
16 district may employ a school social worker or a licensed  
17 mental health professional to oversee an in-school suspension  
18 program in kindergarten through grade 12.

19 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;  
20 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.  
21 7-12-19.)

22 (105 ILCS 5/10-27.1A)

23 Sec. 10-27.1A. Firearms in schools.

24 (a) All school officials, including teachers, guidance  
25 counselors, and support staff, shall immediately notify the

1 office of the principal in the event that they observe any  
2 person in possession of a firearm on school grounds; provided  
3 that taking such immediate action to notify the office of the  
4 principal would not immediately endanger the health, safety,  
5 or welfare of students who are under the direct supervision of  
6 the school official or the school official. If the health,  
7 safety, or welfare of students under the direct supervision of  
8 the school official or of the school official is immediately  
9 endangered, the school official shall notify the office of the  
10 principal as soon as the students under his or her supervision  
11 and he or she are no longer under immediate danger. A report is  
12 not required by this Section when the school official knows  
13 that the person in possession of the firearm is a law  
14 enforcement official engaged in the conduct of his or her  
15 official duties. Any school official acting in good faith who  
16 makes such a report under this Section shall have immunity  
17 from any civil or criminal liability that might otherwise be  
18 incurred as a result of making the report. The identity of the  
19 school official making such report shall not be disclosed  
20 except as expressly and specifically authorized by law.  
21 Knowingly and willfully failing to comply with this Section is  
22 a petty offense. A second or subsequent offense is a Class C  
23 misdemeanor.

24 (b) Upon receiving a report from any school official  
25 pursuant to this Section, or from any other person, the  
26 principal or his or her designee shall immediately notify a

1 local law enforcement agency. If the person found to be in  
2 possession of a firearm on school grounds is a student, the  
3 principal or his or her designee shall also immediately notify  
4 that student's parent or guardian. Any principal or his or her  
5 designee acting in good faith who makes such reports under  
6 this Section shall have immunity from any civil or criminal  
7 liability that might otherwise be incurred or imposed as a  
8 result of making the reports. Knowingly and willfully failing  
9 to comply with this Section is a petty offense. A second or  
10 subsequent offense is a Class C misdemeanor. If the person  
11 found to be in possession of the firearm on school grounds is a  
12 minor, the law enforcement agency shall detain that minor  
13 until such time as the agency makes a determination pursuant  
14 to clause (a) of subsection (1) of Section 5-401 of the  
15 Juvenile Court Act of 1987, as to whether the agency  
16 reasonably believes that the minor is delinquent. If the law  
17 enforcement agency determines that probable cause exists to  
18 believe that the minor committed a violation of item (4) of  
19 subsection (a) of Section 24-1 of the Criminal Code of 2012  
20 while on school grounds, the agency shall detain the minor for  
21 processing pursuant to Section 5-407 of the Juvenile Court Act  
22 of 1987.

23 (c) On or after January 1, 1997, upon receipt of any  
24 written, electronic, or verbal report from any school  
25 personnel regarding a verified incident involving a firearm in  
26 a school or on school owned or leased property, including any

1 conveyance owned, leased, or used by the school for the  
2 transport of students or school personnel, the superintendent  
3 or his or her designee shall report all such firearm-related  
4 incidents occurring in a school or on school property to the  
5 local law enforcement authorities immediately and to the  
6 Department of State Police in a form, manner, and frequency as  
7 prescribed by the Department of State Police.

8 The State Board of Education shall receive an annual  
9 statistical compilation and related data associated with  
10 incidents involving firearms in schools from the Department of  
11 State Police. The State Board of Education shall compile this  
12 information by school district and make it available to the  
13 public.

14 (d) As used in this Section, the term "firearm" shall have  
15 the meaning ascribed to it in Section 2-7.5 of the Criminal  
16 Code of 2012 ~~1.1 of the Firearm Owners Identification Card~~  
17 ~~Act.~~

18 As used in this Section, the term "school" means any  
19 public or private elementary or secondary school.

20 As used in this Section, the term "school grounds"  
21 includes the real property comprising any school, any  
22 conveyance owned, leased, or contracted by a school to  
23 transport students to or from school or a school-related  
24 activity, or any public way within 1,000 feet of the real  
25 property comprising any school.

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

1 (105 ILCS 5/34-8.05)

2 Sec. 34-8.05. Reporting firearms in schools. On or after  
3 January 1, 1997, upon receipt of any written, electronic, or  
4 verbal report from any school personnel regarding a verified  
5 incident involving a firearm in a school or on school owned or  
6 leased property, including any conveyance owned, leased, or  
7 used by the school for the transport of students or school  
8 personnel, the general superintendent or his or her designee  
9 shall report all such firearm-related incidents occurring in a  
10 school or on school property to the local law enforcement  
11 authorities no later than 24 hours after the occurrence of the  
12 incident and to the Department of State Police in a form,  
13 manner, and frequency as prescribed by the Department of State  
14 Police.

15 The State Board of Education shall receive an annual  
16 statistical compilation and related data associated with  
17 incidents involving firearms in schools from the Department of  
18 State Police. As used in this Section, the term "firearm"  
19 shall have the meaning ascribed to it in Section 2-7.5 of the  
20 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
21 ~~Card Act.~~

22 (Source: P.A. 89-498, eff. 6-27-96.)

23 Section 40. The Illinois Explosives Act is amended by  
24 changing Section 2005 as follows:

1 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

2 Sec. 2005. Qualifications for licensure.

3 (a) No person shall qualify to hold a license who:

4 (1) is under 21 years of age;

5 (2) has been convicted in any court of a crime  
6 punishable by imprisonment for a term exceeding one year;

7 (3) is under indictment for a crime punishable by  
8 imprisonment for a term exceeding one year;

9 (4) is a fugitive from justice;

10 (5) is an unlawful user of or addicted to any  
11 controlled substance as defined in Section 102 of the  
12 federal Controlled Substances Act (21 U.S.C. Sec. 802 et  
13 seq.);

14 (6) has been adjudicated a person with a mental  
15 disability as defined in Section 6-103.1 of the Mental  
16 Health and Developmental Disabilities Code 1.1 of the  
17 Firearm Owners Identification Card Act; or

18 (7) is not a legal citizen of the United States or  
19 lawfully admitted for permanent residence.

20 (b) A person who has been granted a "relief from  
21 disabilities" regarding criminal convictions and indictments,  
22 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.  
23 845) may receive a license provided all other qualifications  
24 under this Act are met.

25 (Source: P.A. 101-541, eff. 8-23-19.)

1 Section 45. The Private Detective, Private Alarm, Private  
2 Security, and Locksmith Act of 2004 is amended by changing  
3 Sections 35-30 and 35-35 as follows:

4 (225 ILCS 447/35-30)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 35-30. Employee requirements. All employees of a  
7 licensed agency, other than those exempted, shall apply for a  
8 permanent employee registration card. The holder of an agency  
9 license issued under this Act, known in this Section as  
10 "employer", may employ in the conduct of his or her business  
11 employees under the following provisions:

12 (a) No person shall be issued a permanent employee  
13 registration card who:

14 (1) Is younger than 18 years of age.

15 (2) Is younger than 21 years of age if the services  
16 will include being armed.

17 (3) Has been determined by the Department to be unfit  
18 by reason of conviction of an offense in this or another  
19 state, including registration as a sex offender, but not  
20 including a traffic offense. Persons convicted of felonies  
21 involving bodily harm, weapons, violence, or theft within  
22 the previous 10 years shall be presumed to be unfit for  
23 registration. The Department shall adopt rules for making  
24 those determinations that shall afford the applicant due



1 process of law.

2 (4) Has had a license or permanent employee  
3 registration card denied, suspended, or revoked under this  
4 Act (i) within one year before the date the person's  
5 application for permanent employee registration card is  
6 received by the Department; and (ii) that refusal, denial,  
7 suspension, or revocation was based on any provision of  
8 this Act other than Section 40-50, item (6) or (8) of  
9 subsection (a) of Section 15-10, subsection (b) of Section  
10 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
11 subsection (b) of Section 20-10, item (6) or (8) of  
12 subsection (a) of Section 25-10, subsection (b) of Section  
13 25-10, item (7) of subsection (a) of Section 30-10,  
14 subsection (b) of Section 30-10, or Section 10-40.

15 (5) Has been declared incompetent by any court of  
16 competent jurisdiction by reason of mental disease or  
17 defect and has not been restored.

18 (6) Has been dishonorably discharged from the armed  
19 services of the United States.

20 (b) No person may be employed by a private detective  
21 agency, private security contractor agency, private alarm  
22 contractor agency, fingerprint vendor agency, or locksmith  
23 agency under this Section until he or she has executed and  
24 furnished to the employer, on forms furnished by the  
25 Department, a verified statement to be known as "Employee's  
26 Statement" setting forth:

1           (1) The person's full name, age, and residence  
2 address.

3           (2) The business or occupation engaged in for the 5  
4 years immediately before the date of the execution of the  
5 statement, the place where the business or occupation was  
6 engaged in, and the names of employers, if any.

7           (3) That the person has not had a license or employee  
8 registration denied, revoked, or suspended under this Act  
9 (i) within one year before the date the person's  
10 application for permanent employee registration card is  
11 received by the Department; and (ii) that refusal, denial,  
12 suspension, or revocation was based on any provision of  
13 this Act other than Section 40-50, item (6) or (8) of  
14 subsection (a) of Section 15-10, subsection (b) of Section  
15 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
16 subsection (b) of Section 20-10, item (6) or (8) of  
17 subsection (a) of Section 25-10, subsection (b) of Section  
18 25-10, item (7) of subsection (a) of Section 30-10,  
19 subsection (b) of Section 30-10, or Section 10-40.

20           (4) Any conviction of a felony or misdemeanor.

21           (5) Any declaration of incompetence by a court of  
22 competent jurisdiction that has not been restored.

23           (6) Any dishonorable discharge from the armed services  
24 of the United States.

25           (7) Any other information as may be required by any  
26 rule of the Department to show the good character,

1 competency, and integrity of the person executing the  
2 statement.

3 (c) Each applicant for a permanent employee registration  
4 card shall have his or her fingerprints submitted to the  
5 Department of State Police in an electronic format that  
6 complies with the form and manner for requesting and  
7 furnishing criminal history record information as prescribed  
8 by the Department of State Police. These fingerprints shall be  
9 checked against the Department of State Police and Federal  
10 Bureau of Investigation criminal history record databases now  
11 and hereafter filed. The Department of State Police shall  
12 charge applicants a fee for conducting the criminal history  
13 records check, which shall be deposited in the State Police  
14 Services Fund and shall not exceed the actual cost of the  
15 records check. The Department of State Police shall furnish,  
16 pursuant to positive identification, records of Illinois  
17 convictions to the Department. The Department may require  
18 applicants to pay a separate fingerprinting fee, either to the  
19 Department or directly to the vendor. The Department, in its  
20 discretion, may allow an applicant who does not have  
21 reasonable access to a designated vendor to provide his or her  
22 fingerprints in an alternative manner. The Department, in its  
23 discretion, may also use other procedures in performing or  
24 obtaining criminal background checks of applicants. Instead of  
25 submitting his or her fingerprints, an individual may submit  
26 proof that is satisfactory to the Department that an

1 equivalent security clearance has been conducted. Also, an  
2 individual who has retired as a peace officer within 12 months  
3 of application may submit verification, on forms provided by  
4 the Department and signed by his or her employer, of his or her  
5 previous full-time employment as a peace officer.

6 (d) The Department shall issue a permanent employee  
7 registration card, in a form the Department prescribes, to all  
8 qualified applicants. The holder of a permanent employee  
9 registration card shall carry the card at all times while  
10 actually engaged in the performance of the duties of his or her  
11 employment. Expiration and requirements for renewal of  
12 permanent employee registration cards shall be established by  
13 rule of the Department. Possession of a permanent employee  
14 registration card does not in any way imply that the holder of  
15 the card is employed by an agency unless the permanent  
16 employee registration card is accompanied by the employee  
17 identification card required by subsection (f) of this  
18 Section.

19 (e) Each employer shall maintain a record of each employee  
20 that is accessible to the duly authorized representatives of  
21 the Department. The record shall contain the following  
22 information:

23 (1) A photograph taken within 10 days of the date that  
24 the employee begins employment with the employer. The  
25 photograph shall be replaced with a current photograph  
26 every 3 calendar years.

1           (2) The Employee's Statement specified in subsection  
2           (b) of this Section.

3           (3) All correspondence or documents relating to the  
4           character and integrity of the employee received by the  
5           employer from any official source or law enforcement  
6           agency.

7           (4) In the case of former employees, the employee  
8           identification card of that person issued under subsection  
9           (f) of this Section. Each employee record shall duly note  
10          if the employee is employed in an armed capacity. Armed  
11          employee files shall contain ~~a copy of an active firearm~~  
12          ~~owner's identification card~~ and a copy of an active  
13          firearm control card. Each employer shall maintain a  
14          record for each armed employee of each instance in which  
15          the employee's weapon was discharged during the course of  
16          his or her professional duties or activities. The record  
17          shall be maintained on forms provided by the Department, a  
18          copy of which must be filed with the Department within 15  
19          days of an instance. The record shall include the date and  
20          time of the occurrence, the circumstances involved in the  
21          occurrence, and any other information as the Department  
22          may require. Failure to provide this information to the  
23          Department or failure to maintain the record as a part of  
24          each armed employee's permanent file is grounds for  
25          disciplinary action. The Department, upon receipt of a  
26          report, shall have the authority to make any investigation

1           it considers appropriate into any occurrence in which an  
2           employee's weapon was discharged and to take disciplinary  
3           action as may be appropriate.

4           (5) A copy of the employee's permanent employee  
5           registration card or a copy of the Department's "License  
6           Lookup" Webpage showing that the employee has been issued  
7           a valid permanent employee registration card by the  
8           Department.

9           The Department may, by rule, prescribe further record  
10          requirements.

11          (f) Every employer shall furnish an employee  
12          identification card to each of his or her employees. This  
13          employee identification card shall contain a recent photograph  
14          of the employee, the employee's name, the name and agency  
15          license number of the employer, the employee's personal  
16          description, the signature of the employer, the signature of  
17          that employee, the date of issuance, and an employee  
18          identification card number.

19          (g) No employer may issue an employee identification card  
20          to any person who is not employed by the employer in accordance  
21          with this Section or falsely state or represent that a person  
22          is or has been in his or her employ. It is unlawful for an  
23          applicant for registered employment to file with the  
24          Department the fingerprints of a person other than himself or  
25          herself.

26          (h) Every employer shall obtain the identification card of

1 every employee who terminates employment with him or her.

2 (i) Every employer shall maintain a separate roster of the  
3 names of all employees currently working in an armed capacity  
4 and submit the roster to the Department on request.

5 (j) No agency may employ any person to perform a licensed  
6 activity under this Act unless the person possesses a valid  
7 permanent employee registration card or a valid license under  
8 this Act, or is exempt pursuant to subsection (n).

9 (k) Notwithstanding the provisions of subsection (j), an  
10 agency may employ a person in a temporary capacity if all of  
11 the following conditions are met:

12 (1) The agency completes in its entirety and submits  
13 to the Department an application for a permanent employee  
14 registration card, including the required fingerprint  
15 receipt and fees.

16 (2) The agency has verification from the Department  
17 that the applicant has no record of any criminal  
18 conviction pursuant to the criminal history check  
19 conducted by the Department of State Police. The agency  
20 shall maintain the verification of the results of the  
21 Department of State Police criminal history check as part  
22 of the employee record as required under subsection (e) of  
23 this Section.

24 (3) The agency exercises due diligence to ensure that  
25 the person is qualified under the requirements of the Act  
26 to be issued a permanent employee registration card.

1           (4) The agency maintains a separate roster of the  
2 names of all employees whose applications are currently  
3 pending with the Department and submits the roster to the  
4 Department on a monthly basis. Rosters are to be  
5 maintained by the agency for a period of at least 24  
6 months.

7           An agency may employ only a permanent employee applicant  
8 for which it either submitted a permanent employee application  
9 and all required forms and fees or it confirms with the  
10 Department that a permanent employee application and all  
11 required forms and fees have been submitted by another agency,  
12 licensee or the permanent employee and all other requirements  
13 of this Section are met.

14           The Department shall have the authority to revoke, without  
15 a hearing, the temporary authority of an individual to work  
16 upon receipt of Federal Bureau of Investigation fingerprint  
17 data or a report of another official authority indicating a  
18 criminal conviction. If the Department has not received a  
19 temporary employee's Federal Bureau of Investigation  
20 fingerprint data within 120 days of the date the Department  
21 received the Department of State Police fingerprint data, the  
22 Department may, at its discretion, revoke the employee's  
23 temporary authority to work with 15 days written notice to the  
24 individual and the employing agency.

25           An agency may not employ a person in a temporary capacity  
26 if it knows or reasonably should have known that the person has



1 been convicted of a crime under the laws of this State, has  
2 been convicted in another state of any crime that is a crime  
3 under the laws of this State, has been convicted of any crime  
4 in a federal court, or has been posted as an unapproved  
5 applicant by the Department. Notice by the Department to the  
6 agency, via certified mail, personal delivery, electronic  
7 mail, or posting on the Department's Internet site accessible  
8 to the agency that the person has been convicted of a crime  
9 shall be deemed constructive knowledge of the conviction on  
10 the part of the agency. The Department may adopt rules to  
11 implement this subsection (k).

12 (1) No person may be employed under this Section in any  
13 capacity if:

14 (1) the person, while so employed, is being paid by  
15 the United States or any political subdivision for the  
16 time so employed in addition to any payments he or she may  
17 receive from the employer; or

18 (2) the person wears any portion of his or her  
19 official uniform, emblem of authority, or equipment while  
20 so employed.

21 (m) If information is discovered affecting the  
22 registration of a person whose fingerprints were submitted  
23 under this Section, the Department shall so notify the agency  
24 that submitted the fingerprints on behalf of that person.

25 (n) Peace officers shall be exempt from the requirements  
26 of this Section relating to permanent employee registration

1 cards. The agency shall remain responsible for any peace  
2 officer employed under this exemption, regardless of whether  
3 the peace officer is compensated as an employee or as an  
4 independent contractor and as further defined by rule.

5 (o) Persons who have no access to confidential or security  
6 information, who do not go to a client's or prospective  
7 client's residence or place of business, and who otherwise do  
8 not provide traditional security services are exempt from  
9 employee registration. Examples of exempt employees include,  
10 but are not limited to, employees working in the capacity of  
11 ushers, directors, ticket takers, cashiers, drivers, and  
12 reception personnel. Confidential or security information is  
13 that which pertains to employee files, scheduling, client  
14 contracts, or technical security and alarm data.

15 (p) An applicant who is 21 years of age or older seeking a  
16 religious exemption to the photograph requirement of this  
17 Section shall furnish with the application an approved copy of  
18 United States Department of the Treasury Internal Revenue  
19 Service Form 4029. Regardless of age, an applicant seeking a  
20 religious exemption to this photograph requirement shall  
21 submit fingerprints in a form and manner prescribed by the  
22 Department with his or her application in lieu of a  
23 photograph.

24 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

25 (225 ILCS 447/35-35)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 35-35. Requirement of a firearm control card.

3 (a) No person shall perform duties that include the use,  
4 carrying, or possession of a firearm in the performance of  
5 those duties without complying with the provisions of this  
6 Section and having been issued a valid firearm control card by  
7 the Department.

8 (b) No employer shall employ any person to perform the  
9 duties for which licensure or employee registration is  
10 required and allow that person to carry a firearm unless that  
11 person has complied with all the firearm training requirements  
12 of this Section and has been issued a firearm control card.  
13 This Act permits only the following to carry firearms while  
14 actually engaged in the performance of their duties or while  
15 commuting directly to or from their places of employment:  
16 persons licensed as private detectives and their registered  
17 employees; persons licensed as private security contractors  
18 and their registered employees; persons licensed as private  
19 alarm contractors and their registered employees; and  
20 employees of a registered armed proprietary security force.

21 (c) Possession of a valid firearm control card allows a  
22 licensee or employee to carry a firearm not otherwise  
23 prohibited by law while the licensee or employee is engaged in  
24 the performance of his or her duties or while the licensee or  
25 employee is commuting directly to or from the licensee's or  
26 employee's place or places of employment.

1 (d) The Department shall issue a firearm control card to a  
2 person who has passed an approved firearm training course, who  
3 is currently licensed or employed by an agency licensed by  
4 this Act and has met all the requirements of this Act, and who  
5 is not prohibited under State or federal law from possessing a  
6 firearm ~~possesses a valid firearm owner identification card.~~  
7 Application for the firearm control card shall be made by the  
8 employer to the Department on forms provided by the  
9 Department. The Department shall forward the card to the  
10 employer who shall be responsible for its issuance to the  
11 licensee or employee. The firearm control card shall be issued  
12 by the Department and shall identify the person holding it and  
13 the name of the course where the licensee or employee received  
14 firearm instruction and shall specify the type of weapon or  
15 weapons the person is authorized by the Department to carry  
16 and for which the person has been trained.

17 (e) Expiration and requirements for renewal of firearm  
18 control cards shall be determined by rule.

19 (f) The Department may, in addition to any other  
20 disciplinary action permitted by this Act, refuse to issue,  
21 suspend, or revoke a firearm control card if the applicant or  
22 holder has been convicted of any felony or crime involving the  
23 illegal use, carrying, or possession of a deadly weapon or for  
24 a violation of this Act or rules adopted ~~promulgated~~ under  
25 this Act. The Department shall refuse to issue or shall revoke  
26 a firearm control card if the applicant or holder is

1 prohibited under State or federal law from possessing a  
2 firearm ~~fails to possess a valid firearm owners identification~~  
3 ~~card without hearing.~~ The Secretary shall summarily suspend a  
4 firearm control card if the Secretary finds that its continued  
5 use would constitute an imminent danger to the public. A  
6 hearing shall be held before the Board within 30 days if the  
7 Secretary summarily suspends a firearm control card.

8 (g) Notwithstanding any other provision of this Act to the  
9 contrary, all requirements relating to firearms control cards  
10 do not apply to a peace officer. If an individual ceases to be  
11 employed as a peace officer and continues to perform services  
12 in an armed capacity under this Act that are licensed  
13 activities, then the individual is required to obtain a  
14 permanent employee registration card pursuant to Section 35-30  
15 of this Act and must possess a valid Firearm Owner's  
16 Identification Card, but is not required to obtain a firearm  
17 control card if the individual is otherwise in continuing  
18 compliance with the federal Law Enforcement Officers Safety  
19 Act of 2004. If an individual elects to carry a firearm  
20 pursuant to the federal Law Enforcement Officers Safety Act of  
21 2004, then the agency employing the officer is required to  
22 submit a notice of that election to the Department along with a  
23 fee specified by rule.

24 (h) The Department may issue a temporary firearm control  
25 card pending issuance of a new firearm control card upon an  
26 agency's acquiring of an established armed account. An agency

1 that has acquired armed employees as a result of acquiring an  
2 established armed account may, on forms supplied by the  
3 Department, request the issuance of a temporary firearm  
4 control card for each acquired employee who held a valid  
5 firearm control card under his or her employment with the  
6 newly acquired established armed account immediately preceding  
7 the acquiring of the account and who continues to meet all of  
8 the qualifications for issuance of a firearm control card set  
9 forth in this Act and any rules adopted under this Act. The  
10 Department shall, by rule, set the fee for issuance of a  
11 temporary firearm control card.

12 (i) The Department shall not issue a firearm control card  
13 to a licensed fingerprint vendor or a licensed locksmith or  
14 employees of a licensed fingerprint vendor agency or a  
15 licensed locksmith agency.

16 (Source: P.A. 100-712, eff. 8-3-18.)

17 Section 50. The Mental Health and Developmental  
18 Disabilities Code is amended by changing Sections 6-103.1,  
19 6-103.2, and 6-103.3 as follows:

20 (405 ILCS 5/6-103.1)

21 Sec. 6-103.1. Adjudication as a person with a mental  
22 disability. When a person has been adjudicated as a person  
23 with a mental disability ~~as defined in Section 1.1 of the~~  
24 ~~Firearm Owners Identification Card Act,~~ including, but not

1 limited to, an adjudication as a person with a disability as  
2 defined in Section 11a-2 of the Probate Act of 1975, the court  
3 shall direct the circuit court clerk to notify the Department  
4 of State Police, ~~Firearm Owner's Identification (FOID) Office,~~  
5 in a form and manner prescribed by the Department of State  
6 Police, and shall forward a copy of the court order to the  
7 Department no later than 7 days after the entry of the order.  
8 Upon receipt of the order, the Department of State Police  
9 shall provide notification to the National Instant Criminal  
10 Background Check System. In this Section, "has been  
11 adjudicated as a mentally disabled person" means the person is  
12 the subject of a determination by a court, board, commission,  
13 or other lawful authority that the person, as a result of  
14 marked subnormal intelligence, or mental illness, mental  
15 impairment, incompetency, condition, or disease:

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

18 (2) lacks the mental capacity to manage his or her own  
19 affairs or is adjudicated a disabled person as defined in  
20 Section 11a-2 of the Probate Act of 1975;

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

23 (3.5) is guilty but mentally ill, as provided in  
24 Section 5-2-6 of the Unified Code of Corrections;

25 (4) is unfit to stand trial in a criminal case;

26 (5) is not guilty by reason of lack of mental

1 responsibility under Articles 50a and 72b of the Uniform  
2 Code of Military Justice, 10 U.S.C. 850a, 876b;

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

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

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

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

12 (10) is a person subject to involuntary admission on  
13 an inpatient basis as defined in Section 1-119 of the  
14 Mental Health and Developmental Disabilities Code;

15 (11) is a person subject to involuntary admission on  
16 an outpatient basis as defined in Section 1-119.1 of the  
17 Mental Health and Developmental Disabilities Code;

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

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

23 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

24 (405 ILCS 5/6-103.2)

25 Sec. 6-103.2. Developmental disability; notice. If a



1 person 14 years old or older is determined to be a person with  
2 a developmental disability by a physician, clinical  
3 psychologist, or qualified examiner, the physician, clinical  
4 psychologist, or qualified examiner shall notify the  
5 Department of Human Services within 7 days of making the  
6 determination that the person has a developmental disability.  
7 The Department of Human Services shall immediately update its  
8 records and information relating to mental health and  
9 developmental disabilities, and if appropriate, shall notify  
10 the Department of State Police in a form and manner prescribed  
11 by the Department of State Police. Information disclosed under  
12 this Section shall remain privileged and confidential, and  
13 shall not be redisclosed, except as required under clause  
14 (e) (2) of Section 24-4.5 of the Criminal Code of 2012  
15 ~~subsection (c) of Section 3.1 of the Firearm Owners~~  
16 ~~Identification Card Act~~, nor used for any other purpose. The  
17 method of providing this information shall guarantee that the  
18 information is not released beyond that which is necessary for  
19 the purpose of this Section and shall be provided by rule by  
20 the Department of Human Services. The identity of the person  
21 reporting under this Section shall not be disclosed to the  
22 subject of the report.

23 The physician, clinical psychologist, or qualified  
24 examiner making the determination and his or her employer may  
25 not be held criminally, civilly, or professionally liable for  
26 making or not making the notification required under this

1 Section, except for willful or wanton misconduct.

2 In this Section, "developmentally disabled" has the  
3 meaning ascribed to it in Section 12 of the Mental Health and  
4 Developmental Disabilities Confidentiality Act.

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

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

21 "Determined to be a person with a developmental disability  
22 by a physician, clinical psychologist, or qualified examiner"  
23 means in the professional opinion of the physician, clinical  
24 psychologist, or qualified examiner, a person is diagnosed,  
25 assessed, or evaluated as having a developmental disability.

26 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,

1 eff. 7-27-15; 99-642, eff. 7-28-16.)

2 (405 ILCS 5/6-103.3)

3 Sec. 6-103.3. Clear and present danger; notice. If a  
4 person is determined to pose a clear and present danger to  
5 himself, herself, or to others by a physician, clinical  
6 psychologist, or qualified examiner, whether employed by the  
7 State, by any public or private mental health facility or part  
8 thereof, or by a law enforcement official or a school  
9 administrator, then the physician, clinical psychologist,  
10 qualified examiner shall notify the Department of Human  
11 Services and a law enforcement official or school  
12 administrator shall notify the Department of State Police,  
13 within 24 hours of making the determination that the person  
14 poses a clear and present danger. The Department of Human  
15 Services shall immediately update its records and information  
16 relating to mental health and developmental disabilities, and  
17 if appropriate, shall notify the Department of State Police in  
18 a form and manner prescribed by the Department of State  
19 Police. Information disclosed under this Section shall remain  
20 privileged and confidential, and shall not be redisclosed,  
21 except as required under clause (e)(2) of Section 24-4.5 of  
22 the Criminal Code of 2012 ~~subsection (e) of Section 3.1 of the~~  
23 ~~Firearm Owners Identification Card Act~~, nor used for any other  
24 purpose. The method of providing this information shall  
25 guarantee that the information is not released beyond that

1 which is necessary for the purpose of this Section and shall be  
2 provided by rule by the Department of Human Services. The  
3 identity of the person reporting under this Section shall not  
4 be disclosed to the subject of the report. The physician,  
5 clinical psychologist, qualified examiner, law enforcement  
6 official, or school administrator making the determination and  
7 his or her employer shall not be held criminally, civilly, or  
8 professionally liable for making or not making the  
9 notification required under this Section, except for willful  
10 or wanton misconduct. This Section does not apply to a law  
11 enforcement official, if making the notification under this  
12 Section will interfere with an ongoing or pending criminal  
13 investigation.

14 In ~~For the purposes of~~ this Section:

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

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

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

1           official.

2           "Physician", "clinical psychologist", and "qualified  
3           examiner" have the meanings ascribed to them in the Mental  
4           Health and Developmental Disabilities Code ~~has the meaning~~  
5           ~~ascribed to it in Section 1.1 of the Firearm Owners~~  
6           ~~Identification Card Act.~~

7           "Determined to pose a clear and present danger to  
8           himself, herself, or to others by a physician, clinical  
9           psychologist, or qualified examiner" means in the  
10          professional opinion of the physician, clinical  
11          psychologist, or qualified examiner, a person poses a  
12          clear and present danger.

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

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

17          Section 55. The Lead Poisoning Prevention Act is amended  
18          by changing Section 2 as follows:

19               (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

20          Sec. 2. Definitions. As used in this Act:

21          "Child care facility" means any structure used by a child  
22          care provider licensed by the Department of Children and  
23          Family Services or public or private school structure  
24          frequented by children 6 years of age or younger.

1 "Childhood Lead Risk Questionnaire" means the  
2 questionnaire developed by the Department for use by  
3 physicians and other health care providers to determine risk  
4 factors for children 6 years of age or younger residing in  
5 areas designated as low risk for lead exposure.

6 "Delegate agency" means a unit of local government or  
7 health department approved by the Department to carry out the  
8 provisions of this Act.

9 "Department" means the Department of Public Health.

10 "Director" means the Director of Public Health.

11 "Dwelling unit" means an individual unit within a  
12 residential building used as living quarters for one  
13 household.

14 "Elevated blood lead level" means a blood lead level in  
15 excess of the limits established under State rules.

16 "Exposed surface" means any interior or exterior surface  
17 of a regulated facility.

18 "High risk area" means an area in the State determined by  
19 the Department to be high risk for lead exposure for children 6  
20 years of age or younger. The Department may consider, but is  
21 not limited to, the following factors to determine a high risk  
22 area: age and condition (using Department of Housing and Urban  
23 Development definitions of "slum" and "blighted") of housing,  
24 proximity to highway traffic or heavy local traffic or both,  
25 percentage of housing determined as rental or vacant,  
26 proximity to industry using lead, established incidence of

1 elevated blood lead levels in children, percentage of  
2 population living below 200% of federal poverty guidelines,  
3 and number of children residing in the area who are 6 years of  
4 age or younger.

5 "Lead abatement" means any approved work practices that  
6 will permanently eliminate lead exposure or remove the  
7 lead-bearing substances in a regulated facility. The  
8 Department shall establish by rule which work practices are  
9 approved or prohibited for lead abatement.

10 "Lead abatement contractor" means any person or entity  
11 licensed by the Department to perform lead abatement and  
12 mitigation.

13 "Lead abatement supervisor" means any person employed by a  
14 lead abatement contractor and licensed by the Department to  
15 perform lead abatement and lead mitigation and to supervise  
16 lead workers who perform lead abatement and lead mitigation.

17 "Lead abatement worker" means any person employed by a  
18 lead abatement contractor and licensed by the Department to  
19 perform lead abatement and mitigation.

20 "Lead activities" means the conduct of any lead services,  
21 including, lead inspection, lead risk assessment, lead  
22 mitigation, or lead abatement work or supervision in a  
23 regulated facility.

24 "Lead-bearing substance" means any item containing or  
25 coated with lead such that the lead content is more than  
26 six-hundredths of one percent (0.06%) lead by total weight; or

1 any dust on surfaces or in furniture or other nonpermanent  
2 elements of the regulated facility; or any paint or other  
3 surface coating material containing more than five-tenths of  
4 one percent (0.5%) lead by total weight (calculated as lead  
5 metal) in the total non-volatile content of liquid paint; or  
6 lead-bearing substances containing greater than one milligram  
7 per square centimeter or any lower standard for lead content  
8 in residential paint as may be established by federal law or  
9 rule; or more than 1 milligram per square centimeter in the  
10 dried film of paint or previously applied substance; or item  
11 or dust on item containing lead in excess of the amount  
12 specified in the rules authorized by this Act or a lower  
13 standard for lead content as may be established by federal law  
14 or rule. "Lead-bearing substance" does not include firearm  
15 ammunition or components as defined by Section 2-7.1 of the  
16 Criminal Code of 2012~~the Firearm Owners Identification Card~~  
17 ~~Act.~~

18 "Lead hazard" means a lead-bearing substance that poses an  
19 immediate health hazard to humans.

20 "Lead hazard screen" means a lead risk assessment that  
21 involves limited dust and paint sampling for lead-bearing  
22 substances and lead hazards. This service is used as a  
23 screening tool designed to determine if further lead  
24 investigative services are required for the regulated  
25 facility.

26 "Lead inspection" means a surface-by-surface investigation



1 to determine the presence of lead-based paint.

2 "Lead inspector" means an individual who has been trained  
3 by a Department-approved training program and is licensed by  
4 the Department to conduct lead inspections; to sample for the  
5 presence of lead in paint, dust, soil, and water; and to  
6 conduct compliance investigations.

7 "Lead mitigation" means the remediation, in a manner  
8 described in Section 9, of a lead hazard so that the  
9 lead-bearing substance does not pose an immediate health  
10 hazard to humans.

11 "Lead poisoning" means having an elevated blood lead  
12 level.

13 "Lead risk assessment" means an on-site investigation to  
14 determine the existence, nature, severity, and location of  
15 lead hazards. "Lead risk assessment" includes any lead  
16 sampling and visual assessment associated with conducting a  
17 lead risk assessment and lead hazard screen and all lead  
18 sampling associated with compliance investigations.

19 "Lead risk assessor" means an individual who has been  
20 trained by a Department-approved training program and is  
21 licensed by the Department to conduct lead risk assessments,  
22 lead inspections, and lead hazard screens; to sample for the  
23 presence of lead in paint, dust, soil, water, and sources for  
24 lead-bearing substances; and to conduct compliance  
25 investigations.

26 "Lead training program provider" means any person

1 providing Department-approved lead training in Illinois to  
2 individuals seeking licensure in accordance with the Act.

3 "Low risk area" means an area in the State determined by  
4 the Department to be low risk for lead exposure for children 6  
5 years of age or younger. The Department may consider the  
6 factors named in "high risk area" to determine low risk areas.

7 "Owner" means any person, who alone, jointly, or severally  
8 with others:

9 (a) Has legal title to any regulated facility, with or  
10 without actual possession of the regulated facility, or

11 (b) Has charge, care, or control of the regulated  
12 facility as owner or agent of the owner, or as executor,  
13 administrator, trustee, or guardian of the estate of the  
14 owner.

15 "Person" means any individual, partnership, firm, company,  
16 limited liability company, corporation, association, joint  
17 stock company, trust, estate, political subdivision, State  
18 agency, or any other legal entity, or their legal  
19 representative, agent, or assign.

20 "Regulated facility" means a residential building or child  
21 care facility.

22 "Residential building" means any room, group of rooms, or  
23 other interior areas of a structure designed or used for human  
24 habitation; common areas accessible by inhabitants; and the  
25 surrounding property or structures.

26 (Source: P.A. 100-723, eff. 1-1-19.)

1 (430 ILCS 65/Act rep.)

2 Section 60. The Firearm Owners Identification Card Act is  
3 repealed.

4 Section 65. The Firearm Concealed Carry Act is amended by  
5 changing Sections 25, 30, 40, 70, 80, and 105 as follows:

6 (430 ILCS 66/25)

7 Sec. 25. Qualifications for a license.

8 The Department shall issue a license to an applicant  
9 completing an application in accordance with Section 30 of  
10 this Act if the person:

11 (1) is at least 21 years of age;

12 (2) ~~has a currently valid Firearm Owner's~~  
13 ~~Identification Card and at the time of application meets~~  
14 ~~the requirements for the issuance of a Firearm Owner's~~  
15 ~~Identification Card and is not prohibited under State or~~  
16 ~~the Firearm Owners Identification Card Act or federal law~~  
17 from possessing or receiving a firearm;

18 (3) has not been convicted or found guilty in this  
19 State or in any other state of:

20 (A) a misdemeanor involving the use or threat of  
21 physical force or violence to any person within the 5  
22 years preceding the date of the license application;  
23 or

1 (B) 2 or more violations related to driving while  
2 under the influence of alcohol, other drug or drugs,  
3 intoxicating compound or compounds, or any combination  
4 thereof, within the 5 years preceding the date of the  
5 license application;

6 (4) is not the subject of a pending arrest warrant,  
7 prosecution, or proceeding for an offense or action that  
8 could lead to disqualification to own or possess a  
9 firearm;

10 (5) has not been in residential or court-ordered  
11 treatment for alcoholism, alcohol detoxification, or drug  
12 treatment within the 5 years immediately preceding the  
13 date of the license application; and

14 (6) has completed firearms training and any education  
15 component required under Section 75 of this Act.

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

17 (430 ILCS 66/30)

18 Sec. 30. Contents of license application.

19 (a) The license application shall be in writing, under  
20 penalty of perjury, on a standard form adopted by the  
21 Department and shall be accompanied by the documentation  
22 required in this Section and the applicable fee. Each  
23 application form shall include the following statement printed  
24 in bold type: "Warning: Entering false information on this  
25 form is punishable as perjury under Section 32-2 of the

1 Criminal Code of 2012."

2 (b) The application shall contain the following:

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

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

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

24 (4) an affirmation that the applicant is not  
25 prohibited under State or federal law from possessing or  
26 receiving a firearm ~~possesses a currently valid Firearm~~

1 ~~Owner's Identification Card and card number if possessed~~  
2 ~~or notice the applicant is applying for a Firearm Owner's~~  
3 ~~Identification Card in conjunction with the license~~  
4 ~~application;~~

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

7 (A) a felony;

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

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

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

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

24 (8) a full set of fingerprints submitted to the  
25 Department in electronic format, provided the Department  
26 may accept an application submitted without a set of

1 fingerprints in which case the Department shall be granted  
2 30 days in addition to the 90 days provided under  
3 subsection (e) of Section 10 of this Act to issue or deny a  
4 license;

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

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

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

12 (430 ILCS 66/40)

13 Sec. 40. Non-resident license applications.

14 (a) For the purposes of this Section, "non-resident" means  
15 a person who has not resided within this State for more than 30  
16 days and resides in another state or territory.

17 (b) The Department shall by rule allow for non-resident  
18 license applications from any state or territory of the United  
19 States with laws related to firearm ownership, possession, and  
20 carrying, that are substantially similar to the requirements  
21 to obtain a license under this Act.

22 (c) A resident of a state or territory approved by the  
23 Department under subsection (b) of this Section may apply for  
24 a non-resident license. The applicant shall apply to the  
25 Department and must meet all of the qualifications established

1 in Section 25 of this Act, ~~except for the Illinois residency~~  
2 ~~requirement in item (xiv) of paragraph (2) of subsection (a)~~  
3 ~~of Section 4 of the Firearm Owners Identification Card Act.~~

4 The applicant shall submit:

5 (1) the application and documentation required under  
6 Section 30 of this Act and the applicable fee;

7 (2) a notarized document stating that the applicant:

8 (A) is eligible under federal law and the laws of  
9 his or her state or territory of residence to own or  
10 possess a firearm;

11 (B) if applicable, has a license or permit to  
12 carry a firearm or concealed firearm issued by his or  
13 her state or territory of residence and attach a copy  
14 of the license or permit to the application;

15 (C) understands Illinois laws pertaining to the  
16 possession and transport of firearms; and

17 (D) acknowledges that the applicant is subject to  
18 the jurisdiction of the Department and Illinois courts  
19 for any violation of this Act;

20 (3) a photocopy of any certificates or other evidence  
21 of compliance with the training requirements under Section  
22 75 of this Act; and

23 (4) a head and shoulder color photograph in a size  
24 specified by the Department taken within the 30 days  
25 preceding the date of the application.

26 (d) In lieu of an Illinois driver's license or Illinois



1 identification card, a non-resident applicant shall provide  
2 similar documentation from his or her state or territory of  
3 residence. The applicant shall submit ~~In lieu of a valid~~  
4 ~~Firearm Owner's Identification Card, the applicant shall~~  
5 ~~submit documentation and information required by the~~  
6 ~~Department to obtain a Firearm Owner's Identification Card,~~  
7 ~~including~~ an affidavit that the non-resident meets the mental  
8 health standards to obtain a firearm under Illinois law, and  
9 the Department shall ensure that the applicant would meet the  
10 eligibility criteria under State law to possess a firearm ~~to~~  
11 ~~obtain a Firearm Owner's Identification card~~ if he or she was a  
12 resident of this State.

13 (e) Nothing in this Act shall prohibit a non-resident from  
14 transporting a concealed firearm within his or her vehicle in  
15 Illinois, if the concealed firearm remains within his or her  
16 vehicle and the non-resident:

17 (1) is not prohibited from owning or possessing a  
18 firearm under federal law;

19 (2) is eligible to carry a firearm in public under the  
20 laws of his or her state or territory of residence, as  
21 evidenced by the possession of a concealed carry license  
22 or permit issued by his or her state of residence, if  
23 applicable; and

24 (3) is not in possession of a license under this Act.

25 If the non-resident leaves his or her vehicle unattended,  
26 he or she shall store the firearm within a locked vehicle or

1 locked container within the vehicle in accordance with  
2 subsection (b) of Section 65 of this Act.

3 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,  
4 eff. 7-20-15.)

5 (430 ILCS 66/70)

6 Sec. 70. Violations.

7 (a) A license issued or renewed under this Act shall be  
8 revoked if, at any time, the licensee is found to be ineligible  
9 for a license under this Act or the licensee is prohibited from  
10 possessing a firearm under State or federal law no longer  
11 meets the eligibility requirements of the Firearm Owners  
12 Identification Card Act.

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

1 serving process at the time the licensee is served the order.  
2 The court, law enforcement agency, or entity responsible for  
3 serving the order of protection shall notify the Department  
4 within 7 days and transmit the license to the Department.

5 (c) A license is invalid upon expiration of the license,  
6 unless the licensee has submitted an application to renew the  
7 license, and the applicant is otherwise eligible to possess a  
8 license under this Act.

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

14 A licensee in violation of this subsection (d) shall be  
15 guilty of a Class A misdemeanor for a first or second violation  
16 and a Class 4 felony for a third violation. The Department may  
17 suspend a license for up to 6 months for a second violation and  
18 shall permanently revoke a license for a third violation.

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

1 plus any applicable court costs or fees.

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

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

1 denied. The observation of a concealed carry license in the  
2 possession of a person whose license has been revoked,  
3 suspended, or denied constitutes a sufficient basis for the  
4 arrest of that person for violation of this subsection. A  
5 violation of this subsection is a Class A misdemeanor.

6 (h) (Blank). ~~A license issued or renewed under this Act~~  
7 ~~shall be revoked if, at any time, the licensee is found~~  
8 ~~ineligible for a Firearm Owner's Identification Card, or the~~  
9 ~~licensee no longer possesses a valid Firearm Owner's~~  
10 ~~Identification Card. A licensee whose license is revoked under~~  
11 ~~this subsection (h) shall surrender his or her concealed carry~~  
12 ~~license as provided for in subsection (g) of this Section.~~

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

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

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

1 (430 ILCS 66/80)

2 Sec. 80. Certified firearms instructors.

3 (a) Within 60 days of the effective date of this Act, the  
4 Department shall begin approval of certified firearms  
5 instructors and enter certified firearms instructors into an  
6 online registry on the Department's website.

7 (b) A person who is not a certified firearms instructor  
8 shall not teach applicant training courses or advertise or  
9 otherwise represent courses they teach as qualifying their  
10 students to meet the requirements to receive a license under  
11 this Act. Each violation of this subsection is a business  
12 offense with a fine of at least \$1,000 per violation.

13 (c) A person seeking to become a certified firearms  
14 instructor shall:

15 (1) be at least 21 years of age;

16 (2) be a legal resident of the United States; and

17 (3) meet the requirements of Section 25 of this Act,  
18 ~~except for the Illinois residency requirement in item~~  
19 ~~(xiv) of paragraph (2) of subsection (a) of Section 4 of~~  
20 ~~the Firearm Owners Identification Card Act;~~ and any  
21 additional uniformly applied requirements established by  
22 the Department.

23 (d) A person seeking to become a certified firearms  
24 instructor, in addition to the requirements of subsection (c)  
25 of this Section, shall:

26 (1) possess a high school diploma or high school

1           equivalency certificate; and

2           (2) have at least one of the following valid firearms  
3           instructor certifications:

4                   (A) certification from a law enforcement agency;

5                   (B) certification from a firearm instructor course  
6           offered by a State or federal governmental agency;

7                   (C) certification from a firearm instructor  
8           qualification course offered by the Illinois Law  
9           Enforcement Training Standards Board; or

10                   (D) certification from an entity approved by the  
11           Department that offers firearm instructor education  
12           and training in the use and safety of firearms.

13           (e) A person may have his or her firearms instructor  
14           certification denied or revoked if he or she does not meet the  
15           requirements to obtain a license under this Act, provides  
16           false or misleading information to the Department, or has had  
17           a prior instructor certification revoked or denied by the  
18           Department.

19           (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13;  
20           98-718, eff. 1-1-15.)

21           (430 ILCS 66/105)

22           Sec. 105. Duty of school administrator. It is the duty of  
23           the principal of a public elementary or secondary school, or  
24           his or her designee, and the chief administrative officer of a  
25           private elementary or secondary school or a public or private

1 community college, college, or university, or his or her  
2 designee, to report to the Department of State Police when a  
3 student is determined to pose a clear and present danger to  
4 himself, herself, or to others, within 24 hours of the  
5 determination as provided in Section 6-103.3 of the Mental  
6 Health and Developmental Disabilities Code. "Clear and present  
7 danger" has the meaning as provided in paragraph (2) of the  
8 definition of "clear and present danger" in Section 6-103.3 of  
9 the Mental Health and Developmental Disabilities Code ~~1.1 of~~  
10 ~~the Firearm Owners Identification Card Act.~~

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

12 Section 66. The Firearms Restraining Order Act is amended  
13 by changing Sections 35 and 40 as follows:

14 (430 ILCS 67/35)

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

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



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

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

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

25           (e) An emergency hearing held on an ex parte basis shall be  
26 held the same day that the petition is filed or the next day

1 that the court is in session.

2 (f) If a circuit or associate judge finds probable cause  
3 to believe that the respondent poses an immediate and present  
4 danger of causing personal injury to himself, herself, or  
5 another by having in his or her custody or control,  
6 purchasing, possessing, or receiving a firearm, the circuit or  
7 associate judge shall issue an emergency order.

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

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

17 (1) the respondent to refrain from having in his or  
18 her custody or control, purchasing, possessing, or  
19 receiving additional firearms for the duration of the  
20 order; and

21 (2) the respondent to turn over to the local law  
22 enforcement agency any ~~Firearm Owner's Identification Card~~  
23 ~~and~~ concealed carry license in his or her possession. The  
24 local law enforcement agency shall immediately mail the  
25 ~~card and~~ concealed carry license to the Department of  
26 State Police Firearm Services Bureau for safekeeping. The

1 firearm or firearms ~~and Firearm Owner's Identification~~  
2 ~~Card~~ and concealed carry license, if unexpired, shall be  
3 returned to the respondent after the firearms restraining  
4 order is terminated or 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 firearms have been turned over to  
18 a local law enforcement agency ~~Firearm Owner's Identification~~  
19 ~~Card has been revoked or suspended~~ may petition the court, if  
20 the petitioner is present in court or has notice of the  
21 respondent's petition, to transfer the respondent's firearm to  
22 a person who is lawfully able to possess the firearm if the  
23 person does not reside at the same address as the respondent.  
24 Notice of the petition shall be served upon the person  
25 protected by the emergency firearms restraining order. While  
26 the order is in effect, the transferee who receives the

1 respondent's firearms must swear or affirm by affidavit that  
2 he or she shall not transfer the firearm to the respondent or  
3 to anyone residing in the same residence as the respondent.

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

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

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

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

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

1 restraining order, to determine if a 6-month firearms  
2 restraining order shall be issued. The court may extend an ex  
3 parte order as needed, but not to exceed 14 days, to effectuate  
4 service of the order or if necessary to continue protection.  
5 The court may extend the order for a greater length of time by  
6 mutual agreement of the parties.

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

8 (430 ILCS 67/40)

9 Sec. 40. Six-month orders.

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

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

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

9 (c) Every person who files a petition for a 6-month  
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) Upon receipt of a petition for a 6-month firearms  
15 restraining order, the court shall order a hearing within 30  
16 days.

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

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

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

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

1           (4) Evidence of the abuse of controlled substances or  
2 alcohol by the respondent.

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

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

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

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

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

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

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

10 (1) the respondent to refrain from having in his or  
11 her custody or control, purchasing, possessing, or  
12 receiving additional firearms for the duration of the  
13 order; and

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

24 (i) Except as otherwise provided in subsection (i-5) of  
25 this Section, upon expiration of the period of safekeeping, if  
26 the firearms ~~or Firearm Owner's Identification Card~~ cannot be



1 returned to the respondent because the respondent cannot be  
2 located, fails to respond to requests to retrieve the  
3 firearms, or is not lawfully eligible to possess a firearm,  
4 upon petition from the local law enforcement agency, the court  
5 may order the local law enforcement agency to destroy the  
6 firearms, use the firearms for training purposes, or use the  
7 firearms for any other application as deemed appropriate by  
8 the local law enforcement agency.

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

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

1 owner of the firearm, the firearm shall be returned to him or  
2 her, provided that:

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

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

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

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

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

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

1 Section 67. The Firearm Dealer License Certification Act  
2 is amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as  
3 follows:

4 (430 ILCS 68/5-20)

5 Sec. 5-20. Additional licensee requirements.

6 (a) A certified licensee shall make a photo copy of a  
7 buyer's or transferee's valid photo identification card  
8 whenever a firearm sale transaction takes place. The photo  
9 copy shall be attached to the documentation detailing the  
10 record of sale.

11 (b) A certified licensee shall post in a conspicuous  
12 position on the premises where the licensee conducts business  
13 a sign that contains the following warning in block letters  
14 not less than one inch in height:

15 "With few exceptions enumerated in the Criminal Code  
16 of 2012 ~~Firearm Owners Identification Card Act~~, it is  
17 unlawful for you to:

18 (A) store or leave an unsecured firearm in a place  
19 where a child can obtain access to it;

20 (B) sell or transfer your firearm to someone else  
21 without receiving approval for the transfer from the  
22 Department of State Police, or

23 (C) fail to report the loss or theft of your  
24 firearm to local law enforcement within 72 hours."

25 This sign shall be created by the Department and made

1 available for printing or downloading from the Department's  
2 website.

3 (c) No retail location established after the effective  
4 date of this Act shall be located within 500 feet of any  
5 school, pre-school, or day care facility in existence at its  
6 location before the retail location is established as measured  
7 from the nearest corner of the building holding the retail  
8 location to the corner of the school, pre-school, or day care  
9 facility building nearest the retail location at the time the  
10 retail location seeks licensure.

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

12 (430 ILCS 68/5-25)

13 Sec. 5-25. Exemptions. The provisions of this Act related  
14 to the certification of a license do not apply to a person or  
15 entity that engages in the following activities:

16 (1) temporary transfers of firearms solely for use at  
17 the location or on the premises where the transfer takes  
18 place, such as transfers at a shooting range for use at  
19 that location;

20 (2) temporary transfers of firearms solely for use  
21 while in the presence of the transferor or transfers for  
22 the purposes of firearm safety training by a firearms  
23 safety training instructor;

24 (3) transfers of firearms among immediate family or  
25 household members, as "immediate family or household

1 member" is defined in Section 3-2.7-10 of the Unified Code  
2 of Corrections, provided that both the transferor and  
3 transferee are not prohibited from possessing a firearm  
4 under federal or State law ~~have a currently valid Firearm~~  
5 ~~Owner's Identification Card; however, this paragraph (3)~~  
6 ~~does not limit the familial gift exemption under paragraph~~  
7 ~~(2) of subsection (a 15) of Section 3 of the Firearm~~  
8 ~~Owners Identification Card Act;~~

9 (4) transfers by persons or entities acting under  
10 operation of law or a court order;

11 (5) transfers by persons or entities liquidating all  
12 or part of a collection. For purposes of this paragraph  
13 (5), "collection" means 2 or more firearms which are of  
14 special interest to collectors by reason of some quality  
15 other than is associated with firearms intended for  
16 sporting use or as offensive or defensive weapons;

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

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

23 (8) (blank); ~~transfers to a State or local law~~  
24 ~~enforcement agency by a person who has his or her Firearm~~  
25 ~~Owner's Identification Card revoked;~~

26 (9) transfers of curios and relics, as defined under

1 federal law, between collectors licensed under subsection  
2 (b) of Section 923 of the federal Gun Control Act of 1968;

3 (10) transfers by a person or entity licensed as an  
4 auctioneer under the Auction License Act;

5 (10.5) transfers of firearms to a resident registered  
6 competitor or attendee or non-resident registered  
7 competitor or attendee by a licensed federal firearms  
8 dealer under Section 923 of the federal Gun Control Act of  
9 1968 at a competitive shooting event held at the World  
10 Shooting and Recreational Complex that is sanctioned by a  
11 national governing body; or

12 (11) transfers between a pawnshop and a customer which  
13 amount to a bailment. For purposes of this paragraph (11),  
14 "bailment" means the act of placing property in the  
15 custody and control of another, by agreement in which the  
16 holder is responsible for the safekeeping and return of  
17 the property.

18 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19.)

19 (430 ILCS 68/5-40)

20 Sec. 5-40. Qualifications for operation.

21 (a) Each certified licensee shall submit with each  
22 application for certification or renewal an affidavit to the  
23 Department stating that each owner, employee, or other agent  
24 of the certified licensee who sells or conducts transfers of  
25 firearms for the certified licensee is at least 21 years of

1 ~~age, has a currently valid Firearm Owner's Identification Card~~  
2 and, for a renewal, has completed the training required under  
3 Section 5-30. The affidavit must also contain the name ~~and~~  
4 ~~Firearm Owner's Identification Card number~~ of each owner,  
5 employee, or other agent who sells or conducts transfers of  
6 firearms for the certified licensee. If an owner, employee, or  
7 other agent of the certified licensee is not otherwise a  
8 resident of this State, the certified licensee shall submit an  
9 affidavit stating that the owner, employee, or other agent has  
10 undergone a background check and is not prohibited from owning  
11 or possessing firearms.

12 (b) In addition to the affidavit required under subsection  
13 (a), within 30 days of a new owner, employee, or other agent  
14 beginning selling or conducting transfers of firearms for the  
15 certified licensee, the certified licensee shall submit an  
16 affidavit to the Department stating the date that the new  
17 owner, employee, or other agent began selling or conducting  
18 transfers of firearms for the certified licensee, and  
19 providing the information required in subsection (a) for that  
20 new owner, employee, or other agent.

21 (c) If a certified licensee has a license, certificate, or  
22 permit to sell, lease, transfer, purchase, or possess firearms  
23 issued by the federal government or the government of any  
24 state revoked or suspended for good cause within the preceding  
25 4 years, the Department may consider revoking or suspending  
26 the certified licenses in this State. In making a

1 determination of whether or not to revoke or suspend a  
2 certified license in this State, the Department shall consider  
3 the number of retail locations the certified licensee or any  
4 related person or entity operates in this State or in other  
5 states under the same or different business names, and the  
6 severity of the infraction in the state in which a license was  
7 revoked or suspended.

8 (d) Applications and affidavits required under this  
9 Section are not subject to disclosure by the Department under  
10 the Freedom of Information Act.

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

12 (430 ILCS 68/5-85)

13 Sec. 5-85. Disciplinary sanctions.

14 (a) For violations of this Act not penalized under Section  
15 5-15, the Department may refuse to renew or restore, or may  
16 reprimand, place on probation, suspend, revoke, or take other  
17 disciplinary or non-disciplinary action against any licensee,  
18 and may impose a fine commensurate with the severity of the  
19 violation not to exceed \$10,000 for each violation for any of  
20 the following, consistent with the Protection of Lawful  
21 Commerce in Arms Act, 15 U.S.C. 7901 through 7903:

22 (1) Violations of this Act, or any law applicable to  
23 the sale or transfer of firearms.

24 (2) A pattern of practice or other behavior which  
25 demonstrates incapacity or incompetency to practice under



1 this Act.

2 (3) Aiding or assisting another person in violating  
3 any provision of this Act or rules adopted under this Act.

4 (4) Failing, within 60 days, to provide information in  
5 response to a written request made by the Department.

6 (5) Conviction of, plea of guilty to, or plea of nolo  
7 contendere to any crime that disqualifies the person from  
8 obtaining a firearm ~~valid Firearm Owner's Identification~~  
9 ~~Card~~.

10 (6) Continued practice, although the person has become  
11 unfit to practice due to any of the following:

12 (A) Any circumstance that disqualifies the person  
13 from obtaining a firearm ~~valid Firearm Owner's~~  
14 ~~Identification Card~~ or concealed carry license.

15 (B) Habitual or excessive use or abuse of drugs  
16 defined in law as controlled substances, alcohol, or  
17 any other substance that results in the inability to  
18 practice with reasonable judgment, skill, or safety.

19 (7) Receiving, directly or indirectly, compensation  
20 for any firearms sold or transferred illegally.

21 (8) Discipline by another United States jurisdiction,  
22 foreign nation, or governmental agency, if at least one of  
23 the grounds for the discipline is the same or  
24 substantially equivalent to those set forth in this Act.

25 (9) Violation of any disciplinary order imposed on a  
26 licensee by the Department.

1           (10) A finding by the Department that the licensee,  
2           after having his or her certified license placed on  
3           probationary status, has violated the terms of probation.

4           (11) A fraudulent or material misstatement in the  
5           completion of an affirmative obligation or inquiry by law  
6           enforcement.

7           (b) All fines imposed under this Section shall be paid  
8           within 90 days after the effective date of the final order  
9           imposing the fine.

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

11           Section 70. The Wildlife Code is amended by changing  
12          Sections 3.2 and 3.2a as follows:

13           (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

14           Sec. 3.2. Hunting license; application; instruction.  
15          Before the Department or any county, city, village, township,  
16          incorporated town clerk or his duly designated agent or any  
17          other person authorized or designated by the Department to  
18          issue hunting licenses shall issue a hunting license to any  
19          person, the person shall file his application with the  
20          Department or other party authorized to issue licenses on a  
21          form provided by the Department and further give definite  
22          proof of identity and place of legal residence. Each clerk  
23          designating agents to issue licenses and stamps shall furnish  
24          the Department, within 10 days following the appointment, the

1 names and mailing addresses of the agents. Each clerk or his  
2 duly designated agent shall be authorized to sell licenses and  
3 stamps only within the territorial area for which he was  
4 elected or appointed. No duly designated agent is authorized  
5 to furnish licenses or stamps for issuance by any other  
6 business establishment. Each application shall be executed and  
7 sworn to and shall set forth the name and description of the  
8 applicant and place of residence.

9 No hunting license shall be issued to any person born on or  
10 after January 1, 1980 unless he presents the person authorized  
11 to issue the license evidence that he has held a hunting  
12 license issued by the State of Illinois or another state in a  
13 prior year, or a certificate of competency as provided in this  
14 Section. Persons under 18 years of age may be issued a Lifetime  
15 Hunting or Sportsmen's Combination License as provided under  
16 Section 20-45 of the Fish and Aquatic Life Code but shall not  
17 be entitled to hunt alone, without the supervision of an adult  
18 age 21 or older, unless they have a certificate of competency  
19 as provided in this Section and the certificate is in their  
20 possession while hunting.

21 The Department of Natural Resources shall authorize  
22 personnel of the Department or certified volunteer instructors  
23 to conduct courses, of not less than 10 hours in length, in  
24 firearms and hunter safety, which may include training in bow  
25 and arrow safety, at regularly specified intervals throughout  
26 the State. Persons successfully completing the course shall

1 receive a certificate of competency. The Department of Natural  
2 Resources may further cooperate with any reputable association  
3 or organization in establishing courses if the organization  
4 has as one of its objectives the promotion of safety in the  
5 handling of firearms or bow and arrow.

6 The Department of Natural Resources shall designate any  
7 person found by it to be competent to give instruction in the  
8 handling of firearms, hunter safety, and bow and arrow. The  
9 persons so appointed shall give the course of instruction and  
10 upon the successful completion shall issue to the person  
11 instructed a certificate of competency in the safe handling of  
12 firearms, hunter safety, and bow and arrow. No charge shall be  
13 made for any course of instruction except for materials or  
14 ammunition consumed. The Department of Natural Resources shall  
15 furnish information on the requirements of hunter safety  
16 education programs to be distributed free of charge to  
17 applicants for hunting licenses by the persons appointed and  
18 authorized to issue licenses. ~~Funds for the conducting of  
19 firearms and hunter safety courses shall be taken from the fee  
20 charged for the Firearm Owners Identification Card.~~

21 The fee for a hunting license to hunt all species for a  
22 resident of Illinois is \$12. For residents age 65 or older,  
23 and, commencing with the 2012 license year, resident veterans  
24 of the United States Armed Forces after returning from service  
25 abroad or mobilization by the President of the United States,  
26 the fee is one-half of the fee charged for a hunting license to

1 hunt all species for a resident of Illinois. Veterans must  
2 provide to the Department, at one of the Department's 5  
3 regional offices, verification of their service. The  
4 Department shall establish what constitutes suitable  
5 verification of service for the purpose of issuing resident  
6 veterans hunting licenses at a reduced fee. The fee for a  
7 hunting license to hunt all species shall be \$1 for residents  
8 over 75 years of age. Nonresidents shall be charged \$57 for a  
9 hunting license.

10 Nonresidents may be issued a nonresident hunting license  
11 for a period not to exceed 10 consecutive days' hunting in the  
12 State and shall be charged a fee of \$35.

13 A special nonresident hunting license authorizing a  
14 nonresident to take game birds by hunting on a game breeding  
15 and hunting preserve area only, established under Section  
16 3.27, shall be issued upon proper application being made and  
17 payment of a fee equal to that for a resident hunting license.  
18 The expiration date of this license shall be on the same date  
19 each year that game breeding and hunting preserve area  
20 licenses expire.

21 Each applicant for a State Migratory Waterfowl Stamp,  
22 regardless of his residence or other condition, shall pay a  
23 fee of \$15 and shall receive a stamp. The fee for a State  
24 Migratory Waterfowl Stamp shall be waived for residents over  
25 75 years of age. Except as provided under Section 20-45 of the  
26 Fish and Aquatic Life Code, the stamp shall be signed by the

1 person or affixed to his license or permit in a space  
2 designated by the Department for that purpose.

3 Each applicant for a State Habitat Stamp, regardless of  
4 his residence or other condition, shall pay a fee of \$5 and  
5 shall receive a stamp. The fee for a State Habitat Stamp shall  
6 be waived for residents over 75 years of age. Except as  
7 provided under Section 20-45 of the Fish and Aquatic Life  
8 Code, the stamp shall be signed by the person or affixed to his  
9 license or permit in a space designated by the Department for  
10 that purpose.

11 Nothing in this Section shall be construed as to require  
12 the purchase of more than one State Habitat Stamp by any person  
13 in any one license year.

14 The fees for State Pheasant Stamps and State Furbearer  
15 Stamps shall be waived for residents over 75 years of age.

16 The Department shall furnish the holders of hunting  
17 licenses and stamps with an insignia as evidence of possession  
18 of license, or license and stamp, as the Department may  
19 consider advisable. The insignia shall be exhibited and used  
20 as the Department may order.

21 All other hunting licenses and all State stamps shall  
22 expire upon March 31 of each year.

23 Every person holding any license, permit, or stamp issued  
24 under the provisions of this Act shall have it in his  
25 possession for immediate presentation for inspection to the  
26 officers and authorized employees of the Department, any

1 sheriff, deputy sheriff, or any other peace officer making a  
2 demand for it. This provision shall not apply to Department  
3 owned or managed sites where it is required that all hunters  
4 deposit their license or ~~permit, or Firearm Owner's~~  
5 ~~Identification Card~~ at the check station upon entering the  
6 hunting areas.

7 (Source: P.A. 100-638, eff. 1-1-19; 101-81, eff. 7-12-19.)

8 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

9 Sec. 3.2a. Every person holding any license, permit or  
10 stamp issued under the provisions hereof shall have it in his  
11 possession for immediate presentation for inspection to the  
12 officers and authorized employees of the Department, any  
13 sheriff, deputy sheriff or any other peace officer making a  
14 demand for it. This provision shall not apply to Department  
15 owned or managed sites where it is required that all hunters  
16 deposit their license or ~~permit or Firearm Owner's~~  
17 ~~Identification Card~~ at the check station upon entering the  
18 hunting areas.

19 (Source: P.A. 85-152.)

20 Section 75. The Criminal Code of 2012 is amended by  
21 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,  
22 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,  
23 24-3.5, 24-3B, 24-4.1, and 24-9 and adding Section 24-4.5 as  
24 follows:

1 (720 ILCS 5/2-7.1)

2 Sec. 2-7.1. "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition".  
3 "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition" means any  
4 self-contained cartridge or shotgun shell, by whatever name  
5 known, which is designed to be used or adaptable to use in a  
6 firearm; excluding, however:

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

11 (2) any ammunition designed exclusively for use with a  
12 stud or rivet driver or other similar industrial ammunition  
13 ~~have the meanings ascribed to them in Section 1.1 of the~~  
14 ~~Firearm Owners Identification Card Act.~~

15 (Source: P.A. 91-544, eff. 1-1-00.)

16 (720 ILCS 5/2-7.5)

17 Sec. 2-7.5. "Firearm". Except as otherwise provided in a  
18 specific Section, "firearm" means any device, by whatever name  
19 known, which is designed to expel a projectile or projectiles  
20 by the action of an explosion, expansion of gas or escape of  
21 gas; excluding, however:

22 (1) any pneumatic gun, spring gun, paint ball gun, or B-B  
23 gun which expels a single globular projectile not exceeding  
24 .18 inch in diameter or which has a maximum muzzle velocity of



1 less than 700 feet per second;

2 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
3 B-B gun which expels breakable paint balls containing washable  
4 marking colors;

5 (2) any device used exclusively for signaling or safety  
6 and required or recommended by the United States Coast Guard  
7 or the Interstate Commerce Commission;

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

11 (4) an antique firearm (other than a machine-gun) which,  
12 although designed as a weapon, the Department of State Police  
13 finds by reason of the date of its manufacture, value, design,  
14 and other characteristics is primarily a collector's item and  
15 is not likely to be used as a weapon ~~has the meaning ascribed~~  
16 ~~to it in Section 1.1 of the Firearm Owners Identification Card~~  
17 ~~Act.~~

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

20 Sec. 12-3.05. Aggravated battery.

21 (a) Offense based on injury. A person commits aggravated  
22 battery when, in committing a battery, other than by the  
23 discharge of a firearm, he or she knowingly does any of the  
24 following:

25 (1) Causes great bodily harm or permanent disability

1 or disfigurement.

2 (2) Causes severe and permanent disability, great  
3 bodily harm, or disfigurement by means of a caustic or  
4 flammable substance, a poisonous gas, a deadly biological  
5 or chemical contaminant or agent, a radioactive substance,  
6 or a bomb or explosive compound.

7 (3) Causes great bodily harm or permanent disability  
8 or disfigurement to an individual whom the person knows to  
9 be a peace officer, community policing volunteer, fireman,  
10 private security officer, correctional institution  
11 employee, or Department of Human Services employee  
12 supervising or controlling sexually dangerous persons or  
13 sexually violent persons:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her  
16 official duties; or

17 (iii) battered in retaliation for performing his  
18 or her official duties.

19 (4) Causes great bodily harm or permanent disability  
20 or disfigurement to an individual 60 years of age or  
21 older.

22 (5) Strangles another individual.

23 (b) Offense based on injury to a child or person with an  
24 intellectual disability. A person who is at least 18 years of  
25 age commits aggravated battery when, in committing a battery,  
26 he or she knowingly and without legal justification by any

1 means:

2 (1) causes great bodily harm or permanent disability  
3 or disfigurement to any child under the age of 13 years, or  
4 to any person with a severe or profound intellectual  
5 disability; or

6 (2) causes bodily harm or disability or disfigurement  
7 to any child under the age of 13 years or to any person  
8 with a severe or profound intellectual disability.

9 (c) Offense based on location of conduct. A person commits  
10 aggravated battery when, in committing a battery, other than  
11 by the discharge of a firearm, he or she is or the person  
12 battered is on or about a public way, public property, a public  
13 place of accommodation or amusement, a sports venue, or a  
14 domestic violence shelter, or in a church, synagogue, mosque,  
15 or other building, structure, or place used for religious  
16 worship.

17 (d) Offense based on status of victim. A person commits  
18 aggravated battery when, in committing a battery, other than  
19 by discharge of a firearm, he or she knows the individual  
20 battered to be any of the following:

21 (1) A person 60 years of age or older.

22 (2) A person who is pregnant or has a physical  
23 disability.

24 (3) A teacher or school employee upon school grounds  
25 or grounds adjacent to a school or in any part of a  
26 building used for school purposes.

1           (4) A peace officer, community policing volunteer,  
2           fireman, private security officer, correctional  
3           institution employee, or Department of Human Services  
4           employee supervising or controlling sexually dangerous  
5           persons or sexually violent persons:

6                   (i) performing his or her official duties;

7                   (ii) battered to prevent performance of his or her  
8           official duties; or

9                   (iii) battered in retaliation for performing his  
10          or her official duties.

11          (5) A judge, emergency management worker, emergency  
12          medical services personnel, or utility worker:

13                   (i) performing his or her official duties;

14                   (ii) battered to prevent performance of his or her  
15          official duties; or

16                   (iii) battered in retaliation for performing his  
17          or her official duties.

18          (6) An officer or employee of the State of Illinois, a  
19          unit of local government, or a school district, while  
20          performing his or her official duties.

21          (7) A transit employee performing his or her official  
22          duties, or a transit passenger.

23          (8) A taxi driver on duty.

24          (9) A merchant who detains the person for an alleged  
25          commission of retail theft under Section 16-26 of this  
26          Code and the person without legal justification by any

1 means causes bodily harm to the merchant.

2 (10) A person authorized to serve process under  
3 Section 2-202 of the Code of Civil Procedure or a special  
4 process server appointed by the circuit court while that  
5 individual is in the performance of his or her duties as a  
6 process server.

7 (11) A nurse while in the performance of his or her  
8 duties as a nurse.

9 (12) A merchant: (i) while performing his or her  
10 duties, including, but not limited to, relaying directions  
11 for healthcare or safety from his or her supervisor or  
12 employer or relaying health or safety guidelines,  
13 recommendations, regulations, or rules from a federal,  
14 State, or local public health agency; and (ii) during a  
15 disaster declared by the Governor, or a state of emergency  
16 declared by the mayor of the municipality in which the  
17 merchant is located, due to a public health emergency and  
18 for a period of 6 months after such declaration.

19 (e) Offense based on use of a firearm. A person commits  
20 aggravated battery when, in committing a battery, he or she  
21 knowingly does any of the following:

22 (1) Discharges a firearm, other than a machine gun or  
23 a firearm equipped with a silencer, and causes any injury  
24 to another person.

25 (2) Discharges a firearm, other than a machine gun or  
26 a firearm equipped with a silencer, and causes any injury

1 to a person he or she knows to be a peace officer,  
2 community policing volunteer, person summoned by a police  
3 officer, fireman, private security officer, correctional  
4 institution employee, or emergency management worker:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her  
7 official duties; or

8 (iii) battered in retaliation for performing his  
9 or her official duties.

10 (3) Discharges a firearm, other than a machine gun or  
11 a firearm equipped with a silencer, and causes any injury  
12 to a person he or she knows to be emergency medical  
13 services personnel:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her  
16 official duties; or

17 (iii) battered in retaliation for performing his  
18 or her official duties.

19 (4) Discharges a firearm and causes any injury to a  
20 person he or she knows to be a teacher, a student in a  
21 school, or a school employee, and the teacher, student, or  
22 employee is upon school grounds or grounds adjacent to a  
23 school or in any part of a building used for school  
24 purposes.

25 (5) Discharges a machine gun or a firearm equipped  
26 with a silencer, and causes any injury to another person.

1           (6) Discharges a machine gun or a firearm equipped  
2 with a silencer, and causes any injury to a person he or  
3 she knows to be a peace officer, community policing  
4 volunteer, person summoned by a police officer, fireman,  
5 private security officer, correctional institution  
6 employee or emergency management worker:

7                   (i) performing his or her official duties;

8                   (ii) battered to prevent performance of his or her  
9 official duties; or

10                  (iii) battered in retaliation for performing his  
11 or her official duties.

12           (7) Discharges a machine gun or a firearm equipped  
13 with a silencer, and causes any injury to a person he or  
14 she knows to be emergency medical services personnel:

15                   (i) performing his or her official duties;

16                   (ii) battered to prevent performance of his or her  
17 official duties; or

18                  (iii) battered in retaliation for performing his  
19 or her official duties.

20           (8) Discharges a machine gun or a firearm equipped  
21 with a silencer, and causes any injury to a person he or  
22 she knows to be a teacher, or a student in a school, or a  
23 school employee, and the teacher, student, or employee is  
24 upon school grounds or grounds adjacent to a school or in  
25 any part of a building used for school purposes.

26           (f) Offense based on use of a weapon or device. A person

1 commits aggravated battery when, in committing a battery, he  
2 or she does any of the following:

3 (1) Uses a deadly weapon other than by discharge of a  
4 firearm, or uses an air rifle as defined in Section  
5 24.8-0.1 of this Code.

6 (2) Wears a hood, robe, or mask to conceal his or her  
7 identity.

8 (3) Knowingly and without lawful justification shines  
9 or flashes a laser gunsight or other laser device attached  
10 to a firearm, or used in concert with a firearm, so that  
11 the laser beam strikes upon or against the person of  
12 another.

13 (4) Knowingly video or audio records the offense with  
14 the intent to disseminate the recording.

15 (g) Offense based on certain conduct. A person commits  
16 aggravated battery when, other than by discharge of a firearm,  
17 he or she does any of the following:

18 (1) Violates Section 401 of the Illinois Controlled  
19 Substances Act by unlawfully delivering a controlled  
20 substance to another and any user experiences great bodily  
21 harm or permanent disability as a result of the injection,  
22 inhalation, or ingestion of any amount of the controlled  
23 substance.

24 (2) Knowingly administers to an individual or causes  
25 him or her to take, without his or her consent or by threat  
26 or deception, and for other than medical purposes, any



1           intoxicating,       poisonous,       stupefying,       narcotic,  
2           anesthetic, or controlled substance, or gives to another  
3           person any food containing any substance or object  
4           intended to cause physical injury if eaten.

5           (3) Knowingly causes or attempts to cause a  
6           correctional institution employee or Department of Human  
7           Services employee to come into contact with blood, seminal  
8           fluid, urine, or feces by throwing, tossing, or expelling  
9           the fluid or material, and the person is an inmate of a  
10          penal institution or is a sexually dangerous person or  
11          sexually violent person in the custody of the Department  
12          of Human Services.

13          (h) Sentence. Unless otherwise provided, aggravated  
14          battery is a Class 3 felony.

15          Aggravated battery as defined in subdivision (a)(4),  
16          (d)(4), or (g)(3) is a Class 2 felony.

17          Aggravated battery as defined in subdivision (a)(3) or  
18          (g)(1) is a Class 1 felony.

19          Aggravated battery as defined in subdivision (a)(1) is a  
20          Class 1 felony when the aggravated battery was intentional and  
21          involved the infliction of torture, as defined in paragraph  
22          (14) of subsection (b) of Section 9-1 of this Code, as the  
23          infliction of or subjection to extreme physical pain,  
24          motivated by an intent to increase or prolong the pain,  
25          suffering, or agony of the victim.

26          Aggravated battery as defined in subdivision (a)(1) is a

1 Class 2 felony when the person causes great bodily harm or  
2 permanent disability to an individual whom the person knows to  
3 be a member of a congregation engaged in prayer or other  
4 religious activities at a church, synagogue, mosque, or other  
5 building, structure, or place used for religious worship.

6 Aggravated battery under subdivision (a)(5) is a Class 1  
7 felony if:

8 (A) the person used or attempted to use a dangerous  
9 instrument while committing the offense;

10 (B) the person caused great bodily harm or permanent  
11 disability or disfigurement to the other person while  
12 committing the offense; or

13 (C) the person has been previously convicted of a  
14 violation of subdivision (a)(5) under the laws of this  
15 State or laws similar to subdivision (a)(5) of any other  
16 state.

17 Aggravated battery as defined in subdivision (e)(1) is a  
18 Class X felony.

19 Aggravated battery as defined in subdivision (a)(2) is a  
20 Class X felony for which a person shall be sentenced to a term  
21 of imprisonment of a minimum of 6 years and a maximum of 45  
22 years.

23 Aggravated battery as defined in subdivision (e)(5) is a  
24 Class X felony for which a person shall be sentenced to a term  
25 of imprisonment of a minimum of 12 years and a maximum of 45  
26 years.

1           Aggravated battery as defined in subdivision (e)(2),  
2           (e)(3), or (e)(4) is a Class X felony for which a person shall  
3           be sentenced to a term of imprisonment of a minimum of 15 years  
4           and a maximum of 60 years.

5           Aggravated battery as defined in subdivision (e)(6),  
6           (e)(7), or (e)(8) is a Class X felony for which a person shall  
7           be sentenced to a term of imprisonment of a minimum of 20 years  
8           and a maximum of 60 years.

9           Aggravated battery as defined in subdivision (b)(1) is a  
10          Class X felony, except that:

11           (1) if the person committed the offense while armed  
12           with a firearm, 15 years shall be added to the term of  
13           imprisonment imposed by the court;

14           (2) if, during the commission of the offense, the  
15           person personally discharged a firearm, 20 years shall be  
16           added to the term of imprisonment imposed by the court;

17           (3) if, during the commission of the offense, the  
18           person personally discharged a firearm that proximately  
19           caused great bodily harm, permanent disability, permanent  
20           disfigurement, or death to another person, 25 years or up  
21           to a term of natural life shall be added to the term of  
22           imprisonment imposed by the court.

23           (i) Definitions. In this Section:

24           "Building or other structure used to provide shelter" has  
25           the meaning ascribed to "shelter" in Section 1 of the Domestic  
26           Violence Shelters Act.

1 "Domestic violence" has the meaning ascribed to it in  
2 Section 103 of the Illinois Domestic Violence Act of 1986.

3 "Domestic violence shelter" means any building or other  
4 structure used to provide shelter or other services to victims  
5 or to the dependent children of victims of domestic violence  
6 pursuant to the Illinois Domestic Violence Act of 1986 or the  
7 Domestic Violence Shelters Act, or any place within 500 feet  
8 of such a building or other structure in the case of a person  
9 who is going to or from such a building or other structure.

10 "Firearm" has the meaning provided under Section 2-7.5 of  
11 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~  
12 and does not include an air rifle as defined by Section  
13 24.8-0.1 of this Code.

14 "Machine gun" has the meaning ascribed to it in Section  
15 24-1 of this Code.

16 "Merchant" has the meaning ascribed to it in Section  
17 16-0.1 of this Code.

18 "Strangle" means intentionally impeding the normal  
19 breathing or circulation of the blood of an individual by  
20 applying pressure on the throat or neck of that individual or  
21 by blocking the nose or mouth of that individual.

22 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)

23 (720 ILCS 5/16-0.1)

24 Sec. 16-0.1. Definitions. In this Article, unless the  
25 context clearly requires otherwise, the following terms are

1 defined as indicated:

2 "Access" means to use, instruct, communicate with, store  
3 data in, retrieve or intercept data from, or otherwise utilize  
4 any services of a computer.

5 "Coin-operated machine" includes any automatic vending  
6 machine or any part thereof, parking meter, coin telephone,  
7 coin-operated transit turnstile, transit fare box, coin  
8 laundry machine, coin dry cleaning machine, amusement machine,  
9 music machine, vending machine dispensing goods or services,  
10 or money changer.

11 "Communication device" means any type of instrument,  
12 device, machine, or equipment which is capable of  
13 transmitting, acquiring, decrypting, or receiving any  
14 telephonic, electronic, data, Internet access, audio, video,  
15 microwave, or radio transmissions, signals, communications, or  
16 services, including the receipt, acquisition, transmission, or  
17 decryption of all such communications, transmissions, signals,  
18 or services provided by or through any cable television, fiber  
19 optic, telephone, satellite, microwave, radio, Internet-based,  
20 data transmission, or wireless distribution network, system or  
21 facility; or any part, accessory, or component thereof,  
22 including any computer circuit, security module, smart card,  
23 software, computer chip, electronic mechanism or other  
24 component, accessory or part of any communication device which  
25 is capable of facilitating the transmission, decryption,  
26 acquisition or reception of all such communications,

1 transmissions, signals, or services.

2 "Communication service" means any service lawfully  
3 provided for a charge or compensation to facilitate the lawful  
4 origination, transmission, emission, or reception of signs,  
5 signals, data, writings, images, and sounds or intelligence of  
6 any nature by telephone, including cellular telephones or a  
7 wire, wireless, radio, electromagnetic, photo-electronic or  
8 photo-optical system; and also any service lawfully provided  
9 by any radio, telephone, cable television, fiber optic,  
10 satellite, microwave, Internet-based or wireless distribution  
11 network, system, facility or technology, including, but not  
12 limited to, any and all electronic, data, video, audio,  
13 Internet access, telephonic, microwave and radio  
14 communications, transmissions, signals and services, and any  
15 such communications, transmissions, signals and services  
16 lawfully provided directly or indirectly by or through any of  
17 those networks, systems, facilities or technologies.

18 "Communication service provider" means: (1) any person or  
19 entity providing any communication service, whether directly  
20 or indirectly, as a reseller, including, but not limited to, a  
21 cellular, paging or other wireless communications company or  
22 other person or entity which, for a fee, supplies the  
23 facility, cell site, mobile telephone switching office or  
24 other equipment or communication service; (2) any person or  
25 entity owning or operating any cable television, fiber optic,  
26 satellite, telephone, wireless, microwave, radio, data

1 transmission or Internet-based distribution network, system or  
2 facility; and (3) any person or entity providing any  
3 communication service directly or indirectly by or through any  
4 such distribution system, network or facility.

5 "Computer" means a device that accepts, processes, stores,  
6 retrieves or outputs data, and includes but is not limited to  
7 auxiliary storage and telecommunications devices connected to  
8 computers.

9 "Continuing course of conduct" means a series of acts, and  
10 the accompanying mental state necessary for the crime in  
11 question, irrespective of whether the series of acts are  
12 continuous or intermittent.

13 "Delivery container" means any bakery basket of wire or  
14 plastic used to transport or store bread or bakery products,  
15 any dairy case of wire or plastic used to transport or store  
16 dairy products, and any dolly or cart of 2 or 4 wheels used to  
17 transport or store any bakery or dairy product.

18 "Document-making implement" means any implement,  
19 impression, template, computer file, computer disc, electronic  
20 device, computer hardware, computer software, instrument, or  
21 device that is used to make a real or fictitious or fraudulent  
22 personal identification document.

23 "Financial transaction device" means any of the following:

- 24 (1) An electronic funds transfer card.  
25 (2) A credit card.  
26 (3) A debit card.

1 (4) A point-of-sale card.

2 (5) Any instrument, device, card, plate, code, account  
3 number, personal identification number, or a record or  
4 copy of a code, account number, or personal identification  
5 number or other means of access to a credit account or  
6 deposit account, or a driver's license or State  
7 identification card used to access a proprietary account,  
8 other than access originated solely by a paper instrument,  
9 that can be used alone or in conjunction with another  
10 access device, for any of the following purposes:

11 (A) Obtaining money, cash refund or credit  
12 account, credit, goods, services, or any other thing  
13 of value.

14 (B) Certifying or guaranteeing to a person or  
15 business the availability to the device holder of  
16 funds on deposit to honor a draft or check payable to  
17 the order of that person or business.

18 (C) Providing the device holder access to a  
19 deposit account for the purpose of making deposits,  
20 withdrawing funds, transferring funds between deposit  
21 accounts, obtaining information pertaining to a  
22 deposit account, or making an electronic funds  
23 transfer.

24 "Full retail value" means the merchant's stated or  
25 advertised price of the merchandise. "Full retail value"  
26 includes the aggregate value of property obtained from retail



1 thefts committed by the same person as part of a continuing  
2 course of conduct from one or more mercantile establishments  
3 in a single transaction or in separate transactions over a  
4 period of one year.

5 "Internet" means an interactive computer service or system  
6 or an information service, system, or access software provider  
7 that provides or enables computer access by multiple users to  
8 a computer server, and includes, but is not limited to, an  
9 information service, system, or access software provider that  
10 provides access to a network system commonly known as the  
11 Internet, or any comparable system or service and also  
12 includes, but is not limited to, a World Wide Web page,  
13 newsgroup, message board, mailing list, or chat area on any  
14 interactive computer service or system or other online  
15 service.

16 "Library card" means a card or plate issued by a library  
17 facility for purposes of identifying the person to whom the  
18 library card was issued as authorized to borrow library  
19 material, subject to all limitations and conditions imposed on  
20 the borrowing by the library facility issuing such card.

21 "Library facility" includes any public library or museum,  
22 or any library or museum of an educational, historical or  
23 eleemosynary institution, organization or society.

24 "Library material" includes any book, plate, picture,  
25 photograph, engraving, painting, sculpture, statue, artifact,  
26 drawing, map, newspaper, pamphlet, broadside, magazine,

1 manuscript, document, letter, microfilm, sound recording,  
2 audiovisual material, magnetic or other tape, electronic data  
3 processing record or other documentary, written or printed  
4 material regardless of physical form or characteristics, or  
5 any part thereof, belonging to, or on loan to or otherwise in  
6 the custody of a library facility.

7 "Manufacture or assembly of an unlawful access device"  
8 means to make, produce or assemble an unlawful access device  
9 or to modify, alter, program or re-program any instrument,  
10 device, machine, equipment or software so that it is capable  
11 of defeating or circumventing any technology, device or  
12 software used by the provider, owner or licensee of a  
13 communication service or of any data, audio or video programs  
14 or transmissions to protect any such communication, data,  
15 audio or video services, programs or transmissions from  
16 unauthorized access, acquisition, disclosure, receipt,  
17 decryption, communication, transmission or re-transmission.

18 "Manufacture or assembly of an unlawful communication  
19 device" means to make, produce or assemble an unlawful  
20 communication or wireless device or to modify, alter, program  
21 or reprogram a communication or wireless device to be capable  
22 of acquiring, disrupting, receiving, transmitting, decrypting,  
23 or facilitating the acquisition, disruption, receipt,  
24 transmission or decryption of, a communication service without  
25 the express consent or express authorization of the  
26 communication service provider, or to knowingly assist others

1 in those activities.

2 "Master sound recording" means the original physical  
3 object on which a given set of sounds were first recorded and  
4 which the original object from which all subsequent sound  
5 recordings embodying the same set of sounds are directly or  
6 indirectly derived.

7 "Merchandise" means any item of tangible personal  
8 property, including motor fuel.

9 "Merchant" means an owner or operator of any retail  
10 mercantile establishment or any agent, employee, lessee,  
11 consignee, officer, director, franchisee, or independent  
12 contractor of the owner or operator. "Merchant" also means a  
13 person who receives from an authorized user of a payment card,  
14 or someone the person believes to be an authorized user, a  
15 payment card or information from a payment card, or what the  
16 person believes to be a payment card or information from a  
17 payment card, as the instrument for obtaining, purchasing or  
18 receiving goods, services, money, or anything else of value  
19 from the person.

20 "Motor fuel" means a liquid, regardless of its properties,  
21 used to propel a vehicle, including gasoline and diesel.

22 "Online" means the use of any electronic or wireless  
23 device to access the Internet.

24 "Payment card" means a credit card, charge card, debit  
25 card, or any other card that is issued to an authorized card  
26 user and that allows the user to obtain, purchase, or receive

1 goods, services, money, or anything else of value from a  
2 merchant.

3 "Person with a disability" means a person who suffers from  
4 a physical or mental impairment resulting from disease,  
5 injury, functional disorder or congenital condition that  
6 impairs the individual's mental or physical ability to  
7 independently manage his or her property or financial  
8 resources, or both.

9 "Personal identification document" means a birth  
10 certificate, a driver's license, a State identification card,  
11 a public, government, or private employment identification  
12 card, a social security card, a license issued under the  
13 Firearm Concealed Carry Act ~~firearm owner's identification~~  
14 ~~card~~, a credit card, a debit card, or a passport issued to or  
15 on behalf of a person other than the offender, or any document  
16 made or issued, or falsely purported to have been made or  
17 issued, by or under the authority of the United States  
18 Government, the State of Illinois, or any other state  
19 political subdivision of any state, or any other governmental  
20 or quasi-governmental organization that is of a type intended  
21 for the purpose of identification of an individual, or any  
22 such document made or altered in a manner that it falsely  
23 purports to have been made on behalf of or issued to another  
24 person or by the authority of one who did not give that  
25 authority.

26 "Personal identifying information" means any of the

1 following information:

2 (1) A person's name.

3 (2) A person's address.

4 (3) A person's date of birth.

5 (4) A person's telephone number.

6 (5) A person's driver's license number or State of  
7 Illinois identification card as assigned by the Secretary  
8 of State of the State of Illinois or a similar agency of  
9 another state.

10 (6) A person's social security number.

11 (7) A person's public, private, or government  
12 employer, place of employment, or employment  
13 identification number.

14 (8) The maiden name of a person's mother.

15 (9) The number assigned to a person's depository  
16 account, savings account, or brokerage account.

17 (10) The number assigned to a person's credit or debit  
18 card, commonly known as a "Visa Card", "MasterCard",  
19 "American Express Card", "Discover Card", or other similar  
20 cards whether issued by a financial institution,  
21 corporation, or business entity.

22 (11) Personal identification numbers.

23 (12) Electronic identification numbers.

24 (13) Digital signals.

25 (14) User names, passwords, and any other word,  
26 number, character or combination of the same usable in

1 whole or part to access information relating to a specific  
2 individual, or to the actions taken, communications made  
3 or received, or other activities or transactions of a  
4 specific individual.

5 (15) Any other numbers or information which can be  
6 used to access a person's financial resources, or to  
7 identify a specific individual, or the actions taken,  
8 communications made or received, or other activities or  
9 transactions of a specific individual.

10 "Premises of a retail mercantile establishment" includes,  
11 but is not limited to, the retail mercantile establishment;  
12 any common use areas in shopping centers; and all parking  
13 areas set aside by a merchant or on behalf of a merchant for  
14 the parking of vehicles for the convenience of the patrons of  
15 such retail mercantile establishment.

16 "Public water, gas, or power supply, or other public  
17 services" mean any service subject to regulation by the  
18 Illinois Commerce Commission; any service furnished by a  
19 public utility that is owned and operated by any political  
20 subdivision, public institution of higher education or  
21 municipal corporation of this State; any service furnished by  
22 any public utility that is owned by such political  
23 subdivision, public institution of higher education, or  
24 municipal corporation and operated by any of its lessees or  
25 operating agents; any service furnished by an electric  
26 cooperative as defined in Section 3.4 of the Electric Supplier

1 Act; or wireless service or other service regulated by the  
2 Federal Communications Commission.

3 "Publish" means to communicate or disseminate information  
4 to any one or more persons, either orally, in person, or by  
5 telephone, radio or television or in writing of any kind,  
6 including, without limitation, a letter or memorandum,  
7 circular or handbill, newspaper or magazine article or book.

8 "Radio frequency identification device" means any  
9 implement, computer file, computer disc, electronic device,  
10 computer hardware, computer software, or instrument that is  
11 used to activate, read, receive, or decode information stored  
12 on a RFID tag or transponder attached to a personal  
13 identification document.

14 "RFID tag or transponder" means a chip or device that  
15 contains personal identifying information from which the  
16 personal identifying information can be read or decoded by  
17 another device emitting a radio frequency that activates or  
18 powers a radio frequency emission response from the chip or  
19 transponder.

20 "Reencoder" means an electronic device that places encoded  
21 information from the magnetic strip or stripe of a payment  
22 card onto the magnetic strip or stripe of a different payment  
23 card.

24 "Retail mercantile establishment" means any place where  
25 merchandise is displayed, held, stored or offered for sale to  
26 the public.

1 "Scanning device" means a scanner, reader, or any other  
2 electronic device that is used to access, read, scan, obtain,  
3 memorize, or store, temporarily or permanently, information  
4 encoded on the magnetic strip or stripe of a payment card.

5 "Shopping cart" means those push carts of the type or  
6 types which are commonly provided by grocery stores, drug  
7 stores or other retail mercantile establishments for the use  
8 of the public in transporting commodities in stores and  
9 markets and, incidentally, from the stores to a place outside  
10 the store.

11 "Sound or audio visual recording" means any sound or audio  
12 visual phonograph record, disc, pre-recorded tape, film, wire,  
13 magnetic tape or other object, device or medium, now known or  
14 hereafter invented, by which sounds or images may be  
15 reproduced with or without the use of any additional machine,  
16 equipment or device.

17 "Theft detection device remover" means any tool or device  
18 specifically designed and intended to be used to remove any  
19 theft detection device from any merchandise.

20 "Under-ring" means to cause the cash register or other  
21 sales recording device to reflect less than the full retail  
22 value of the merchandise.

23 "Unidentified sound or audio visual recording" means a  
24 sound or audio visual recording without the actual name and  
25 full and correct street address of the manufacturer, and the  
26 name of the actual performers or groups prominently and



1 legibly printed on the outside cover or jacket and on the label  
2 of such sound or audio visual recording.

3 "Unlawful access device" means any type of instrument,  
4 device, machine, equipment, technology, or software which is  
5 primarily possessed, used, designed, assembled, manufactured,  
6 sold, distributed or offered, promoted or advertised for the  
7 purpose of defeating or circumventing any technology, device  
8 or software, or any component or part thereof, used by the  
9 provider, owner or licensee of any communication service or of  
10 any data, audio or video programs or transmissions to protect  
11 any such communication, audio or video services, programs or  
12 transmissions from unauthorized access, acquisition, receipt,  
13 decryption, disclosure, communication, transmission or  
14 re-transmission.

15 "Unlawful communication device" means any electronic  
16 serial number, mobile identification number, personal  
17 identification number or any communication or wireless device  
18 that is capable of acquiring or facilitating the acquisition  
19 of a communication service without the express consent or  
20 express authorization of the communication service provider,  
21 or that has been altered, modified, programmed or  
22 reprogrammed, alone or in conjunction with another  
23 communication or wireless device or other equipment, to so  
24 acquire or facilitate the unauthorized acquisition of a  
25 communication service. "Unlawful communication device" also  
26 means:

1           (1) any phone altered to obtain service without the  
2           express consent or express authorization of the  
3           communication service provider, tumbler phone, counterfeit  
4           or clone phone, tumbler microchip, counterfeit or clone  
5           microchip, scanning receiver of wireless communication  
6           service or other instrument capable of disguising its  
7           identity or location or of gaining unauthorized access to  
8           a communications or wireless system operated by a  
9           communication service provider; and

10          (2) any communication or wireless device which is  
11          capable of, or has been altered, designed, modified,  
12          programmed or reprogrammed, alone or in conjunction with  
13          another communication or wireless device or devices, so as  
14          to be capable of, facilitating the disruption,  
15          acquisition, receipt, transmission or decryption of a  
16          communication service without the express consent or  
17          express authorization of the communication service  
18          provider, including, but not limited to, any device,  
19          technology, product, service, equipment, computer software  
20          or component or part thereof, primarily distributed, sold,  
21          designed, assembled, manufactured, modified, programmed,  
22          reprogrammed or used for the purpose of providing the  
23          unauthorized receipt of, transmission of, disruption of,  
24          decryption of, access to or acquisition of any  
25          communication service provided by any communication  
26          service provider.

1 "Vehicle" means a motor vehicle, motorcycle, or farm  
2 implement that is self-propelled and that uses motor fuel for  
3 propulsion.

4 "Wireless device" includes any type of instrument, device,  
5 machine, or equipment that is capable of transmitting or  
6 receiving telephonic, electronic or radio communications, or  
7 any part of such instrument, device, machine, or equipment, or  
8 any computer circuit, computer chip, electronic mechanism, or  
9 other component that is capable of facilitating the  
10 transmission or reception of telephonic, electronic, or radio  
11 communications.

12 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.  
13 1-1-12; 97-1109, eff. 1-1-13.)

14 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

15 Sec. 17-30. Defaced, altered, or removed manufacturer or  
16 owner identification number.

17 (a) Unlawful sale of household appliances. A person  
18 commits unlawful sale of household appliances when he or she  
19 knowingly, with the intent to defraud or deceive another,  
20 keeps for sale, within any commercial context, any household  
21 appliance with a missing, defaced, obliterated, or otherwise  
22 altered manufacturer's identification number.

23 (b) Construction equipment identification defacement. A  
24 person commits construction equipment identification  
25 defacement when he or she knowingly changes, alters, removes,

1 mutilates, or obliterates a permanently affixed serial number,  
2 product identification number, part number, component  
3 identification number, owner-applied identification, or other  
4 mark of identification attached to or stamped, inscribed,  
5 molded, or etched into a machine or other equipment, whether  
6 stationary or mobile or self-propelled, or a part of such  
7 machine or equipment, used in the construction, maintenance,  
8 or demolition of buildings, structures, bridges, tunnels,  
9 sewers, utility pipes or lines, ditches or open cuts, roads,  
10 highways, dams, airports, or waterways or in material handling  
11 for such projects.

12 The trier of fact may infer that the defendant has  
13 knowingly changed, altered, removed, or obliterated the serial  
14 number, product identification number, part number, component  
15 identification number, owner-applied identification number, or  
16 other mark of identification, if the defendant was in  
17 possession of any machine or other equipment or a part of such  
18 machine or equipment used in the construction, maintenance, or  
19 demolition of buildings, structures, bridges, tunnels, sewers,  
20 utility pipes or lines, ditches or open cuts, roads, highways,  
21 dams, airports, or waterways or in material handling for such  
22 projects upon which any such serial number, product  
23 identification number, part number, component identification  
24 number, owner-applied identification number, or other mark of  
25 identification has been changed, altered, removed, or  
26 obliterated.

1 (c) Defacement of manufacturer's serial number or  
2 identification mark. A person commits defacement of a  
3 manufacturer's serial number or identification mark when he or  
4 she knowingly removes, alters, defaces, covers, or destroys  
5 the manufacturer's serial number or any other manufacturer's  
6 number or distinguishing identification mark upon any machine  
7 or other article of merchandise, other than a motor vehicle as  
8 defined in Section 1-146 of the Illinois Vehicle Code or a  
9 firearm ~~as defined in the Firearm Owners Identification Card~~  
10 ~~Act~~, with the intent of concealing or destroying the identity  
11 of such machine or other article of merchandise.

12 (d) Sentence.

13 (1) A violation of subsection (a) of this Section is a  
14 Class 4 felony if the value of the appliance or appliances  
15 exceeds \$1,000 and a Class B misdemeanor if the value of  
16 the appliance or appliances is \$1,000 or less.

17 (2) A violation of subsection (b) of this Section is a  
18 Class A misdemeanor.

19 (3) A violation of subsection (c) of this Section is a  
20 Class B misdemeanor.

21 (e) No liability shall be imposed upon any person for the  
22 unintentional failure to comply with subsection (a).

23 (f) Definitions. In this Section:

24 "Commercial context" means a continuing business  
25 enterprise conducted for profit by any person whose primary  
26 business is the wholesale or retail marketing of household

1 appliances, or a significant portion of whose business or  
2 inventory consists of household appliances kept or sold on a  
3 wholesale or retail basis.

4 "Household appliance" means any gas or electric device or  
5 machine marketed for use as home entertainment or for  
6 facilitating or expediting household tasks or chores. The term  
7 shall include but not necessarily be limited to refrigerators,  
8 freezers, ranges, radios, television sets, vacuum cleaners,  
9 toasters, dishwashers, and other similar household items.

10 "Manufacturer's identification number" means any serial  
11 number or other similar numerical or alphabetical designation  
12 imprinted upon or attached to or placed, stamped, or otherwise  
13 imprinted upon or attached to a household appliance or item by  
14 the manufacturer for purposes of identifying a particular  
15 appliance or item individually or by lot number.

16 (Source: P.A. 96-1551, eff. 7-1-11.)

17 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

21 (1) Sells, manufactures, purchases, possesses or  
22 carries any bludgeon, black-jack, slung-shot, sand-club,  
23 sand-bag, metal knuckles or other knuckle weapon  
24 regardless of its composition, throwing star, or any  
25 knife, commonly referred to as a switchblade knife, which

1 has a blade that opens automatically by hand pressure  
2 applied to a button, spring or other device in the handle  
3 of the knife, or a ballistic knife, which is a device that  
4 propels a knifelike blade as a projectile by means of a  
5 coil spring, elastic material or compressed gas; or

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

11 (2.5) Carries or possesses with intent to use the same  
12 unlawfully against another, any firearm in a church,  
13 synagogue, mosque, or other building, structure, or place  
14 used for religious worship; or

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

21 (4) Carries or possesses in any vehicle or concealed  
22 on or about his person except when on his land or in his  
23 own abode, legal dwelling, or fixed place of business, or  
24 on the land or in the legal dwelling of another person as  
25 an invitee with that person's permission, any pistol,  
26 revolver, stun gun or taser or other firearm, except that

1           this subsection (a) (4) does not apply to or affect  
2           transportation of weapons that meet one of the following  
3           conditions:

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

5                   (ii) are not immediately accessible; or

6                   (iii) are unloaded and enclosed in a case, firearm  
7           carrying box, shipping box, or other container by a  
8           person eligible under State and federal law to possess  
9           a firearm ~~who has been issued a currently valid~~  
10           ~~Firearm Owner's Identification Card; or~~

11                   (iv) are carried or possessed in accordance with  
12           the Firearm Concealed Carry Act by a person who has  
13           been issued a currently valid license under the  
14           Firearm Concealed Carry Act; or

15                   (5) Sets a spring gun; or

16                   (6) Possesses any device or attachment of any kind  
17           designed, used or intended for use in silencing the report  
18           of any firearm; or

19                   (7) Sells, manufactures, purchases, possesses or  
20           carries:

21                   (i) a machine gun, which shall be defined for the  
22           purposes of this subsection as any weapon, which  
23           shoots, is designed to shoot, or can be readily  
24           restored to shoot, automatically more than one shot  
25           without manually reloading by a single function of the  
26           trigger, including the frame or receiver of any such



1           weapon, or sells, manufactures, purchases, possesses,  
2           or carries any combination of parts designed or  
3           intended for use in converting any weapon into a  
4           machine gun, or any combination or parts from which a  
5           machine gun can be assembled if such parts are in the  
6           possession or under the control of a person;

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

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

19          (8) Carries or possesses any firearm, stun gun or  
20          taser or other deadly weapon in any place which is  
21          licensed to sell intoxicating beverages, or at any public  
22          gathering held pursuant to a license issued by any  
23          governmental body or any public gathering at which an  
24          admission is charged, excluding a place where a showing,  
25          demonstration or lecture involving the exhibition of  
26          unloaded firearms is conducted.

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

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

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

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

24                 (ii) are not immediately accessible; or

25                 (iii) are unloaded and enclosed in a case, firearm  
26                 carrying box, shipping box, or other container by a

1           person eligible under State and federal law to possess  
2           a firearm ~~who has been issued a currently valid~~  
3           ~~Firearm Owner's Identification Card; or~~

4                   (iv) are carried or possessed in accordance with  
5           the Firearm Concealed Carry Act by a person who has  
6           been issued a currently valid license under the  
7           Firearm Concealed Carry Act.

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

20                  (11) Sells, manufactures, or purchases any explosive  
21          bullet. For purposes of this paragraph (a) "explosive  
22          bullet" means the projectile portion of an ammunition  
23          cartridge which contains or carries an explosive charge  
24          which will explode upon contact with the flesh of a human  
25          or an animal. "Cartridge" means a tubular metal case  
26          having a projectile affixed at the front thereof and a cap

1 or primer at the rear end thereof, with the propellant  
2 contained in such tube between the projectile and the cap;  
3 or

4 (12) (Blank); or

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

13 (b) Sentence. A person convicted of a violation of  
14 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
15 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
16 Class A misdemeanor. A person convicted of a violation of  
17 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;  
18 a person convicted of a violation of subsection 24-1(a)(6) or  
19 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
20 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
21 Class 2 felony and shall be sentenced to a term of imprisonment  
22 of not less than 3 years and not more than 7 years, unless the  
23 weapon is possessed in the passenger compartment of a motor  
24 vehicle as defined in Section 1-146 of the Illinois Vehicle  
25 Code, or on the person, while the weapon is loaded, in which  
26 case it shall be a Class X felony. A person convicted of a

1 second or subsequent violation of subsection 24-1(a)(4),  
2 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
3 felony. A person convicted of a violation of subsection  
4 24-1(a)(2.5) commits a Class 2 felony. The possession of each  
5 weapon in violation of this Section constitutes a single and  
6 separate violation.

7 (c) Violations in specific places.

8 (1) A person who violates subsection 24-1(a)(6) or  
9 24-1(a)(7) in any school, regardless of the time of day or  
10 the time of year, in residential property owned, operated  
11 or managed by a public housing agency or leased by a public  
12 housing agency as part of a scattered site or mixed-income  
13 development, in a public park, in a courthouse, on the  
14 real property comprising any school, regardless of the  
15 time of day or the time of year, on residential property  
16 owned, operated or managed by a public housing agency or  
17 leased by a public housing agency as part of a scattered  
18 site or mixed-income development, on the real property  
19 comprising any public park, on the real property  
20 comprising any courthouse, in any conveyance owned, leased  
21 or contracted by a school to transport students to or from  
22 school or a school related activity, in any conveyance  
23 owned, leased, or contracted by a public transportation  
24 agency, or on any public way within 1,000 feet of the real  
25 property comprising any school, public park, courthouse,  
26 public transportation facility, or residential property

1 owned, operated, or managed by a public housing agency or  
2 leased by a public housing agency as part of a scattered  
3 site or mixed-income development commits a Class 2 felony  
4 and shall be sentenced to a term of imprisonment of not  
5 less than 3 years and not more than 7 years.

6 (1.5) A person who violates subsection 24-1(a)(4),  
7 24-1(a)(9), or 24-1(a)(10) in any school, regardless of  
8 the time of day or the time of year, in residential  
9 property owned, operated, or managed by a public housing  
10 agency or leased by a public housing agency as part of a  
11 scattered site or mixed-income development, in a public  
12 park, in a courthouse, on the real property comprising any  
13 school, regardless of the time of day or the time of year,  
14 on residential property owned, operated, or managed by a  
15 public housing agency or leased by a public housing agency  
16 as part of a scattered site or mixed-income development,  
17 on the real property comprising any public park, on the  
18 real property comprising any courthouse, in any conveyance  
19 owned, leased, or contracted by a school to transport  
20 students to or from school or a school related activity,  
21 in any conveyance owned, leased, or contracted by a public  
22 transportation agency, or on any public way within 1,000  
23 feet of the real property comprising any school, public  
24 park, courthouse, public transportation facility, or  
25 residential property owned, operated, or managed by a  
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development  
2 commits a Class 3 felony.

3 (2) A person who violates subsection 24-1(a)(1),  
4 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
5 time of day or the time of year, in residential property  
6 owned, operated or managed by a public housing agency or  
7 leased by a public housing agency as part of a scattered  
8 site or mixed-income development, in a public park, in a  
9 courthouse, on the real property comprising any school,  
10 regardless of the time of day or the time of year, on  
11 residential property owned, operated or managed by a  
12 public housing agency or leased by a public housing agency  
13 as part of a scattered site or mixed-income development,  
14 on the real property comprising any public park, on the  
15 real property comprising any courthouse, in any conveyance  
16 owned, leased or contracted by a school to transport  
17 students to or from school or a school related activity,  
18 in any conveyance owned, leased, or contracted by a public  
19 transportation agency, or on any public way within 1,000  
20 feet of the real property comprising any school, public  
21 park, courthouse, public transportation facility, or  
22 residential property owned, operated, or managed by a  
23 public housing agency or leased by a public housing agency  
24 as part of a scattered site or mixed-income development  
25 commits a Class 4 felony. "Courthouse" means any building  
26 that is used by the Circuit, Appellate, or Supreme Court

1 of this State for the conduct of official business.

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

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

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

22 (d) The presence in an automobile other than a public  
23 omnibus of any weapon, instrument or substance referred to in  
24 subsection (a)(7) is prima facie evidence that it is in the  
25 possession of, and is being carried by, all persons occupying  
26 such automobile at the time such weapon, instrument or



1 substance is found, except under the following circumstances:  
2 (i) if such weapon, instrument or instrumentality is found  
3 upon the person of one of the occupants therein; or (ii) if  
4 such weapon, instrument or substance is found in an automobile  
5 operated for hire by a duly licensed driver in the due, lawful  
6 and proper pursuit of his or her trade, then such presumption  
7 shall not apply to the driver.

8 (e) Exemptions.

9 (1) Crossbows, Common or Compound bows and Underwater  
10 Spearguns are exempted from the definition of ballistic  
11 knife as defined in paragraph (1) of subsection (a) of  
12 this Section.

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

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

1 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

2 Sec. 24-1.1. Unlawful use or possession of weapons by  
3 felons or persons in the custody of the Department of  
4 Corrections facilities.

5 (a) It is unlawful for a person to knowingly possess on or  
6 about his person or on his land or in his own abode or fixed  
7 place of business any weapon prohibited under Section 24-1 of  
8 this Act or any firearm or any firearm ammunition if the person  
9 has been convicted of a felony under the laws of this State or  
10 any other jurisdiction. This Section shall not apply if the  
11 person has been granted relief under this subsection ~~by the~~  
12 ~~Director of the Department of State Police under Section 10 of~~  
13 ~~the Firearm Owners Identification Card Act.~~ A person  
14 prohibited from possessing a firearm under this subsection (a)  
15 may petition the Director of State Police for a hearing and  
16 relief from the prohibition, unless the prohibition was based  
17 upon a forcible felony, stalking, aggravated stalking,  
18 domestic battery, any violation of the Illinois Controlled  
19 Substances Act, the Methamphetamine Control and Community  
20 Protection Act, or the Cannabis Control Act that is classified  
21 as a Class 2 or greater felony, any felony violation of Article  
22 24 of the Criminal Code of 1961 or the Criminal Code of 2012,  
23 or any adjudication as a delinquent minor for the commission  
24 of an offense that if committed by an adult would be a felony,  
25 in which case the person may petition the circuit court in  
26 writing in the county of his or her residence for a hearing and

1 relief from the prohibition. The Director or court may grant  
2 the relief if it is established by the petitioner to the  
3 court's or Director's satisfaction that:

4 (1) when in the circuit court, the State's Attorney  
5 has been served with a written copy of the petition at  
6 least 30 days before any hearing in the circuit court and  
7 at the hearing the State's Attorney was afforded an  
8 opportunity to present evidence and object to the  
9 petition;

10 (2) the petitioner has not been convicted of a  
11 forcible felony under the laws of this State or any other  
12 jurisdiction within 20 years of the filing of the  
13 petition, or at least 20 years have passed since the end of  
14 any period of imprisonment imposed in relation to that  
15 conviction;

16 (3) the circumstances regarding a criminal conviction,  
17 where applicable, the petitioner's criminal history and  
18 his or her reputation are such that the petitioner will  
19 not be likely to act in a manner dangerous to public  
20 safety;

21 (4) granting relief would not be contrary to the  
22 public interest; and

23 (5) granting relief would not be contrary to federal  
24 law.

25 (b) It is unlawful for any person confined in a penal  
26 institution, which is a facility of the Illinois Department of

1 Corrections, to possess any weapon prohibited under Section  
2 24-1 of this Code or any firearm or firearm ammunition,  
3 regardless of the intent with which he possesses it.

4 (c) It shall be an affirmative defense to a violation of  
5 subsection (b), that such possession was specifically  
6 authorized by rule, regulation, or directive of the Illinois  
7 Department of Corrections or order issued pursuant thereto.

8 (d) The defense of necessity is not available to a person  
9 who is charged with a violation of subsection (b) of this  
10 Section.

11 (e) Sentence. Violation of this Section by a person not  
12 confined in a penal institution shall be a Class 3 felony for  
13 which the person shall be sentenced to no less than 2 years and  
14 no more than 10 years. A second or subsequent violation of this  
15 Section shall be a Class 2 felony for which the person shall be  
16 sentenced to a term of imprisonment of not less than 3 years  
17 and not more than 14 years, except as provided for in Section  
18 5-4.5-110 of the Unified Code of Corrections. Violation of  
19 this Section by a person not confined in a penal institution  
20 who has been convicted of a forcible felony, a felony  
21 violation of Article 24 of this Code ~~or of the Firearm Owners~~  
22 ~~Identification Card Act~~, stalking or aggravated stalking, or a  
23 Class 2 or greater felony under the Illinois Controlled  
24 Substances Act, the Cannabis Control Act, or the  
25 Methamphetamine Control and Community Protection Act is a  
26 Class 2 felony for which the person shall be sentenced to not

1 less than 3 years and not more than 14 years, except as  
2 provided for in Section 5-4.5-110 of the Unified Code of  
3 Corrections. Violation of this Section by a person who is on  
4 parole or mandatory supervised release is a Class 2 felony for  
5 which the person shall be sentenced to not less than 3 years  
6 and not more than 14 years, except as provided for in Section  
7 5-4.5-110 of the Unified Code of Corrections. Violation of  
8 this Section by a person not confined in a penal institution is  
9 a Class X felony when the firearm possessed is a machine gun.  
10 Any person who violates this Section while confined in a penal  
11 institution, which is a facility of the Illinois Department of  
12 Corrections, is guilty of a Class 1 felony, if he possesses any  
13 weapon prohibited under Section 24-1 of this Code regardless  
14 of the intent with which he possesses it, a Class X felony if  
15 he possesses any firearm, firearm ammunition or explosive, and  
16 a Class X felony for which the offender shall be sentenced to  
17 not less than 12 years and not more than 50 years when the  
18 firearm possessed is a machine gun. A violation of this  
19 Section while wearing or in possession of body armor as  
20 defined in Section 33F-1 is a Class X felony punishable by a  
21 term of imprisonment of not less than 10 years and not more  
22 than 40 years. The possession of each firearm or firearm  
23 ammunition in violation of this Section constitutes a single  
24 and separate violation.

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

1 (720 ILCS 5/24-1.6)

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

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

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

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

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

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

1 (A-5) the pistol, revolver, or handgun possessed  
2 was uncased, loaded, and immediately accessible at the  
3 time of the offense and the person possessing the  
4 pistol, revolver, or handgun has not been issued a  
5 currently valid license under the Firearm Concealed  
6 Carry Act; or

7 (B) the firearm, other than a pistol, revolver, or  
8 handgun, possessed was uncased, unloaded, and the  
9 ammunition for the weapon was immediately accessible  
10 at the time of the offense; or

11 (B-5) the pistol, revolver, or handgun possessed  
12 was uncased, unloaded, and the ammunition for the  
13 weapon was immediately accessible at the time of the  
14 offense and the person possessing the pistol,  
15 revolver, or handgun has not been issued a currently  
16 valid license under the Firearm Concealed Carry Act;  
17 or

18 (C) (blank); or ~~the person possessing the firearm~~  
19 ~~has not been issued a currently valid Firearm Owner's~~  
20 ~~Identification Card; or~~

21 (D) the person possessing the weapon was  
22 previously adjudicated a delinquent minor under the  
23 Juvenile Court Act of 1987 for an act that if committed  
24 by an adult would be a felony; or

25 (E) the person possessing the weapon was engaged  
26 in a misdemeanor violation of the Cannabis Control

1 Act, in a misdemeanor violation of the Illinois  
2 Controlled Substances Act, or in a misdemeanor  
3 violation of the Methamphetamine Control and Community  
4 Protection Act; or

5 (F) (blank); or

6 (G) the person possessing the weapon had an order  
7 of protection issued against him or her within the  
8 previous 2 years; or

9 (H) the person possessing the weapon was engaged  
10 in the commission or attempted commission of a  
11 misdemeanor involving the use or threat of violence  
12 against the person or property of another; or

13 (I) the person possessing the weapon was under 21  
14 years of age and in possession of a handgun, unless the  
15 person under 21 is engaged in lawful activities under  
16 the Wildlife Code or described in subsection  
17 24-2(b)(1), (b)(3), or 24-2(f).

18 (a-5) "Handgun" as used in this Section has the meaning  
19 given to it in Section 5 of the Firearm Concealed Carry Act.

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

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

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm



1 carrying box, shipping box, or other container by a person  
2 is eligible under State and federal law to possess a  
3 firearm ~~who has been issued a currently valid Firearm~~  
4 ~~Owner's Identification Card.~~

5 (d) Sentence.

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

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

21 (3) Aggravated unlawful use of a weapon by a person  
22 who has been previously convicted of a felony in this  
23 State or another jurisdiction is a Class 2 felony for  
24 which the person shall be sentenced to a term of  
25 imprisonment of not less than 3 years and not more than 7  
26 years, except as provided for in Section 5-4.5-110 of the

1 Unified Code of Corrections.

2 (4) Aggravated unlawful use of a weapon while wearing  
3 or in possession of body armor as defined in Section 33F-1  
4 by a person who is prohibited under State or federal law  
5 from possessing a firearm ~~has not been issued a valid~~  
6 ~~Firearms Owner's Identification Card in accordance with~~  
7 ~~Section 5 of the Firearm Owners Identification Card Act~~ is  
8 a Class X felony.

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

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

12 (720 ILCS 5/24-1.8)

13 Sec. 24-1.8. Unlawful possession of a firearm by a street  
14 gang member.

15 (a) A person commits unlawful possession of a firearm by a  
16 street gang member when he or she knowingly:

17 (1) possesses, carries, or conceals on or about his or  
18 her person a firearm and firearm ammunition while on any  
19 street, road, alley, gangway, sidewalk, or any other  
20 lands, except when inside his or her own abode or inside  
21 his or her fixed place of business, ~~and has not been issued~~  
22 ~~a currently valid Firearm Owner's Identification Card~~ and  
23 is a member of a street gang; or

24 (2) possesses or carries in any vehicle a firearm and  
25 firearm ammunition which are both immediately accessible

1 at the time of the offense while on any street, road,  
2 alley, or any other lands, except when inside his or her  
3 own abode or garage, ~~and has not been issued a currently~~  
4 ~~valid Firearm Owner's Identification Card~~ and is a member  
5 of a street gang.

6 (b) Unlawful possession of a firearm by a street gang  
7 member is a Class 2 felony for which the person, if sentenced  
8 to a term of imprisonment, shall be sentenced to no less than 3  
9 years and no more than 10 years. A period of probation, a term  
10 of periodic imprisonment or conditional discharge shall not be  
11 imposed for the offense of unlawful possession of a firearm by  
12 a street gang member when the firearm was loaded or contained  
13 firearm ammunition and the court shall sentence the offender  
14 to not less than the minimum term of imprisonment authorized  
15 for the Class 2 felony.

16 (c) For purposes of this Section:

17 "Street gang" or "gang" has the meaning ascribed to it  
18 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
19 Prevention Act.

20 "Street gang member" or "gang member" has the meaning  
21 ascribed to it in Section 10 of the Illinois Streetgang  
22 Terrorism Omnibus Prevention Act.

23 (Source: P.A. 96-829, eff. 12-3-09.)

24 (720 ILCS 5/24-2)

25 Sec. 24-2. Exemptions.

1           (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
2 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
3 the following:

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

7           (2) Wardens, superintendents and keepers of prisons,  
8 penitentiaries, jails and other institutions for the  
9 detention of persons accused or convicted of an offense,  
10 while in the performance of their official duty, or while  
11 commuting between their homes and places of employment.

12           (3) Members of the Armed Services or Reserve Forces of  
13 the United States or the Illinois National Guard or the  
14 Reserve Officers Training Corps, while in the performance  
15 of their official duty.

16           (4) Special agents employed by a railroad or a public  
17 utility to perform police functions, and guards of armored  
18 car companies, while actually engaged in the performance  
19 of the duties of their employment or commuting between  
20 their homes and places of employment; and watchmen while  
21 actually engaged in the performance of the duties of their  
22 employment.

23           (5) Persons licensed as private security contractors,  
24 private detectives, or private alarm contractors, or  
25 employed by a private security contractor, private  
26 detective, or private alarm contractor agency licensed by

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

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

1 of a concealable weapon permitted by his or her firearm  
2 control card.

3 (7) Agents and investigators of the Illinois  
4 Legislative Investigating Commission authorized by the  
5 Commission to carry the weapons specified in subsections  
6 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
7 any investigation for the Commission.

8 (8) Persons employed by a financial institution as a  
9 security guard for the protection of other employees and  
10 property related to such financial institution, while  
11 actually engaged in the performance of their duties,  
12 commuting between their homes and places of employment, or  
13 traveling between sites or properties owned or operated by  
14 such financial institution, and who, as a security guard,  
15 is a member of a security force registered with the  
16 Department; provided that any person so employed has  
17 successfully completed a course of study, approved by and  
18 supervised by the Department of Financial and Professional  
19 Regulation, consisting of not less than 40 hours of  
20 training which includes theory of law enforcement,  
21 liability for acts, and the handling of weapons. A person  
22 shall be considered to be eligible for this exemption if  
23 he or she has completed the required 20 hours of training  
24 for a security officer and 20 hours of required firearm  
25 training, and has been issued a firearm control card by  
26 the Department of Financial and Professional Regulation.

1 Conditions for renewal of firearm control cards issued  
2 under the provisions of this Section shall be the same as  
3 for those issued under the provisions of the Private  
4 Detective, Private Alarm, Private Security, Fingerprint  
5 Vendor, and Locksmith Act of 2004. The firearm control  
6 card shall be carried by the security guard at all times  
7 when he or she is in possession of a concealable weapon  
8 permitted by his or her firearm control card. For purposes  
9 of this subsection, "financial institution" means a bank,  
10 savings and loan association, credit union or company  
11 providing armored car services.

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

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

18 (11) Investigators of the Office of the State's  
19 Attorneys Appellate Prosecutor authorized by the board of  
20 governors of the Office of the State's Attorneys Appellate  
21 Prosecutor to carry weapons pursuant to Section 7.06 of  
22 the State's Attorneys Appellate Prosecutor's Act.

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

25 (12.5) Probation officers while in the performance of  
26 their duties, or while commuting between their homes,



1 places of employment or specific locations that are part  
2 of their assigned duties, with the consent of the chief  
3 judge of the circuit for which they are employed, if they  
4 have received weapons training according to requirements  
5 of the Peace Officer and Probation Officer Firearm  
6 Training Act.

7 (13) Court Security Officers while in the performance  
8 of their official duties, or while commuting between their  
9 homes and places of employment, with the consent of the  
10 Sheriff.

11 (13.5) A person employed as an armed security guard at  
12 a nuclear energy, storage, weapons or development site or  
13 facility regulated by the Nuclear Regulatory Commission  
14 who has completed the background screening and training  
15 mandated by the rules and regulations of the Nuclear  
16 Regulatory Commission.

17 (14) Manufacture, transportation, or sale of weapons  
18 to persons authorized under subdivisions (1) through  
19 (13.5) of this subsection to possess those weapons.

20 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
21 to or affect any person carrying a concealed pistol, revolver,  
22 or handgun and the person has been issued a currently valid  
23 license under the Firearm Concealed Carry Act at the time of  
24 the commission of the offense.

25 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
26 to or affect a qualified current or retired law enforcement

1 officer qualified under the laws of this State or under the  
2 federal Law Enforcement Officers Safety Act.

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

5 (1) Members of any club or organization organized for  
6 the purpose of practicing shooting at targets upon  
7 established target ranges, whether public or private, and  
8 patrons of such ranges, while such members or patrons are  
9 using their firearms on those target ranges.

10 (2) Duly authorized military or civil organizations  
11 while parading, with the special permission of the  
12 Governor.

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

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

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

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

23 (1) Peace officers while in performance of their  
24 official duties.

25 (2) Wardens, superintendents and keepers of prisons,  
26 penitentiaries, jails and other institutions for the

1 detention of persons accused or convicted of an offense.

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

5 (4) Manufacture, transportation, or sale of machine  
6 guns to persons authorized under subdivisions (1) through  
7 (3) of this subsection to possess machine guns, if the  
8 machine guns are broken down in a non-functioning state or  
9 are not immediately accessible.

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

24 During transportation, such weapons shall be broken  
25 down in a non-functioning state or not immediately  
26 accessible.

1           (6) The manufacture, transport, testing, delivery,  
2 transfer or sale, and all lawful commercial or  
3 experimental activities necessary thereto, of rifles,  
4 shotguns, and weapons made from rifles or shotguns, or  
5 ammunition for such rifles, shotguns or weapons, where  
6 engaged in by a person operating as a contractor or  
7 subcontractor pursuant to a contract or subcontract for  
8 the development and supply of such rifles, shotguns,  
9 weapons or ammunition to the United States government or  
10 any branch of the Armed Forces of the United States, when  
11 such activities are necessary and incident to fulfilling  
12 the terms of such contract.

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

19           (7) A person possessing a rifle with a barrel or  
20 barrels less than 16 inches in length if: (A) the person  
21 has been issued a Curios and Relics license from the U.S.  
22 Bureau of Alcohol, Tobacco, Firearms and Explosives; or  
23 (B) the person is an active member of a bona fide,  
24 nationally recognized military re-enacting group and the  
25 modification is required and necessary to accurately  
26 portray the weapon for historical re-enactment purposes;

1 the re-enactor is in possession of a valid and current  
2 re-enacting group membership credential; and the overall  
3 length of the weapon as modified is not less than 26  
4 inches.

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

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

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

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

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

21 (2) Bonafide collectors of antique or surplus military  
22 ordnance.

23 (3) Laboratories having a department of forensic  
24 ballistics, or specializing in the development of  
25 ammunition or explosive ordnance.

26 (4) Commerce, preparation, assembly or possession of

1 explosive bullets by manufacturers of ammunition licensed  
2 by the federal government, in connection with the supply  
3 of those organizations and persons exempted by subdivision  
4 (g)(1) of this Section, or like organizations and persons  
5 outside this State, or the transportation of explosive  
6 bullets to any organization or person exempted in this  
7 Section by a common carrier or by a vehicle owned or leased  
8 by an exempted manufacturer.

9 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
10 persons licensed under federal law to manufacture any device  
11 or attachment of any kind designed, used, or intended for use  
12 in silencing the report of any firearm, firearms, or  
13 ammunition for those firearms equipped with those devices, and  
14 actually engaged in the business of manufacturing those  
15 devices, firearms, or ammunition, but only with respect to  
16 activities that are within the lawful scope of that business,  
17 such as the manufacture, transportation, or testing of those  
18 devices, firearms, or ammunition. This exemption does not  
19 authorize the general private possession of any device or  
20 attachment of any kind designed, used, or intended for use in  
21 silencing the report of any firearm, but only such possession  
22 and activities as are within the lawful scope of a licensed  
23 manufacturing business described in this subsection (g-5).  
24 During transportation, these devices shall be detached from  
25 any weapon or not immediately accessible.

26 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any parole agent or parole  
2 supervisor who meets the qualifications and conditions  
3 prescribed in Section 3-14-1.5 of the Unified Code of  
4 Corrections.

5 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
6 officer while serving as a member of a tactical response team  
7 or special operations team. A peace officer may not personally  
8 own or apply for ownership of a device or attachment of any  
9 kind designed, used, or intended for use in silencing the  
10 report of any firearm. These devices shall be owned and  
11 maintained by lawfully recognized units of government whose  
12 duties include the investigation of criminal acts.

13 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
14 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
15 athlete's possession, transport on official Olympic and  
16 Paralympic transit systems established for athletes, or use of  
17 competition firearms sanctioned by the International Olympic  
18 Committee, the International Paralympic Committee, the  
19 International Shooting Sport Federation, or USA Shooting in  
20 connection with such athlete's training for and participation  
21 in shooting competitions at the 2016 Olympic and Paralympic  
22 Games and sanctioned test events leading up to the 2016  
23 Olympic and Paralympic Games.

24 (h) An information or indictment based upon a violation of  
25 any subsection of this Article need not negative any  
26 exemptions contained in this Article. The defendant shall have

1 the burden of proving such an exemption.

2 (i) Nothing in this Article shall prohibit, apply to, or  
3 affect the transportation, carrying, or possession, of any  
4 pistol or revolver, stun gun, taser, or other firearm  
5 consigned to a common carrier operating under license of the  
6 State of Illinois or the federal government, where such  
7 transportation, carrying, or possession is incident to the  
8 lawful transportation in which such common carrier is engaged;  
9 and nothing in this Article shall prohibit, apply to, or  
10 affect the transportation, carrying, or possession of any  
11 pistol, revolver, stun gun, taser, or other firearm, not the  
12 subject of and regulated by subsection 24-1(a)(7) or  
13 subsection 24-2(c) of this Article, which is unloaded and  
14 enclosed in a case, firearm carrying box, shipping box, or  
15 other container, by a person eligible under State and federal  
16 law to possess a firearm ~~the possessor of a valid Firearm~~  
17 ~~Owners Identification Card.~~

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

19 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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



1 age.

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

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

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

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

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

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

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

25 (g) Delivers any firearm, incidental to a sale,  
26 without withholding delivery of the firearm for at least

1           72 hours after application for its purchase has been made,  
2           or delivers a stun gun or taser, incidental to a sale,  
3           without withholding delivery of the stun gun or taser for  
4           at least 24 hours after application for its purchase has  
5           been made. However, this paragraph (g) does not apply to:  
6           (1) the sale of a firearm to a law enforcement officer if  
7           the seller of the firearm knows that the person to whom he  
8           or she is selling the firearm is a law enforcement officer  
9           or the sale of a firearm to a person who desires to  
10          purchase a firearm for use in promoting the public  
11          interest incident to his or her employment as a bank  
12          guard, armed truck guard, or other similar employment; (2)  
13          a mail order sale of a firearm from a federally licensed  
14          firearms dealer to a nonresident of Illinois under which  
15          the firearm is mailed to a federally licensed firearms  
16          dealer outside the boundaries of Illinois; (3) (blank);  
17          (4) the sale of a firearm to a dealer licensed as a federal  
18          firearms dealer under Section 923 of the federal Gun  
19          Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
20          sale of any rifle, shotgun, or other long gun to a resident  
21          registered competitor or attendee or non-resident  
22          registered competitor or attendee by any dealer licensed  
23          as a federal firearms dealer under Section 923 of the  
24          federal Gun Control Act of 1968 at competitive shooting  
25          events held at the World Shooting Complex sanctioned by a  
26          national governing body. For purposes of transfers or

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

25 (h) While holding any license as a dealer, importer,  
26 manufacturer or pawnbroker under the federal Gun Control

1 Act of 1968, manufactures, sells or delivers to any  
2 unlicensed person a handgun having a barrel, slide, frame  
3 or receiver which is a die casting of zinc alloy or any  
4 other nonhomogeneous metal which will melt or deform at a  
5 temperature of less than 800 degrees Fahrenheit. For  
6 purposes of this paragraph, ~~(1) "firearm" is defined as in~~  
7 ~~the Firearm Owners Identification Card Act; and (2)~~  
8 "handgun" is defined as a firearm designed to be held and  
9 fired by the use of a single hand, and includes a  
10 combination of parts from which such a firearm can be  
11 assembled.

12 (i) Sells or gives a firearm of any size to any person  
13 under 18 years of age who is not eligible under State or  
14 federal law to possess a firearm ~~does not possess a valid~~  
15 ~~Firearm Owner's Identification Card.~~

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

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

1 trigger mechanisms to firearms.

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

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

1 ~~Owner's Identification Card that has not expired or (ii)~~  
2 ~~an approval number issued in accordance with subsection~~  
3 ~~(a 10) of subsection 3 or Section 3.1 of the Firearm~~  
4 ~~Owners Identification Card Act shall be proof that the~~  
5 ~~Firearm Owner's Identification Card was valid.~~

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

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

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

26 (B) Paragraph (h) of subsection (A) does not include

1 firearms sold within 6 months after enactment of Public Act  
2 78-355 (approved August 21, 1973, effective October 1, 1973),  
3 nor is any firearm legally owned or possessed by any citizen or  
4 purchased by any citizen within 6 months after the enactment  
5 of Public Act 78-355 subject to confiscation or seizure under  
6 the provisions of that Public Act. Nothing in Public Act  
7 78-355 shall be construed to prohibit the gift or trade of any  
8 firearm if that firearm was legally held or acquired within 6  
9 months after the enactment of that Public Act.

10 (C) Sentence.

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

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

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

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

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

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



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

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

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

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

1 under 18 years of age who was sold or given the firearm.

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

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

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

12 (D) For purposes of this Section:

13 "School" means a public or private elementary or secondary  
14 school, community college, college, or university.

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

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

26 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;

1 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

2 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

3 Sec. 24-3.1. Unlawful possession of firearms and firearm  
4 ammunition.

5 (a) A person commits the offense of unlawful possession of  
6 firearms or firearm ammunition when:

7 (1) He is under 18 years of age and has in his  
8 possession any firearm of a size which may be concealed  
9 upon the person; or

10 (2) He is under 21 years of age, has been convicted of  
11 a misdemeanor other than a traffic offense or adjudged  
12 delinquent and has any firearms or firearm ammunition in  
13 his possession; or

14 (3) He is a narcotic addict and has any firearms or  
15 firearm ammunition in his possession; or

16 (4) He has been a patient in a mental institution  
17 within the past 5 years and has any firearms or firearm  
18 ammunition in his possession. For purposes of this  
19 paragraph (4):

20 "Mental institution" means any hospital,  
21 institution, clinic, evaluation facility, mental  
22 health center, or part thereof, which is used  
23 primarily for the care or treatment of persons with  
24 mental illness.

25 "Patient in a mental institution" means the person

1           was admitted, either voluntarily or involuntarily, to  
2           a mental institution for mental health treatment,  
3           unless the treatment was voluntary and solely for an  
4           alcohol abuse disorder and no other secondary  
5           substance abuse disorder or mental illness; or

6           (5) He is a person with an intellectual disability and  
7           has any firearms or firearm ammunition in his possession;  
8           or

9           (6) He has in his possession any explosive bullet.

10          For purposes of this paragraph "explosive bullet" means  
11          the projectile portion of an ammunition cartridge which  
12          contains or carries an explosive charge which will explode  
13          upon contact with the flesh of a human or an animal.  
14          "Cartridge" means a tubular metal case having a projectile  
15          affixed at the front thereof and a cap or primer at the rear  
16          end thereof, with the propellant contained in such tube  
17          between the projectile and the cap.

18          (a-5) A person prohibited from possessing a firearm under  
19          this Section may petition the Director of State Police for a  
20          hearing and relief from the prohibition, unless the  
21          prohibition was based upon a forcible felony, stalking,  
22          aggravated stalking, domestic battery, any violation of the  
23          Illinois Controlled Substances Act, the Methamphetamine  
24          Control and Community Protection Act, or the Cannabis Control  
25          Act that is classified as a Class 2 or greater felony, any  
26          felony violation of Article 24 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, or any adjudication as a delinquent  
2 minor for the commission of an offense that if committed by an  
3 adult would be a felony, in which case the person may petition  
4 the circuit court in writing in the county of his or her  
5 residence for a hearing and relief from the prohibition. The  
6 Director or court may grant the relief if it is established by  
7 the petitioner to the court's or Director's satisfaction that:

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

14 (2) the petitioner has not been convicted of a  
15 forcible felony under the laws of this State or any other  
16 jurisdiction within 20 years of the filing of the  
17 petition, or at least 20 years have passed since the end of  
18 any period of imprisonment imposed in relation to that  
19 conviction;

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

24 (4) granting relief would not be contrary to the  
25 public interest; and

26 (5) granting relief would not be contrary to federal

1       law.

2       (b) Sentence.

3       Unlawful possession of firearms, other than handguns, and  
4       firearm ammunition is a Class A misdemeanor. Unlawful  
5       possession of handguns is a Class 4 felony. The possession of  
6       each firearm or firearm ammunition in violation of this  
7       Section constitutes a single and separate violation.

8       (c) Nothing in paragraph (1) of subsection (a) of this  
9       Section prohibits a person under 18 years of age from  
10      participating in any lawful recreational activity with a  
11      firearm such as, but not limited to, practice shooting at  
12      targets upon established public or private target ranges or  
13      hunting, trapping, or fishing in accordance with the Wildlife  
14      Code or the Fish and Aquatic Life Code.

15      (Source: P.A. 99-143, eff. 7-27-15.)

16           (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

17      Sec. 24-3.2. Unlawful discharge of firearm projectiles.

18      (a) A person commits the offense of unlawful discharge of  
19      firearm projectiles when he or she knowingly or recklessly  
20      uses an armor piercing bullet, dragon's breath shotgun shell,  
21      bolo shell, or flechette shell in violation of this Section.

22           For purposes of this Section:

23           "Armor piercing bullet" means any handgun bullet or  
24      handgun ammunition with projectiles or projectile cores  
25      constructed entirely (excluding the presence of traces of

1 other substances) from tungsten alloys, steel, iron, brass,  
2 bronze, beryllium copper or depleted uranium, or fully  
3 jacketed bullets larger than 22 caliber whose jacket has a  
4 weight of more than 25% of the total weight of the projectile,  
5 and excluding those handgun projectiles whose cores are  
6 composed of soft materials such as lead or lead alloys, zinc or  
7 zinc alloys, frangible projectiles designed primarily for  
8 sporting purposes, and any other projectiles or projectile  
9 cores that the U. S. Secretary of the Treasury finds to be  
10 primarily intended to be used for sporting purposes or  
11 industrial purposes or that otherwise does not constitute  
12 "armor piercing ammunition" as that term is defined by federal  
13 law.

14 "Dragon's breath shotgun shell" means any shotgun shell  
15 that contains exothermic pyrophoric mesh metal as the  
16 projectile and is designed for the purpose of throwing or  
17 spewing a flame or fireball to simulate a flame-thrower.

18 "Bolo shell" means any shell that can be fired in a firearm  
19 and expels as projectiles 2 or more metal balls connected by  
20 solid metal wire.

21 "Flechette shell" means any shell that can be fired in a  
22 firearm and expels 2 or more pieces of fin-stabilized solid  
23 metal wire or 2 or more solid dart-type projectiles.

24 (b) A person commits a Class X felony when he or she,  
25 knowing that a firearm, ~~as defined in Section 1.1 of the~~  
26 ~~Firearm Owners Identification Card Act,~~ is loaded with an



1 armor piercing bullet, dragon's breath shotgun shell, bolo  
2 shell, or flechette shell, intentionally or recklessly  
3 discharges such firearm and such bullet or shell strikes any  
4 other person.

5 (c) Any person who possesses, concealed on or about his or  
6 her person, an armor piercing bullet, dragon's breath shotgun  
7 shell, bolo shell, or flechette shell and a firearm suitable  
8 for the discharge thereof is guilty of a Class 2 felony.

9 (d) This Section does not apply to or affect any of the  
10 following:

11 (1) Peace officers;

12 (2) Wardens, superintendents and keepers of prisons,  
13 penitentiaries, jails and other institutions for the  
14 detention of persons accused or convicted of an offense;

15 (3) Members of the Armed Services or Reserve Forces of  
16 the United States or the Illinois National Guard while in  
17 the performance of their official duties;

18 (4) Federal officials required to carry firearms,  
19 while engaged in the performance of their official duties;

20 (5) United States Marshals, while engaged in the  
21 performance of their official duties.

22 (Source: P.A. 92-423, eff. 1-1-02.)

23 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

24 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

25 (a) It shall be unlawful for any person who holds a license

1 to sell at retail any alcoholic liquor issued by the Illinois  
2 Liquor Control Commission or local liquor control commissioner  
3 under the Liquor Control Act of 1934 or an agent or employee of  
4 the licensee to sell or deliver to any other person a firearm  
5 in or on the real property of the establishment where the  
6 licensee is licensed to sell alcoholic liquors unless the sale  
7 or delivery of the firearm is otherwise lawful under this  
8 Article ~~and under the Firearm Owners Identification Card Act.~~

9 (b) Sentence. A violation of subsection (a) of this  
10 Section is a Class 4 felony.

11 (Source: P.A. 87-591.)

12 (720 ILCS 5/24-3B)

13 Sec. 24-3B. Firearms trafficking.

14 (a) A person commits firearms trafficking when he or she  
15 is prohibited under federal or State law from possessing a  
16 firearm ~~has not been issued a currently valid Firearm Owner's~~  
17 ~~Identification Card~~ and knowingly:

18 (1) brings, or causes to be brought, into this State,  
19 a firearm or firearm ammunition for the purpose of sale,  
20 delivery, or transfer to any other person or with the  
21 intent to sell, deliver, or transfer the firearm or  
22 firearm ammunition to any other person; or

23 (2) brings, or causes to be brought, into this State,  
24 a firearm and firearm ammunition for the purpose of sale,  
25 delivery, or transfer to any other person or with the

1 intent to sell, deliver, or transfer the firearm and  
2 firearm ammunition to any other person.

3 (a-5) (Blank). ~~This Section does not apply to:~~

4 ~~(1) a person exempt under Section 2 of the Firearm~~  
5 ~~Owners Identification Card Act from the requirement of~~  
6 ~~having possession of a Firearm Owner's Identification Card~~  
7 ~~previously issued in his or her name by the Department of~~  
8 ~~State Police in order to acquire or possess a firearm or~~  
9 ~~firearm ammunition;~~

10 ~~(2) a common carrier under subsection (i) of Section~~  
11 ~~24-2 of this Code; or~~

12 ~~(3) a non-resident who may lawfully possess a firearm~~  
13 ~~in his or her resident state.~~

14 (b) Sentence.

15 (1) Firearms trafficking is a Class 1 felony for which  
16 the person, if sentenced to a term of imprisonment, shall  
17 be sentenced to not less than 4 years and not more than 20  
18 years.

19 (2) Firearms trafficking by a person who has been  
20 previously convicted of firearms trafficking, gunrunning,  
21 or a felony offense for the unlawful sale, delivery, or  
22 transfer of a firearm or firearm ammunition in this State  
23 or another jurisdiction is a Class X felony.

24 (Source: P.A. 99-885, eff. 8-23-16.)

25 (720 ILCS 5/24-3.5)

1           Sec. 24-3.5. Unlawful purchase of a firearm.

2           (a) For purposes of this Section, "firearms transaction  
3 record form" means a form:

4                 (1) executed by a transferee of a firearm stating: (i)  
5 the transferee's name and address (including county or  
6 similar political subdivision); (ii) whether the  
7 transferee is a citizen of the United States; (iii) the  
8 transferee's State of residence; and (iv) the date and  
9 place of birth, height, weight, and race of the  
10 transferee; and

11                 (2) on which the transferee certifies that he or she  
12 is not prohibited by federal law from transporting or  
13 shipping a firearm in interstate or foreign commerce or  
14 receiving a firearm that has been shipped or transported  
15 in interstate or foreign commerce or possessing a firearm  
16 in or affecting commerce.

17           (b) A person commits the offense of unlawful purchase of a  
18 firearm who knowingly purchases or attempts to purchase a  
19 firearm with the intent to deliver that firearm to another  
20 person who is prohibited by federal or State law from  
21 possessing a firearm.

22           (c) A person commits the offense of unlawful purchase of a  
23 firearm when he or she, in purchasing or attempting to  
24 purchase a firearm, intentionally provides false or misleading  
25 information on a United States Department of the Treasury,  
26 Bureau of Alcohol, Tobacco and Firearms firearms transaction

1 record form.

2 (d) Exemption. It is not a violation of subsection (b) of  
3 this Section for a person to make a gift or loan of a firearm  
4 to a person who is not prohibited by federal or State law from  
5 possessing a firearm ~~if the transfer of the firearm is made in~~  
6 ~~accordance with Section 3 of the Firearm Owners Identification~~  
7 ~~Card Act.~~

8 (e) Sentence.

9 (1) A person who commits the offense of unlawful  
10 purchase of a firearm:

11 (A) is guilty of a Class 2 felony for purchasing or  
12 attempting to purchase one firearm;

13 (B) is guilty of a Class 1 felony for purchasing or  
14 attempting to purchase not less than 2 firearms and  
15 not more than 5 firearms at the same time or within a  
16 one year period;

17 (C) is guilty of a Class X felony for which the  
18 offender shall be sentenced to a term of imprisonment  
19 of not less than 9 years and not more than 40 years for  
20 purchasing or attempting to purchase not less than 6  
21 firearms at the same time or within a 2 year period.

22 (2) In addition to any other penalty that may be  
23 imposed for a violation of this Section, the court may  
24 sentence a person convicted of a violation of subsection  
25 (c) of this Section to a fine not to exceed \$250,000 for  
26 each violation.

1 (f) A prosecution for unlawful purchase of a firearm may  
2 be commenced within 6 years after the commission of the  
3 offense.

4 (Source: P.A. 95-882, eff. 1-1-09.)

5 (720 ILCS 5/24-4.1)

6 Sec. 24-4.1. Report of lost or stolen firearms.

7 (a) If a person ~~who possesses a valid Firearm Owner's~~  
8 ~~Identification Card and~~ who possesses or acquires a firearm  
9 thereafter loses the firearm, or if the firearm is stolen from  
10 the person, the person must report the loss or theft to the  
11 local law enforcement agency within 72 hours after obtaining  
12 knowledge of the loss or theft.

13 (b) A law enforcement agency having jurisdiction shall  
14 take a written report and shall, as soon as practical, enter  
15 the firearm's serial number as stolen into the Law Enforcement  
16 Agencies Data System (LEADS).

17 (c) A person shall not be in violation of this Section if:

18 (1) the failure to report is due to an act of God, act  
19 of war, or inability of a law enforcement agency to  
20 receive the report;

21 (2) the person is hospitalized, in a coma, or is  
22 otherwise seriously physically or mentally impaired as to  
23 prevent the person from reporting; or

24 (3) the person's designee makes a report if the person  
25 is unable to make the report.

1 (d) Sentence. A person who violates this Section is guilty  
2 of a petty offense for a first violation. A second or  
3 subsequent violation of this Section is a Class A misdemeanor.  
4 (Source: P.A. 98-508, eff. 8-19-13.)

5 (720 ILCS 5/24-4.5 new)

6 Sec. 24-4.5. Dial up system.

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

17 (b) Upon receiving a request from a federally licensed  
18 firearm dealer, gun show promoter, or gun show vendor, the  
19 Department of State Police shall immediately approve, or  
20 within the time period established by Section 24-3 of this  
21 Code regarding the delivery of firearms, stun guns, and tasers  
22 notify the inquiring dealer, gun show promoter, or gun show  
23 vendor of any objection that would disqualify the transferee  
24 from acquiring or possessing a firearm, stun gun, or taser. In  
25 conducting the inquiry, the Department of State Police shall

1 initiate and complete an automated search of its criminal  
2 history record information files and those of the Federal  
3 Bureau of Investigation, including the National Instant  
4 Criminal Background Check System, and of the files of the  
5 Department of Human Services relating to mental health and  
6 developmental disabilities to obtain any felony conviction or  
7 patient hospitalization information which would disqualify a  
8 person from obtaining a firearm.

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

12 (1) assign a unique identification number to the  
13 transfer; and

14 (2) provide the licensee, gun show promoter, or gun  
15 show vendor with the number.

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

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

22 (2) The Department of State Police and the Department of  
23 Human Services shall, in accordance with State and federal law  
24 regarding confidentiality, enter into a memorandum of  
25 understanding with the Federal Bureau of Investigation for the  
26 purpose of implementing the National Instant Criminal



1 Background Check System in the State. The Department of State  
2 Police shall report the name, date of birth, and physical  
3 description of any person prohibited from possessing a firearm  
4 under this Code or 18 U.S.C. 922(g) and (n) to the National  
5 Instant Criminal Background Check System Index, Denied Persons  
6 Files.

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

9 (720 ILCS 5/24-9)

10 Sec. 24-9. Firearms; Child Protection.

11 (a) Except as provided in subsection (c), it is unlawful  
12 for any person to store or leave, within premises under his or  
13 her control, a firearm if the person knows or has reason to  
14 believe that a minor under the age of 14 years ~~who does not~~  
15 ~~have a Firearm Owners Identification Card~~ is likely to gain  
16 access to the firearm without the lawful permission of the  
17 person possessing the firearm, minor's parent, guardian, or  
18 person having charge of the minor, and the minor causes death  
19 or great bodily harm with the firearm, unless the firearm is:

20 (1) secured by a device or mechanism, other than the  
21 firearm safety, designed to render a firearm temporarily  
22 inoperable; or

23 (2) placed in a securely locked box or container; or

24 (3) placed in some other location that a reasonable  
25 person would believe to be secure from a minor under the

1 age of 14 years.

2 (b) Sentence. A person who violates this Section is guilty  
3 of a Class C misdemeanor and shall be fined not less than  
4 \$1,000. A second or subsequent violation of this Section is a  
5 Class A misdemeanor.

6 (c) Subsection (a) does not apply:

7 (1) if the minor under 14 years of age gains access to  
8 a firearm and uses it in a lawful act of self-defense or  
9 defense of another; or

10 (2) to any firearm obtained by a minor under the age of  
11 14 because of an unlawful entry of the premises by the  
12 minor or another person.

13 (d) (Blank). ~~For the purposes of this Section, "firearm"~~  
14 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~  
15 ~~Owners Identification Card Act.~~

16 (Source: P.A. 91-18, eff. 1-1-00.)

17 Section 80. The Methamphetamine Control and Community  
18 Protection Act is amended by changing Section 10 as follows:

19 (720 ILCS 646/10)

20 Sec. 10. Definitions. As used in this Act:

21 "Anhydrous ammonia" has the meaning provided in subsection  
22 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

23 "Anhydrous ammonia equipment" means all items used to  
24 store, hold, contain, handle, transfer, transport, or apply

1 anhydrous ammonia for lawful purposes.

2 "Booby trap" means any device designed to cause physical  
3 injury when triggered by an act of a person approaching,  
4 entering, or moving through a structure, a vehicle, or any  
5 location where methamphetamine has been manufactured, is being  
6 manufactured, or is intended to be manufactured.

7 "Deliver" or "delivery" has the meaning provided in  
8 subsection (h) of Section 102 of the Illinois Controlled  
9 Substances Act.

10 "Director" means the Director of State Police or the  
11 Director's designated agents.

12 "Dispose" or "disposal" means to abandon, discharge,  
13 release, deposit, inject, dump, spill, leak, or place  
14 methamphetamine waste onto or into any land, water, or well of  
15 any type so that the waste has the potential to enter the  
16 environment, be emitted into the air, or be discharged into  
17 the soil or any waters, including groundwater.

18 "Emergency response" means the act of collecting evidence  
19 from or securing a methamphetamine laboratory site,  
20 methamphetamine waste site or other methamphetamine-related  
21 site and cleaning up the site, whether these actions are  
22 performed by public entities or private contractors paid by  
23 public entities.

24 "Emergency service provider" means a local, State, or  
25 federal peace officer, firefighter, emergency medical  
26 technician-ambulance, emergency medical

1 technician-intermediate, emergency medical  
2 technician-paramedic, ambulance driver, or other medical or  
3 first aid personnel rendering aid, or any agent or designee of  
4 the foregoing.

5 "Finished methamphetamine" means methamphetamine in a form  
6 commonly used for personal consumption.

7 "Firearm" has the meaning provided in Section 2-7.5 of the  
8 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
9 ~~Card Act.~~

10 "Manufacture" means to produce, prepare, compound,  
11 convert, process, synthesize, concentrate, purify, separate,  
12 extract, or package any methamphetamine, methamphetamine  
13 precursor, methamphetamine manufacturing catalyst,  
14 methamphetamine manufacturing reagent, methamphetamine  
15 manufacturing solvent, or any substance containing any of the  
16 foregoing.

17 "Methamphetamine" means the chemical methamphetamine (a  
18 Schedule II controlled substance under the Illinois Controlled  
19 Substances Act) or any salt, optical isomer, salt of optical  
20 isomer, or analog thereof, with the exception of  
21 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
22 scheduled substance with a separate listing under the Illinois  
23 Controlled Substances Act.

24 "Methamphetamine manufacturing catalyst" means any  
25 substance that has been used, is being used, or is intended to  
26 be used to activate, accelerate, extend, or improve a chemical

1 reaction involved in the manufacture of methamphetamine.

2 "Methamphetamine manufacturing environment" means a  
3 structure or vehicle in which:

4 (1) methamphetamine is being or has been manufactured;

5 (2) chemicals that are being used, have been used, or  
6 are intended to be used to manufacture methamphetamine are  
7 stored;

8 (3) methamphetamine manufacturing materials that have  
9 been used to manufacture methamphetamine are stored; or

10 (4) methamphetamine manufacturing waste is stored.

11 "Methamphetamine manufacturing material" means any  
12 methamphetamine precursor, substance containing any  
13 methamphetamine precursor, methamphetamine manufacturing  
14 catalyst, substance containing any methamphetamine  
15 manufacturing catalyst, methamphetamine manufacturing  
16 reagent, substance containing any methamphetamine  
17 manufacturing reagent, methamphetamine manufacturing solvent,  
18 substance containing any methamphetamine manufacturing  
19 solvent, or any other chemical, substance, ingredient,  
20 equipment, apparatus, or item that is being used, has been  
21 used, or is intended to be used in the manufacture of  
22 methamphetamine.

23 "Methamphetamine manufacturing reagent" means any  
24 substance other than a methamphetamine manufacturing catalyst  
25 that has been used, is being used, or is intended to be used to  
26 react with and chemically alter any methamphetamine precursor.

1 "Methamphetamine manufacturing solvent" means any  
2 substance that has been used, is being used, or is intended to  
3 be used as a medium in which any methamphetamine precursor,  
4 methamphetamine manufacturing catalyst, methamphetamine  
5 manufacturing reagent, or any substance containing any of the  
6 foregoing is dissolved, diluted, or washed during any part of  
7 the methamphetamine manufacturing process.

8 "Methamphetamine manufacturing waste" means any chemical,  
9 substance, ingredient, equipment, apparatus, or item that is  
10 left over from, results from, or is produced by the process of  
11 manufacturing methamphetamine, other than finished  
12 methamphetamine.

13 "Methamphetamine precursor" means ephedrine,  
14 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
15 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
16 isomer, or salt of an optical isomer of any of these chemicals.

17 "Multi-unit dwelling" means a unified structure used or  
18 intended for use as a habitation, home, or residence that  
19 contains 2 or more condominiums, apartments, hotel rooms,  
20 motel rooms, or other living units.

21 "Package" means an item marked for retail sale that is not  
22 designed to be further broken down or subdivided for the  
23 purpose of retail sale.

24 "Participate" or "participation" in the manufacture of  
25 methamphetamine means to produce, prepare, compound, convert,  
26 process, synthesize, concentrate, purify, separate, extract,

1 or package any methamphetamine, methamphetamine precursor,  
2 methamphetamine manufacturing catalyst, methamphetamine  
3 manufacturing reagent, methamphetamine manufacturing solvent,  
4 or any substance containing any of the foregoing, or to assist  
5 in any of these actions, or to attempt to take any of these  
6 actions, regardless of whether this action or these actions  
7 result in the production of finished methamphetamine.

8 "Person with a disability" means a person who suffers from  
9 a permanent physical or mental impairment resulting from  
10 disease, injury, functional disorder, or congenital condition  
11 which renders the person incapable of adequately providing for  
12 his or her own health and personal care.

13 "Procure" means to purchase, steal, gather, or otherwise  
14 obtain, by legal or illegal means, or to cause another to take  
15 such action.

16 "Second or subsequent offense" means an offense under this  
17 Act committed by an offender who previously committed an  
18 offense under this Act, the Illinois Controlled Substances  
19 Act, the Cannabis Control Act, or another Act of this State,  
20 another state, or the United States relating to  
21 methamphetamine, cannabis, or any other controlled substance.

22 "Standard dosage form", as used in relation to any  
23 methamphetamine precursor, means that the methamphetamine  
24 precursor is contained in a pill, tablet, capsule, caplet, gel  
25 cap, or liquid cap that has been manufactured by a lawful  
26 entity and contains a standard quantity of methamphetamine

1 precursor.

2 "Unauthorized container", as used in relation to anhydrous  
3 ammonia, means any container that is not designed for the  
4 specific and sole purpose of holding, storing, transporting,  
5 or applying anhydrous ammonia. "Unauthorized container"  
6 includes, but is not limited to, any propane tank, fire  
7 extinguisher, oxygen cylinder, gasoline can, food or beverage  
8 cooler, or compressed gas cylinder used in dispensing fountain  
9 drinks. "Unauthorized container" does not encompass anhydrous  
10 ammonia manufacturing plants, refrigeration systems where  
11 anhydrous ammonia is used solely as a refrigerant, anhydrous  
12 ammonia transportation pipelines, anhydrous ammonia tankers,  
13 or anhydrous ammonia barges.

14 (Source: P.A. 97-434, eff. 1-1-12.)

15 Section 85. The Code of Criminal Procedure of 1963 is  
16 amended by changing Sections 102-7.1, 110-10, 112A-11.1,  
17 112A-11.2, and 112A-14 as follows:

18 (725 ILCS 5/102-7.1)

19 Sec. 102-7.1. "Category A offense". "Category A offense"  
20 means a Class 1 felony, Class 2 felony, Class X felony, first  
21 degree murder, a violation of Section 11-204 of the Illinois  
22 Vehicle Code, a second or subsequent violation of Section  
23 11-501 of the Illinois Vehicle Code, a violation of subsection  
24 (d) of Section 11-501 of the Illinois Vehicle Code, a



1 violation of Section 11-401 of the Illinois Vehicle Code if  
2 the accident results in injury and the person failed to report  
3 the accident within 30 minutes, a violation of Section 9-3,  
4 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,  
5 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,  
6 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,  
7 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a  
8 second or subsequent violation of 12-3.2 or 12-3.4 of the  
9 Criminal Code of 2012, a violation of paragraph (5) or (6) of  
10 subsection (b) of Section 10-9 of the Criminal Code of 2012, a  
11 violation of subsection (b) or (c) or paragraph (1) or (2) of  
12 subsection (a) of Section 11-1.50 of the Criminal Code of  
13 2012, a violation of Section 12-7 of the Criminal Code of 2012  
14 if the defendant inflicts bodily harm on the victim to obtain a  
15 confession, statement, or information, a violation of Section  
16 12-7.5 of the Criminal Code of 2012 if the action results in  
17 bodily harm, a violation of paragraph (3) of subsection (b) of  
18 Section 17-2 of the Criminal Code of 2012, a violation of  
19 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of  
20 2012, a violation of paragraph (6) of subsection (a) of  
21 Section 24-1 of the Criminal Code of 2012, a first violation of  
22 Section 24-1.6 of the Criminal Code of 2012 by a person 18  
23 years of age or older where the factors listed in both items  
24 (A) and (C) or both items (A-5) and (C) of paragraph (3) of  
25 subsection (a) of Section 24-1.6 of the Criminal Code of 2012  
26 are present, a Class 3 felony violation of paragraph (1) of

1 subsection (a) of Section 2 of the Firearm Owners  
2 Identification Card Act committed before the effective date of  
3 this amendatory Act of the 102nd General Assembly, or a  
4 violation of Section 10 of the Sex Offender Registration Act.  
5 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

12 (1) Appear to answer the charge in the court having  
13 jurisdiction on a day certain and thereafter as ordered by  
14 the court until discharged or final order of the court;

15 (2) Submit himself or herself to the orders and  
16 process of the court;

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

18 (4) Not violate any criminal statute of any  
19 jurisdiction;

20 (5) At a time and place designated by the court,  
21 surrender 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 clerk of the circuit court~~ when the offense the

1 person has been charged with is a forcible felony,  
2 stalking, aggravated stalking, domestic battery, any  
3 violation of the Illinois Controlled Substances Act, the  
4 Methamphetamine Control and Community Protection Act, or  
5 the Cannabis Control Act that is classified as a Class 2 or  
6 greater felony, or any felony violation of Article 24 of  
7 the Criminal Code of 1961 or the Criminal Code of 2012; the  
8 court may, however, forgo the imposition of this condition  
9 when the circumstances of the case clearly do not warrant  
10 it or when its imposition would be impractical; ~~if the~~  
11 ~~Firearm Owner's Identification Card is confiscated, the~~  
12 ~~clerk of the circuit court shall mail the confiscated card~~  
13 ~~to the Illinois State Police;~~ all legally possessed  
14 firearms shall be returned to the person upon the charges  
15 being dismissed, or if the person is found not guilty,  
16 unless the finding of not guilty is by reason of insanity;  
17 and

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

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

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

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

3           (2) Refrain from possessing a firearm or other  
4           dangerous weapon;

5           (3) Refrain from approaching or communicating with  
6           particular persons or classes of persons;

7           (4) Refrain from going to certain described  
8           geographical areas or premises;

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

11          (6) Undergo treatment for drug addiction or  
12          alcoholism;

13          (7) Undergo medical or psychiatric treatment;

14          (8) Work or pursue a course of study or vocational  
15          training;

16          (9) Attend or reside in a facility designated by the  
17          court;

18          (10) Support his or her dependents;

19          (11) If a minor resides with his or her parents or in a  
20          foster home, attend school, attend a non-residential  
21          program for youths, and contribute to his or her own  
22          support at home or in a foster home;

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

24          (13) Remain in the custody of such designated person  
25          or organization agreeing to supervise his release. Such  
26          third party custodian shall be responsible for notifying

1 the court if the defendant fails to observe the conditions  
2 of release which the custodian has agreed to monitor, and  
3 shall be subject to contempt of court for failure so to  
4 notify the court;

5 (14) Be placed under direct supervision of the  
6 Pretrial Services Agency, Probation Department or Court  
7 Services Department in a pretrial bond home supervision  
8 capacity with or without the use of an approved electronic  
9 monitoring device subject to Article 8A of Chapter V of  
10 the Unified Code of Corrections;

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

1 treasurer for deposit in the substance abuse services fund  
2 under Section 5-1086.1 of the Counties Code, except as  
3 provided in an administrative order of the Chief Judge of  
4 the circuit court.

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

15 The Chief Judge of the circuit court may suspend any  
16 additional charges or fees for late payment, interest, or  
17 damage to any device;

18 (14.2) The court shall impose upon all defendants,  
19 including those defendants subject to paragraph (14.1)  
20 above, placed under direct supervision of the Pretrial  
21 Services Agency, Probation Department or Court Services  
22 Department in a pretrial bond home supervision capacity  
23 with the use of an approved monitoring device, as a  
24 condition of such bail bond, a fee which shall represent  
25 costs incidental to such electronic monitoring for each  
26 day of such bail supervision ordered by the court, unless

1 after determining the inability of the defendant to pay  
2 the fee, the court assesses a lesser fee or no fee as the  
3 case may be. The fee shall be collected by the clerk of the  
4 circuit court, except as provided in an administrative  
5 order of the Chief Judge of the circuit court. The clerk of  
6 the circuit court shall pay all monies collected from this  
7 fee to the county treasurer who shall use the monies  
8 collected to defray the costs of corrections. The county  
9 treasurer shall deposit the fee collected in the county  
10 working cash fund under Section 6-27001 or Section 6-29002  
11 of the Counties Code, as the case may be, except as  
12 provided in an administrative order of the Chief Judge of  
13 the circuit court.

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

24 The Chief Judge of the circuit court may suspend any  
25 additional charges or fees for late payment, interest, or  
26 damage to any device;



1           (14.3) The Chief Judge of the Judicial Circuit may  
2           establish reasonable fees to be paid by a person receiving  
3           pretrial services while under supervision of a pretrial  
4           services agency, probation department, or court services  
5           department. Reasonable fees may be charged for pretrial  
6           services including, but not limited to, pretrial  
7           supervision, diversion programs, electronic monitoring,  
8           victim impact services, drug and alcohol testing, DNA  
9           testing, GPS electronic monitoring, assessments and  
10          evaluations related to domestic violence and other  
11          victims, and victim mediation services. The person  
12          receiving pretrial services may be ordered to pay all  
13          costs incidental to pretrial services in accordance with  
14          his or her ability to pay those costs;

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

26          (15) Comply with the terms and conditions of an order

1 of protection issued by the court under the Illinois  
2 Domestic Violence Act of 1986 or an order of protection  
3 issued by the court of another state, tribe, or United  
4 States territory;

5 (16) Under Section 110-6.5 comply with the conditions  
6 of the drug testing program; and

7 (17) Such other reasonable conditions as the court may  
8 impose.

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

19 1. Vacate the household.

20 2. Make payment of temporary support to his  
21 dependents.

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

24 (d) When a person is charged with a criminal offense and  
25 the victim is a family or household member as defined in  
26 Article 112A, conditions shall be imposed at the time of the

1 defendant's release on bond that restrict the defendant's  
2 access to the victim. Unless provided otherwise by the court,  
3 the restrictions shall include requirements that the defendant  
4 do the following:

5 (1) refrain from contact or communication with the  
6 victim for a minimum period of 72 hours following the  
7 defendant's release; and

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

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

18 (f) If the defendant is admitted to bail after conviction  
19 the conditions of the bail bond shall be that he will, in  
20 addition to the conditions set forth in subsections (a) and  
21 (b) hereof:

22 (1) Duly prosecute his appeal;

23 (2) Appear at such time and place as the court may  
24 direct;

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

26 (4) Comply with such other reasonable conditions as

1 the court may impose; and

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

5 (g) Upon a finding of guilty for any felony offense, the  
6 defendant shall physically surrender, at a time and place  
7 designated by the court, any and all firearms in his or her  
8 possession ~~and his or her Firearm Owner's Identification Card~~  
9 as a condition of remaining on bond pending sentencing.

10 (h) In the event the defendant is unable to post bond, the  
11 court may impose a no contact provision with the victim or  
12 other interested party that shall be enforced while the  
13 defendant remains in custody.

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

15 (725 ILCS 5/112A-11.1)

16 Sec. 112A-11.1. Procedure for determining whether certain  
17 misdemeanor crimes are crimes of domestic violence for  
18 purposes of federal law.

19 (a) When a defendant has been charged with a violation of  
20 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012, the State  
22 may, at arraignment or no later than 45 days after  
23 arraignment, for the purpose of notification to the Department  
24 of State Police ~~Firearm Owner's Identification Card Office,~~  
25 serve on the defendant and file with the court a notice

1 alleging that conviction of the offense would subject the  
2 defendant to the prohibitions of 18 U.S.C. 922(g) (9) because  
3 of the relationship between the defendant and the alleged  
4 victim and the nature of the alleged offense.

5 (b) The notice shall include the name of the person  
6 alleged to be the victim of the crime and shall specify the  
7 nature of the alleged relationship as set forth in 18 U.S.C.  
8 921(a) (33) (A) (ii). It shall also specify the element of the  
9 charged offense which requires the use or attempted use of  
10 physical force, or the threatened use of a deadly weapon, as  
11 set forth 18 U.S.C. 921(a) (33) (A) (ii). It shall also include  
12 notice that the defendant is entitled to a hearing on the  
13 allegation contained in the notice and that if the allegation  
14 is sustained, that determination and conviction shall be  
15 reported to the Department of State Police ~~Firearm Owner's~~  
16 ~~Identification Card Office.~~

17 (c) After having been notified as provided in subsection  
18 (b) of this Section, the defendant may stipulate or admit,  
19 orally on the record or in writing, that conviction of the  
20 offense would subject the defendant to the prohibitions of 18  
21 U.S.C. 922(g) (9). In that case, the applicability of 18 U.S.C.  
22 922(g) (9) shall be deemed established for purposes of Section  
23 112A-11.2. If the defendant denies the applicability of 18  
24 U.S.C. 922(g) (9) as alleged in the notice served by the State,  
25 or stands mute with respect to that allegation, then the State  
26 shall bear the burden to prove beyond a reasonable doubt that

1 the offense is one to which the prohibitions of 18 U.S.C.  
2 922(g)(9) apply. The court may consider reliable hearsay  
3 evidence submitted by either party provided that it is  
4 relevant to the determination of the allegation. Facts  
5 previously proven at trial or elicited at the time of entry of  
6 a plea of guilty shall be deemed established beyond a  
7 reasonable doubt and shall not be relitigated. At the  
8 conclusion of the hearing, or upon a stipulation or admission,  
9 as applicable, the court shall make a specific written  
10 determination with respect to the allegation.

11 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

12 (725 ILCS 5/112A-11.2)

13 Sec. 112A-11.2. Notification to the Department of State  
14 Police ~~Firearm Owner's Identification Card Office~~ of  
15 determinations in certain misdemeanor cases. Upon judgment of  
16 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
17 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012 when the defendant has been determined, under  
19 Section 112A-11.1, to be subject to the prohibitions of 18  
20 U.S.C. 922(g)(9), the circuit court clerk shall include  
21 notification and a copy of the written determination in a  
22 report of the conviction to the Department of State Police  
23 ~~Firearm Owner's Identification Card Office~~ to enable the  
24 office to report that determination to the Federal Bureau of  
25 Investigation and assist the Bureau in identifying persons

1 prohibited from purchasing and possessing a firearm pursuant  
2 to the provisions of 18 U.S.C. 922.

3 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

4 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

7 (a) (Blank).

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

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

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

1 Section 501 of the Illinois Marriage and Dissolution of  
2 Marriage Act.

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

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



1           have a right to occupancy.

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

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

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

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

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

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

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

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

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

1 to an Illinois Department of Human Services protocol  
2 approved partner abuse intervention program for an  
3 assessment and to follow all recommended treatment.

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

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

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

26 If the respondent is charged with abuse (as defined in

1 Section 112A-3 of this Code) of a minor child, there shall  
2 be a rebuttable presumption that awarding temporary  
3 significant decision-making responsibility to respondent  
4 would not be in the child's best interest.

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

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

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

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

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

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

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

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

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

26 (10) Possession of personal property. Grant petitioner

1 exclusive possession of personal property and, if  
2 respondent has possession or control, direct respondent to  
3 promptly make it available to petitioner, if:

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

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

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

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

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

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



1           (ii) the petitioner and respondent own the  
2           property jointly, and the balance of hardships favors  
3           granting this remedy.

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

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

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

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

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

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

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

1           respondent to reimburse petitioner's actual losses, to  
2           the extent that such reimbursement would be  
3           "appropriate temporary relief", as authorized by  
4           subsection (a) (3) of Section 501 of that Act.

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

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

17          (14.5) Prohibition of firearm possession.

18          (A) A person who is subject to an existing  
19          domestic violence order of protection issued under  
20          this Code may not lawfully possess firearms, stun  
21          guns, or tasers ~~weapons under Section 8.2 of the~~  
22          ~~Firearm Owners Identification Card Act.~~

23          (B) Any firearms in the possession of the  
24          respondent, except as provided in subparagraph (C) of  
25          this paragraph (14.5), shall be ordered by the court  
26          to be turned over to a person who is not prohibited

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

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

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

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

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

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

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

10           (18) Telephone services.

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

1 Commerce Commission. The order shall contain all of  
2 the following:

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

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

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

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

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

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

25 (iii) The transfer would cause a geographic or  
26 other limitation on network or service provision

1 to the petitioner.

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

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

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

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

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



1 Commission within 30 days of such change.

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

9 (c) Relevant factors; findings.

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

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

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

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

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

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

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

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

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

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

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

26           (4) (Blank).

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

25           (d) Balance of hardships; findings. If the court finds  
26 that the balance of hardships does not support the granting of

1 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
2 subsection (b) of this Section, which may require such  
3 balancing, the court's findings shall so indicate and shall  
4 include a finding as to whether granting the remedy will  
5 result in hardship to respondent that would substantially  
6 outweigh the hardship to petitioner from denial of the remedy.  
7 The findings shall be an official record or in writing.

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

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

13 (2) respondent was voluntarily intoxicated;

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

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

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

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

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

1 or household members.

2 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;  
3 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.  
4 1-1-19; 101-81, eff. 7-12-19.)

5 Section 90. The Unified Code of Corrections is amended by  
6 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as  
7 follows:

8 (730 ILCS 5/5-4.5-110)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH  
11 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

12 (a) DEFINITIONS. For the purposes of this Section:

13 "Firearm" has the meaning ascribed to it in Section  
14 2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~  
15 ~~Firearm Owners Identification Card Act.~~

16 "Qualifying predicate offense" means the following  
17 offenses under the Criminal Code of 2012:

18 (A) aggravated unlawful use of a weapon under  
19 Section 24-1.6 or similar offense under the Criminal  
20 Code of 1961, when the weapon is a firearm;

21 (B) unlawful use or possession of a weapon by a  
22 felon under Section 24-1.1 or similar offense under  
23 the Criminal Code of 1961, when the weapon is a  
24 firearm;

1 (C) first degree murder under Section 9-1 or  
2 similar offense under the Criminal Code of 1961;

3 (D) attempted first degree murder with a firearm  
4 or similar offense under the Criminal Code of 1961;

5 (E) aggravated kidnapping with a firearm under  
6 paragraph (6) or (7) of subsection (a) of Section 10-2  
7 or similar offense under the Criminal Code of 1961;

8 (F) aggravated battery with a firearm under  
9 subsection (e) of Section 12-3.05 or similar offense  
10 under the Criminal Code of 1961;

11 (G) aggravated criminal sexual assault under  
12 Section 11-1.30 or similar offense under the Criminal  
13 Code of 1961;

14 (H) predatory criminal sexual assault of a child  
15 under Section 11-1.40 or similar offense under the  
16 Criminal Code of 1961;

17 (I) armed robbery under Section 18-2 or similar  
18 offense under the Criminal Code of 1961;

19 (J) vehicular hijacking under Section 18-3 or  
20 similar offense under the Criminal Code of 1961;

21 (K) aggravated vehicular hijacking under Section  
22 18-4 or similar offense under the Criminal Code of  
23 1961;

24 (L) home invasion with a firearm under paragraph  
25 (3), (4), or (5) of subsection (a) of Section 19-6 or  
26 similar offense under the Criminal Code of 1961;

1 (M) aggravated discharge of a firearm under  
2 Section 24-1.2 or similar offense under the Criminal  
3 Code of 1961;

4 (N) aggravated discharge of a machine gun or a  
5 firearm equipped with a device designed or used for  
6 silencing the report of a firearm under Section  
7 24-1.2-5 or similar offense under the Criminal Code of  
8 1961;

9 (O) unlawful use of firearm projectiles under  
10 Section 24-2.1 or similar offense under the Criminal  
11 Code of 1961;

12 (P) manufacture, sale, or transfer of bullets or  
13 shells represented to be armor piercing bullets,  
14 dragon's breath shotgun shells, bolo shells, or  
15 flechette shells under Section 24-2.2 or similar  
16 offense under the Criminal Code of 1961;

17 (Q) unlawful sale or delivery of firearms under  
18 Section 24-3 or similar offense under the Criminal  
19 Code of 1961;

20 (R) unlawful discharge of firearm projectiles  
21 under Section 24-3.2 or similar offense under the  
22 Criminal Code of 1961;

23 (S) unlawful sale or delivery of firearms on  
24 school premises of any school under Section 24-3.3 or  
25 similar offense under the Criminal Code of 1961;

26 (T) unlawful purchase of a firearm under Section

1           24-3.5 or similar offense under the Criminal Code of  
2           1961;

3           (U) use of a stolen firearm in the commission of an  
4           offense under Section 24-3.7 or similar offense under  
5           the Criminal Code of 1961;

6           (V) possession of a stolen firearm under Section  
7           24-3.8 or similar offense under the Criminal Code of  
8           1961;

9           (W) aggravated possession of a stolen firearm  
10          under Section 24-3.9 or similar offense under the  
11          Criminal Code of 1961;

12          (X) gunrunning under Section 24-3A or similar  
13          offense under the Criminal Code of 1961;

14          (Y) defacing identification marks of firearms  
15          under Section 24-5 or similar offense under the  
16          Criminal Code of 1961; and

17          (Z) armed violence under Section 33A-2 or similar  
18          offense under the Criminal Code of 1961.

19          (b) APPLICABILITY. For an offense committed on or after  
20          the effective date of this amendatory Act of the 100th General  
21          Assembly and before January 1, 2023, when a person is  
22          convicted of unlawful use or possession of a weapon by a felon,  
23          when the weapon is a firearm, or aggravated unlawful use of a  
24          weapon, when the weapon is a firearm, after being previously  
25          convicted of a qualifying predicate offense the person shall  
26          be subject to the sentencing guidelines under this Section.



1 (c) SENTENCING GUIDELINES.

2 (1) When a person is convicted of unlawful use or  
3 possession of a weapon by a felon, when the weapon is a  
4 firearm, and that person has been previously convicted of  
5 a qualifying predicate offense, the person shall be  
6 sentenced to a term of imprisonment within the sentencing  
7 range of not less than 7 years and not more than 14 years,  
8 unless the court finds that a departure from the  
9 sentencing guidelines under this paragraph is warranted  
10 under subsection (d) of this Section.

11 (2) When a person is convicted of aggravated unlawful  
12 use of a weapon, when the weapon is a firearm, and that  
13 person has been previously convicted of a qualifying  
14 predicate offense, the person shall be sentenced to a term  
15 of imprisonment within the sentencing range of not less  
16 than 6 years and not more than 7 years, unless the court  
17 finds that a departure from the sentencing guidelines  
18 under this paragraph is warranted under subsection (d) of  
19 this Section.

20 (3) The sentencing guidelines in paragraphs (1) and  
21 (2) of this subsection (c) apply only to offenses  
22 committed on and after the effective date of this  
23 amendatory Act of the 100th General Assembly and before  
24 January 1, 2023.

25 (d) DEPARTURE FROM SENTENCING GUIDELINES.

26 (1) At the sentencing hearing conducted under Section

1           5-4-1 of this Code, the court may depart from the  
2           sentencing guidelines provided in subsection (c) of this  
3           Section and impose a sentence otherwise authorized by law  
4           for the offense if the court, after considering any factor  
5           under paragraph (2) of this subsection (d) relevant to the  
6           nature and circumstances of the crime and to the history  
7           and character of the defendant, finds on the record  
8           substantial and compelling justification that the sentence  
9           within the sentencing guidelines would be unduly harsh and  
10          that a sentence otherwise authorized by law would be  
11          consistent with public safety and does not deprecate the  
12          seriousness of the offense.

13                 (2) In deciding whether to depart from the sentencing  
14          guidelines under this paragraph, the court shall consider:

15                         (A) the age, immaturity, or limited mental  
16                         capacity of the defendant at the time of commission of  
17                         the qualifying predicate or current offense, including  
18                         whether the defendant was suffering from a mental or  
19                         physical condition insufficient to constitute a  
20                         defense but significantly reduced the defendant's  
21                         culpability;

22                         (B) the nature and circumstances of the qualifying  
23                         predicate offense;

24                         (C) the time elapsed since the qualifying  
25                         predicate offense;

26                         (D) the nature and circumstances of the current

1 offense;

2 (E) the defendant's prior criminal history;

3 (F) whether the defendant committed the qualifying  
4 predicate or current offense under specific and  
5 credible duress, coercion, threat, or compulsion;

6 (G) whether the defendant aided in the  
7 apprehension of another felon or testified truthfully  
8 on behalf of another prosecution of a felony; and

9 (H) whether departure is in the interest of the  
10 person's rehabilitation, including employment or  
11 educational or vocational training, after taking into  
12 account any past rehabilitation efforts or  
13 dispositions of probation or supervision, and the  
14 defendant's cooperation or response to rehabilitation.

15 (3) When departing from the sentencing guidelines  
16 under this Section, the court shall specify on the record,  
17 the particular evidence, information, factor or factors,  
18 or other reasons which led to the departure from the  
19 sentencing guidelines. When departing from the sentencing  
20 range in accordance with this subsection (d), the court  
21 shall indicate on the sentencing order which departure  
22 factor or factors outlined in paragraph (2) of this  
23 subsection (d) led to the sentence imposed. The sentencing  
24 order shall be filed with the clerk of the court and shall  
25 be a public record.

26 (e) This Section is repealed on January 1, 2023.

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

2 (730 ILCS 5/5-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

7 (2) A period of probation, a term of periodic imprisonment  
8 or conditional discharge shall not be imposed for the  
9 following offenses. The court shall sentence the offender to  
10 not less than the minimum term of imprisonment set forth in  
11 this Code for the following offenses, and may order a fine or  
12 restitution or both in conjunction with such term of  
13 imprisonment:

14 (A) First degree murder where the death penalty is not  
15 imposed.

16 (B) Attempted first degree murder.

17 (C) A Class X felony.

18 (D) A violation of Section 401.1 or 407 of the  
19 Illinois Controlled Substances Act, or a violation of  
20 subdivision (c)(1.5) of Section 401 of that Act which  
21 relates to more than 5 grams of a substance containing  
22 fentanyl or an analog thereof.

23 (D-5) A violation of subdivision (c)(1) of Section 401  
24 of the Illinois Controlled Substances Act which relates to  
25 3 or more grams of a substance containing heroin or an

1 analog thereof.

2 (E) (Blank).

3 (F) A Class 1 or greater felony if the offender had  
4 been convicted of a Class 1 or greater felony, including  
5 any state or federal conviction for an offense that  
6 contained, at the time it was committed, the same elements  
7 as an offense now (the date of the offense committed after  
8 the prior Class 1 or greater felony) classified as a Class  
9 1 or greater felony, within 10 years of the date on which  
10 the offender committed the offense for which he or she is  
11 being sentenced, except as otherwise provided in Section  
12 40-10 of the Substance Use Disorder Act.

13 (F-3) A Class 2 or greater felony sex offense or  
14 felony firearm offense if the offender had been convicted  
15 of a Class 2 or greater felony, including any state or  
16 federal conviction for an offense that contained, at the  
17 time it was committed, the same elements as an offense now  
18 (the date of the offense committed after the prior Class 2  
19 or greater felony) classified as a Class 2 or greater  
20 felony, within 10 years of the date on which the offender  
21 committed the offense for which he or she is being  
22 sentenced, except as otherwise provided in Section 40-10  
23 of the Substance Use Disorder Act.

24 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6  
25 of the Criminal Code of 1961 or the Criminal Code of 2012  
26 for which imprisonment is prescribed in those Sections.

1 (G) Residential burglary, except as otherwise provided  
2 in Section 40-10 of the Substance Use Disorder Act.

3 (H) Criminal sexual assault.

4 (I) Aggravated battery of a senior citizen as  
5 described in Section 12-4.6 or subdivision (a)(4) of  
6 Section 12-3.05 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012.

8 (J) A forcible felony if the offense was related to  
9 the activities of an organized gang.

10 Before July 1, 1994, for the purposes of this  
11 paragraph, "organized gang" means an association of 5 or  
12 more persons, with an established hierarchy, that  
13 encourages members of the association to perpetrate crimes  
14 or provides support to the members of the association who  
15 do commit crimes.

16 Beginning July 1, 1994, for the purposes of this  
17 paragraph, "organized gang" has the meaning ascribed to it  
18 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
19 Prevention Act.

20 (K) Vehicular hijacking.

21 (L) A second or subsequent conviction for the offense  
22 of hate crime when the underlying offense upon which the  
23 hate crime is based is felony aggravated assault or felony  
24 mob action.

25 (M) A second or subsequent conviction for the offense  
26 of institutional vandalism if the damage to the property

1 exceeds \$300.

2 (N) A Class 3 felony violation of paragraph (1) of  
3 subsection (a) of Section 2 of the Firearm Owners  
4 Identification Card Act committed before the effective  
5 date of this amendatory Act of the 102nd General Assembly.

6 (O) A violation of Section 12-6.1 or 12-6.5 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012.

8 (P) A violation of paragraph (1), (2), (3), (4), (5),  
9 or (7) of subsection (a) of Section 11-20.1 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 (Q) A violation of subsection (b) or (b-5) of Section  
12 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
13 Code of 1961 or the Criminal Code of 2012.

14 (R) A violation of Section 24-3A of the Criminal Code  
15 of 1961 or the Criminal Code of 2012.

16 (S) (Blank).

17 (T) (Blank).

18 (U) A second or subsequent violation of Section 6-303  
19 of the Illinois Vehicle Code committed while his or her  
20 driver's license, permit, or privilege was revoked because  
21 of a violation of Section 9-3 of the Criminal Code of 1961  
22 or the Criminal Code of 2012, relating to the offense of  
23 reckless homicide, or a similar provision of a law of  
24 another state.

25 (V) A violation of paragraph (4) of subsection (c) of  
26 Section 11-20.1B or paragraph (4) of subsection (c) of

1 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
2 (6) of subsection (a) of Section 11-20.1 of the Criminal  
3 Code of 2012 when the victim is under 13 years of age and  
4 the defendant has previously been convicted under the laws  
5 of this State or any other state of the offense of child  
6 pornography, aggravated child pornography, aggravated  
7 criminal sexual abuse, aggravated criminal sexual assault,  
8 predatory criminal sexual assault of a child, or any of  
9 the offenses formerly known as rape, deviate sexual  
10 assault, indecent liberties with a child, or aggravated  
11 indecent liberties with a child where the victim was under  
12 the age of 18 years or an offense that is substantially  
13 equivalent to those offenses.

14 (W) A violation of Section 24-3.5 of the Criminal Code  
15 of 1961 or the Criminal Code of 2012.

16 (X) A violation of subsection (a) of Section 31-1a of  
17 the Criminal Code of 1961 or the Criminal Code of 2012.

18 (Y) A conviction for unlawful possession of a firearm  
19 by a street gang member when the firearm was loaded or  
20 contained firearm ammunition.

21 (Z) A Class 1 felony committed while he or she was  
22 serving a term of probation or conditional discharge for a  
23 felony.

24 (AA) Theft of property exceeding \$500,000 and not  
25 exceeding \$1,000,000 in value.

26 (BB) Laundering of criminally derived property of a



1 value exceeding \$500,000.

2 (CC) Knowingly selling, offering for sale, holding for  
3 sale, or using 2,000 or more counterfeit items or  
4 counterfeit items having a retail value in the aggregate  
5 of \$500,000 or more.

6 (DD) A conviction for aggravated assault under  
7 paragraph (6) of subsection (c) of Section 12-2 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 if the  
9 firearm is aimed toward the person against whom the  
10 firearm is being used.

11 (EE) A conviction for a violation of paragraph (2) of  
12 subsection (a) of Section 24-3B of the Criminal Code of  
13 2012.

14 (3) (Blank).

15 (4) A minimum term of imprisonment of not less than 10  
16 consecutive days or 30 days of community service shall be  
17 imposed for a violation of paragraph (c) of Section 6-303 of  
18 the Illinois Vehicle Code.

19 (4.1) (Blank).

20 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
21 this subsection (c), a minimum of 100 hours of community  
22 service shall be imposed for a second violation of Section  
23 6-303 of the Illinois Vehicle Code.

24 (4.3) A minimum term of imprisonment of 30 days or 300  
25 hours of community service, as determined by the court, shall  
26 be imposed for a second violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
3 (4.9) of this subsection (c), a minimum term of imprisonment  
4 of 30 days or 300 hours of community service, as determined by  
5 the court, shall be imposed for a third or subsequent  
6 violation of Section 6-303 of the Illinois Vehicle Code. The  
7 court may give credit toward the fulfillment of community  
8 service hours for participation in activities and treatment as  
9 determined by court services.

10 (4.5) A minimum term of imprisonment of 30 days shall be  
11 imposed for a third violation of subsection (c) of Section  
12 6-303 of the Illinois Vehicle Code.

13 (4.6) Except as provided in paragraph (4.10) of this  
14 subsection (c), a minimum term of imprisonment of 180 days  
15 shall be imposed for a fourth or subsequent violation of  
16 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

17 (4.7) A minimum term of imprisonment of not less than 30  
18 consecutive days, or 300 hours of community service, shall be  
19 imposed for a violation of subsection (a-5) of Section 6-303  
20 of the Illinois Vehicle Code, as provided in subsection (b-5)  
21 of that Section.

22 (4.8) A mandatory prison sentence shall be imposed for a  
23 second violation of subsection (a-5) of Section 6-303 of the  
24 Illinois Vehicle Code, as provided in subsection (c-5) of that  
25 Section. The person's driving privileges shall be revoked for  
26 a period of not less than 5 years from the date of his or her

1 release from prison.

2 (4.9) A mandatory prison sentence of not less than 4 and  
3 not more than 15 years shall be imposed for a third violation  
4 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
5 Code, as provided in subsection (d-2.5) of that Section. The  
6 person's driving privileges shall be revoked for the remainder  
7 of his or her life.

8 (4.10) A mandatory prison sentence for a Class 1 felony  
9 shall be imposed, and the person shall be eligible for an  
10 extended term sentence, for a fourth or subsequent violation  
11 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
12 Code, as provided in subsection (d-3.5) of that Section. The  
13 person's driving privileges shall be revoked for the remainder  
14 of his or her life.

15 (5) The court may sentence a corporation or unincorporated  
16 association convicted of any offense to:

17 (A) a period of conditional discharge;

18 (B) a fine;

19 (C) make restitution to the victim under Section 5-5-6  
20 of this Code.

21 (5.1) In addition to any other penalties imposed, and  
22 except as provided in paragraph (5.2) or (5.3), a person  
23 convicted of violating subsection (c) of Section 11-907 of the  
24 Illinois Vehicle Code shall have his or her driver's license,  
25 permit, or privileges suspended for at least 90 days but not  
26 more than one year, if the violation resulted in damage to the

1 property of another person.

2 (5.2) In addition to any other penalties imposed, and  
3 except as provided in paragraph (5.3), a person convicted of  
4 violating subsection (c) of Section 11-907 of the Illinois  
5 Vehicle Code shall have his or her driver's license, permit,  
6 or privileges suspended for at least 180 days but not more than  
7 2 years, if the violation resulted in injury to another  
8 person.

9 (5.3) In addition to any other penalties imposed, a person  
10 convicted of violating subsection (c) of Section 11-907 of the  
11 Illinois Vehicle Code shall have his or her driver's license,  
12 permit, or privileges suspended for 2 years, if the violation  
13 resulted in the death of another person.

14 (5.4) In addition to any other penalties imposed, a person  
15 convicted of violating Section 3-707 of the Illinois Vehicle  
16 Code shall have his or her driver's license, permit, or  
17 privileges suspended for 3 months and until he or she has paid  
18 a reinstatement fee of \$100.

19 (5.5) In addition to any other penalties imposed, a person  
20 convicted of violating Section 3-707 of the Illinois Vehicle  
21 Code during a period in which his or her driver's license,  
22 permit, or privileges were suspended for a previous violation  
23 of that Section shall have his or her driver's license,  
24 permit, or privileges suspended for an additional 6 months  
25 after the expiration of the original 3-month suspension and  
26 until he or she has paid a reinstatement fee of \$100.

1 (6) (Blank).

2 (7) (Blank).

3 (8) (Blank).

4 (9) A defendant convicted of a second or subsequent  
5 offense of ritualized abuse of a child may be sentenced to a  
6 term of natural life imprisonment.

7 (10) (Blank).

8 (11) The court shall impose a minimum fine of \$1,000 for a  
9 first offense and \$2,000 for a second or subsequent offense  
10 upon a person convicted of or placed on supervision for  
11 battery when the individual harmed was a sports official or  
12 coach at any level of competition and the act causing harm to  
13 the sports official or coach occurred within an athletic  
14 facility or within the immediate vicinity of the athletic  
15 facility at which the sports official or coach was an active  
16 participant of the athletic contest held at the athletic  
17 facility. For the purposes of this paragraph (11), "sports  
18 official" means a person at an athletic contest who enforces  
19 the rules of the contest, such as an umpire or referee;  
20 "athletic facility" means an indoor or outdoor playing field  
21 or recreational area where sports activities are conducted;  
22 and "coach" means a person recognized as a coach by the  
23 sanctioning authority that conducted the sporting event.

24 (12) A person may not receive a disposition of court  
25 supervision for a violation of Section 5-16 of the Boat  
26 Registration and Safety Act if that person has previously

1 received a disposition of court supervision for a violation of  
2 that Section.

3 (13) A person convicted of or placed on court supervision  
4 for an assault or aggravated assault when the victim and the  
5 offender are family or household members as defined in Section  
6 103 of the Illinois Domestic Violence Act of 1986 or convicted  
7 of domestic battery or aggravated domestic battery may be  
8 required to attend a Partner Abuse Intervention Program under  
9 protocols set forth by the Illinois Department of Human  
10 Services under such terms and conditions imposed by the court.  
11 The costs of such classes shall be paid by the offender.

12 (d) In any case in which a sentence originally imposed is  
13 vacated, the case shall be remanded to the trial court. The  
14 trial court shall hold a hearing under Section 5-4-1 of this  
15 Code which may include evidence of the defendant's life, moral  
16 character and occupation during the time since the original  
17 sentence was passed. The trial court shall then impose  
18 sentence upon the defendant. The trial court may impose any  
19 sentence which could have been imposed at the original trial  
20 subject to Section 5-5-4 of this Code. If a sentence is vacated  
21 on appeal or on collateral attack due to the failure of the  
22 trier of fact at trial to determine beyond a reasonable doubt  
23 the existence of a fact (other than a prior conviction)  
24 necessary to increase the punishment for the offense beyond  
25 the statutory maximum otherwise applicable, either the  
26 defendant may be re-sentenced to a term within the range

1 otherwise provided or, if the State files notice of its  
2 intention to again seek the extended sentence, the defendant  
3 shall be afforded a new trial.

4 (e) In cases where prosecution for aggravated criminal  
5 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012 results in conviction  
7 of a defendant who was a family member of the victim at the  
8 time of the commission of the offense, the court shall  
9 consider the safety and welfare of the victim and may impose a  
10 sentence of probation only where:

11 (1) the court finds (A) or (B) or both are  
12 appropriate:

13 (A) the defendant is willing to undergo a court  
14 approved counseling program for a minimum duration of  
15 2 years; or

16 (B) the defendant is willing to participate in a  
17 court approved plan including but not limited to the  
18 defendant's:

19 (i) removal from the household;

20 (ii) restricted contact with the victim;

21 (iii) continued financial support of the  
22 family;

23 (iv) restitution for harm done to the victim;

24 and

25 (v) compliance with any other measures that  
26 the court may deem appropriate; and

1           (2) the court orders the defendant to pay for the  
2 victim's counseling services, to the extent that the court  
3 finds, after considering the defendant's income and  
4 assets, that the defendant is financially capable of  
5 paying for such services, if the victim was under 18 years  
6 of age at the time the offense was committed and requires  
7 counseling as a result of the offense.

8           Probation may be revoked or modified pursuant to Section  
9 5-6-4; except where the court determines at the hearing that  
10 the defendant violated a condition of his or her probation  
11 restricting contact with the victim or other family members or  
12 commits another offense with the victim or other family  
13 members, the court shall revoke the defendant's probation and  
14 impose a term of imprisonment.

15           For the purposes of this Section, "family member" and  
16 "victim" shall have the meanings ascribed to them in Section  
17 11-0.1 of the Criminal Code of 2012.

18           (f) (Blank).

19           (g) Whenever a defendant is convicted of an offense under  
20 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
21 11-14.3, 11-14.4 except for an offense that involves keeping a  
22 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
23 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
24 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, the defendant shall undergo medical  
26 testing to determine whether the defendant has any sexually



1 transmissible disease, including a test for infection with  
2 human immunodeficiency virus (HIV) or any other identified  
3 causative agent of acquired immunodeficiency syndrome (AIDS).  
4 Any such medical test shall be performed only by appropriately  
5 licensed medical practitioners and may include an analysis of  
6 any bodily fluids as well as an examination of the defendant's  
7 person. Except as otherwise provided by law, the results of  
8 such test shall be kept strictly confidential by all medical  
9 personnel involved in the testing and must be personally  
10 delivered in a sealed envelope to the judge of the court in  
11 which the conviction was entered for the judge's inspection in  
12 camera. Acting in accordance with the best interests of the  
13 victim and the public, the judge shall have the discretion to  
14 determine to whom, if anyone, the results of the testing may be  
15 revealed. The court shall notify the defendant of the test  
16 results. The court shall also notify the victim if requested  
17 by the victim, and if the victim is under the age of 15 and if  
18 requested by the victim's parents or legal guardian, the court  
19 shall notify the victim's parents or legal guardian of the  
20 test results. The court shall provide information on the  
21 availability of HIV testing and counseling at Department of  
22 Public Health facilities to all parties to whom the results of  
23 the testing are revealed and shall direct the State's Attorney  
24 to provide the information to the victim when possible. A  
25 State's Attorney may petition the court to obtain the results  
26 of any HIV test administered under this Section, and the court

1 shall grant the disclosure if the State's Attorney shows it is  
2 relevant in order to prosecute a charge of criminal  
3 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012 against the  
5 defendant. The court shall order that the cost of any such test  
6 shall be paid by the county and may be taxed as costs against  
7 the convicted defendant.

8 (g-5) When an inmate is tested for an airborne  
9 communicable disease, as determined by the Illinois Department  
10 of Public Health including but not limited to tuberculosis,  
11 the results of the test shall be personally delivered by the  
12 warden or his or her designee in a sealed envelope to the judge  
13 of the court in which the inmate must appear for the judge's  
14 inspection in camera if requested by the judge. Acting in  
15 accordance with the best interests of those in the courtroom,  
16 the judge shall have the discretion to determine what if any  
17 precautions need to be taken to prevent transmission of the  
18 disease in the courtroom.

19 (h) Whenever a defendant is convicted of an offense under  
20 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
21 defendant shall undergo medical testing to determine whether  
22 the defendant has been exposed to human immunodeficiency virus  
23 (HIV) or any other identified causative agent of acquired  
24 immunodeficiency syndrome (AIDS). Except as otherwise provided  
25 by law, the results of such test shall be kept strictly  
26 confidential by all medical personnel involved in the testing

1 and must be personally delivered in a sealed envelope to the  
2 judge of the court in which the conviction was entered for the  
3 judge's inspection in camera. Acting in accordance with the  
4 best interests of the public, the judge shall have the  
5 discretion to determine to whom, if anyone, the results of the  
6 testing may be revealed. The court shall notify the defendant  
7 of a positive test showing an infection with the human  
8 immunodeficiency virus (HIV). The court shall provide  
9 information on the availability of HIV testing and counseling  
10 at Department of Public Health facilities to all parties to  
11 whom the results of the testing are revealed and shall direct  
12 the State's Attorney to provide the information to the victim  
13 when possible. A State's Attorney may petition the court to  
14 obtain the results of any HIV test administered under this  
15 Section, and the court shall grant the disclosure if the  
16 State's Attorney shows it is relevant in order to prosecute a  
17 charge of criminal transmission of HIV under Section 12-5.01  
18 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
19 2012 against the defendant. The court shall order that the  
20 cost of any such test shall be paid by the county and may be  
21 taxed as costs against the convicted defendant.

22 (i) All fines and penalties imposed under this Section for  
23 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
24 Vehicle Code, or a similar provision of a local ordinance, and  
25 any violation of the Child Passenger Protection Act, or a  
26 similar provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under the Criminal  
2 and Traffic Assessment Act.

3 (j) In cases when prosecution for any violation of Section  
4 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
5 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
6 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
7 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
8 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
9 Code of 2012, any violation of the Illinois Controlled  
10 Substances Act, any violation of the Cannabis Control Act, or  
11 any violation of the Methamphetamine Control and Community  
12 Protection Act results in conviction, a disposition of court  
13 supervision, or an order of probation granted under Section 10  
14 of the Cannabis Control Act, Section 410 of the Illinois  
15 Controlled Substances Act, or Section 70 of the  
16 Methamphetamine Control and Community Protection Act of a  
17 defendant, the court shall determine whether the defendant is  
18 employed by a facility or center as defined under the Child  
19 Care Act of 1969, a public or private elementary or secondary  
20 school, or otherwise works with children under 18 years of age  
21 on a daily basis. When a defendant is so employed, the court  
22 shall order the Clerk of the Court to send a copy of the  
23 judgment of conviction or order of supervision or probation to  
24 the defendant's employer by certified mail. If the employer of  
25 the defendant is a school, the Clerk of the Court shall direct  
26 the mailing of a copy of the judgment of conviction or order of

1 supervision or probation to the appropriate regional  
2 superintendent of schools. The regional superintendent of  
3 schools shall notify the State Board of Education of any  
4 notification under this subsection.

5 (j-5) A defendant at least 17 years of age who is convicted  
6 of a felony and who has not been previously convicted of a  
7 misdemeanor or felony and who is sentenced to a term of  
8 imprisonment in the Illinois Department of Corrections shall  
9 as a condition of his or her sentence be required by the court  
10 to attend educational courses designed to prepare the  
11 defendant for a high school diploma and to work toward a high  
12 school diploma or to work toward passing high school  
13 equivalency testing or to work toward completing a vocational  
14 training program offered by the Department of Corrections. If  
15 a defendant fails to complete the educational training  
16 required by his or her sentence during the term of  
17 incarceration, the Prisoner Review Board shall, as a condition  
18 of mandatory supervised release, require the defendant, at his  
19 or her own expense, to pursue a course of study toward a high  
20 school diploma or passage of high school equivalency testing.  
21 The Prisoner Review Board shall revoke the mandatory  
22 supervised release of a defendant who wilfully fails to comply  
23 with this subsection (j-5) upon his or her release from  
24 confinement in a penal institution while serving a mandatory  
25 supervised release term; however, the inability of the  
26 defendant after making a good faith effort to obtain financial

1 aid or pay for the educational training shall not be deemed a  
2 wilful failure to comply. The Prisoner Review Board shall  
3 recommit the defendant whose mandatory supervised release term  
4 has been revoked under this subsection (j-5) as provided in  
5 Section 3-3-9. This subsection (j-5) does not apply to a  
6 defendant who has a high school diploma or has successfully  
7 passed high school equivalency testing. This subsection (j-5)  
8 does not apply to a defendant who is determined by the court to  
9 be a person with a developmental disability or otherwise  
10 mentally incapable of completing the educational or vocational  
11 program.

12 (k) (Blank).

13 (l) (A) Except as provided in paragraph (C) of subsection  
14 (l), whenever a defendant, who is an alien as defined by the  
15 Immigration and Nationality Act, is convicted of any felony or  
16 misdemeanor offense, the court after sentencing the defendant  
17 may, upon motion of the State's Attorney, hold sentence in  
18 abeyance and remand the defendant to the custody of the  
19 Attorney General of the United States or his or her designated  
20 agent to be deported when:

21 (1) a final order of deportation has been issued  
22 against the defendant pursuant to proceedings under the  
23 Immigration and Nationality Act, and

24 (2) the deportation of the defendant would not  
25 deprecate the seriousness of the defendant's conduct and  
26 would not be inconsistent with the ends of justice.

1           Otherwise, the defendant shall be sentenced as provided in  
2 this Chapter V.

3           (B) If the defendant has already been sentenced for a  
4 felony or misdemeanor offense, or has been placed on probation  
5 under Section 10 of the Cannabis Control Act, Section 410 of  
6 the Illinois Controlled Substances Act, or Section 70 of the  
7 Methamphetamine Control and Community Protection Act, the  
8 court may, upon motion of the State's Attorney to suspend the  
9 sentence imposed, commit the defendant to the custody of the  
10 Attorney General of the United States or his or her designated  
11 agent when:

12           (1) a final order of deportation has been issued  
13 against the defendant pursuant to proceedings under the  
14 Immigration and Nationality Act, and

15           (2) the deportation of the defendant would not  
16 deprecate the seriousness of the defendant's conduct and  
17 would not be inconsistent with the ends of justice.

18           (C) This subsection (1) does not apply to offenders who  
19 are subject to the provisions of paragraph (2) of subsection  
20 (a) of Section 3-6-3.

21           (D) Upon motion of the State's Attorney, if a defendant  
22 sentenced under this Section returns to the jurisdiction of  
23 the United States, the defendant shall be recommitted to the  
24 custody of the county from which he or she was sentenced.  
25 Thereafter, the defendant shall be brought before the  
26 sentencing court, which may impose any sentence that was

1 available under Section 5-5-3 at the time of initial  
2 sentencing. In addition, the defendant shall not be eligible  
3 for additional earned sentence credit as provided under  
4 Section 3-6-3.

5 (m) A person convicted of criminal defacement of property  
6 under Section 21-1.3 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, in which the property damage exceeds  
8 \$300 and the property damaged is a school building, shall be  
9 ordered to perform community service that may include cleanup,  
10 removal, or painting over the defacement.

11 (n) The court may sentence a person convicted of a  
12 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
13 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
14 of 1961 or the Criminal Code of 2012 (i) to an impact  
15 incarceration program if the person is otherwise eligible for  
16 that program under Section 5-8-1.1, (ii) to community service,  
17 or (iii) if the person has a substance use disorder, as defined  
18 in the Substance Use Disorder Act, to a treatment program  
19 licensed under that Act.

20 (o) Whenever a person is convicted of a sex offense as  
21 defined in Section 2 of the Sex Offender Registration Act, the  
22 defendant's driver's license or permit shall be subject to  
23 renewal on an annual basis in accordance with the provisions  
24 of license renewal established by the Secretary of State.

25 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;  
26 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)



1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in aggravation and extended-term  
3 sentencing.

4 (a) The following factors shall be accorded weight in  
5 favor of imposing a term of imprisonment or may be considered  
6 by the court as reasons to impose a more severe sentence under  
7 Section 5-8-1 or Article 4.5 of Chapter V:

8 (1) the defendant's conduct caused or threatened  
9 serious harm;

10 (2) the defendant received compensation for committing  
11 the offense;

12 (3) the defendant has a history of prior delinquency  
13 or criminal activity;

14 (4) the defendant, by the duties of his office or by  
15 his position, was obliged to prevent the particular  
16 offense committed or to bring the offenders committing it  
17 to justice;

18 (5) the defendant held public office at the time of  
19 the offense, and the offense related to the conduct of  
20 that office;

21 (6) the defendant utilized his professional reputation  
22 or position in the community to commit the offense, or to  
23 afford him an easier means of committing it;

24 (7) the sentence is necessary to deter others from  
25 committing the same crime;

1           (8) the defendant committed the offense against a  
2 person 60 years of age or older or such person's property;

3           (9) the defendant committed the offense against a  
4 person who has a physical disability or such person's  
5 property;

6           (10) by reason of another individual's actual or  
7 perceived race, color, creed, religion, ancestry, gender,  
8 sexual orientation, physical or mental disability, or  
9 national origin, the defendant committed the offense  
10 against (i) the person or property of that individual;  
11 (ii) the person or property of a person who has an  
12 association with, is married to, or has a friendship with  
13 the other individual; or (iii) the person or property of a  
14 relative (by blood or marriage) of a person described in  
15 clause (i) or (ii). For the purposes of this Section,  
16 "sexual orientation" has the meaning ascribed to it in  
17 paragraph (O-1) of Section 1-103 of the Illinois Human  
18 Rights Act;

19           (11) the offense took place in a place of worship or on  
20 the grounds of a place of worship, immediately prior to,  
21 during or immediately following worship services. For  
22 purposes of this subparagraph, "place of worship" shall  
23 mean any church, synagogue or other building, structure or  
24 place used primarily for religious worship;

25           (12) the defendant was convicted of a felony committed  
26 while he was released on bail or his own recognizance

1 pending trial for a prior felony and was convicted of such  
2 prior felony, or the defendant was convicted of a felony  
3 committed while he was serving a period of probation,  
4 conditional discharge, or mandatory supervised release  
5 under subsection (d) of Section 5-8-1 for a prior felony;

6 (13) the defendant committed or attempted to commit a  
7 felony while he was wearing a bulletproof vest. For the  
8 purposes of this paragraph (13), a bulletproof vest is any  
9 device which is designed for the purpose of protecting the  
10 wearer from bullets, shot or other lethal projectiles;

11 (14) the defendant held a position of trust or  
12 supervision such as, but not limited to, family member as  
13 defined in Section 11-0.1 of the Criminal Code of 2012,  
14 teacher, scout leader, baby sitter, or day care worker, in  
15 relation to a victim under 18 years of age, and the  
16 defendant committed an offense in violation of Section  
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
18 11-14.4 except for an offense that involves keeping a  
19 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
20 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
21 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
22 of 2012 against that victim;

23 (15) the defendant committed an offense related to the  
24 activities of an organized gang. For the purposes of this  
25 factor, "organized gang" has the meaning ascribed to it in  
26 Section 10 of the Streetgang Terrorism Omnibus Prevention

1 Act;

2 (16) the defendant committed an offense in violation  
3 of one of the following Sections while in a school,  
4 regardless of the time of day or time of year; on any  
5 conveyance owned, leased, or contracted by a school to  
6 transport students to or from school or a school related  
7 activity; on the real property of a school; or on a public  
8 way within 1,000 feet of the real property comprising any  
9 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
10 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
11 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
12 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
13 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
14 for subdivision (a) (4) or (g) (1), of the Criminal Code of  
15 1961 or the Criminal Code of 2012;

16 (16.5) the defendant committed an offense in violation  
17 of one of the following Sections while in a day care  
18 center, regardless of the time of day or time of year; on  
19 the real property of a day care center, regardless of the  
20 time of day or time of year; or on a public way within  
21 1,000 feet of the real property comprising any day care  
22 center, regardless of the time of day or time of year:  
23 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
24 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
2 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
3 Criminal Code of 2012;

4 (17) the defendant committed the offense by reason of  
5 any person's activity as a community policing volunteer or  
6 to prevent any person from engaging in activity as a  
7 community policing volunteer. For the purpose of this  
8 Section, "community policing volunteer" has the meaning  
9 ascribed to it in Section 2-3.5 of the Criminal Code of  
10 2012;

11 (18) the defendant committed the offense in a nursing  
12 home or on the real property comprising a nursing home.  
13 For the purposes of this paragraph (18), "nursing home"  
14 means a skilled nursing or intermediate long term care  
15 facility that is subject to license by the Illinois  
16 Department of Public Health under the Nursing Home Care  
17 Act, the Specialized Mental Health Rehabilitation Act of  
18 2013, the ID/DD Community Care Act, or the MC/DD Act;

19 (19) the defendant was a federally licensed firearm  
20 dealer and was previously convicted of a violation of  
21 subsection (a) of Section 3 of the Firearm Owners  
22 Identification Card Act before its repeal by this  
23 amendatory Act of the 102nd General Assembly and has now  
24 committed ~~either a felony violation of the Firearm Owners~~  
25 ~~Identification Card Act~~ or an act of armed violence while  
26 armed with a firearm;

1           (20) the defendant (i) committed the offense of  
2 reckless homicide under Section 9-3 of the Criminal Code  
3 of 1961 or the Criminal Code of 2012 or the offense of  
4 driving under the influence of alcohol, other drug or  
5 drugs, intoxicating compound or compounds or any  
6 combination thereof under Section 11-501 of the Illinois  
7 Vehicle Code or a similar provision of a local ordinance  
8 and (ii) was operating a motor vehicle in excess of 20  
9 miles per hour over the posted speed limit as provided in  
10 Article VI of Chapter 11 of the Illinois Vehicle Code;

11           (21) the defendant (i) committed the offense of  
12 reckless driving or aggravated reckless driving under  
13 Section 11-503 of the Illinois Vehicle Code and (ii) was  
14 operating a motor vehicle in excess of 20 miles per hour  
15 over the posted speed limit as provided in Article VI of  
16 Chapter 11 of the Illinois Vehicle Code;

17           (22) the defendant committed the offense against a  
18 person that the defendant knew, or reasonably should have  
19 known, was a member of the Armed Forces of the United  
20 States serving on active duty. For purposes of this clause  
21 (22), the term "Armed Forces" means any of the Armed  
22 Forces of the United States, including a member of any  
23 reserve component thereof or National Guard unit called to  
24 active duty;

25           (23) the defendant committed the offense against a  
26 person who was elderly or infirm or who was a person with a

1 disability by taking advantage of a family or fiduciary  
2 relationship with the elderly or infirm person or person  
3 with a disability;

4 (24) the defendant committed any offense under Section  
5 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
6 of 2012 and possessed 100 or more images;

7 (25) the defendant committed the offense while the  
8 defendant or the victim was in a train, bus, or other  
9 vehicle used for public transportation;

10 (26) the defendant committed the offense of child  
11 pornography or aggravated child pornography, specifically  
12 including paragraph (1), (2), (3), (4), (5), or (7) of  
13 subsection (a) of Section 11-20.1 of the Criminal Code of  
14 1961 or the Criminal Code of 2012 where a child engaged in,  
15 solicited for, depicted in, or posed in any act of sexual  
16 penetration or bound, fettered, or subject to sadistic,  
17 masochistic, or sadomasochistic abuse in a sexual context  
18 and specifically including paragraph (1), (2), (3), (4),  
19 (5), or (7) of subsection (a) of Section 11-20.1B or  
20 Section 11-20.3 of the Criminal Code of 1961 where a child  
21 engaged in, solicited for, depicted in, or posed in any  
22 act of sexual penetration or bound, fettered, or subject  
23 to sadistic, masochistic, or sadomasochistic abuse in a  
24 sexual context;

25 (27) the defendant committed the offense of first  
26 degree murder, assault, aggravated assault, battery,

1 aggravated battery, robbery, armed robbery, or aggravated  
2 robbery against a person who was a veteran and the  
3 defendant knew, or reasonably should have known, that the  
4 person was a veteran performing duties as a representative  
5 of a veterans' organization. For the purposes of this  
6 paragraph (27), "veteran" means an Illinois resident who  
7 has served as a member of the United States Armed Forces, a  
8 member of the Illinois National Guard, or a member of the  
9 United States Reserve Forces; and "veterans' organization"  
10 means an organization comprised of members of which  
11 substantially all are individuals who are veterans or  
12 spouses, widows, or widowers of veterans, the primary  
13 purpose of which is to promote the welfare of its members  
14 and to provide assistance to the general public in such a  
15 way as to confer a public benefit;

16 (28) the defendant committed the offense of assault,  
17 aggravated assault, battery, aggravated battery, robbery,  
18 armed robbery, or aggravated robbery against a person that  
19 the defendant knew or reasonably should have known was a  
20 letter carrier or postal worker while that person was  
21 performing his or her duties delivering mail for the  
22 United States Postal Service;

23 (29) the defendant committed the offense of criminal  
24 sexual assault, aggravated criminal sexual assault,  
25 criminal sexual abuse, or aggravated criminal sexual abuse  
26 against a victim with an intellectual disability, and the



1 defendant holds a position of trust, authority, or  
2 supervision in relation to the victim;

3 (30) the defendant committed the offense of promoting  
4 juvenile prostitution, patronizing a prostitute, or  
5 patronizing a minor engaged in prostitution and at the  
6 time of the commission of the offense knew that the  
7 prostitute or minor engaged in prostitution was in the  
8 custody or guardianship of the Department of Children and  
9 Family Services;

10 (31) the defendant (i) committed the offense of  
11 driving while under the influence of alcohol, other drug  
12 or drugs, intoxicating compound or compounds or any  
13 combination thereof in violation of Section 11-501 of the  
14 Illinois Vehicle Code or a similar provision of a local  
15 ordinance and (ii) the defendant during the commission of  
16 the offense was driving his or her vehicle upon a roadway  
17 designated for one-way traffic in the opposite direction  
18 of the direction indicated by official traffic control  
19 devices; ~~or~~

20 (32) the defendant committed the offense of reckless  
21 homicide while committing a violation of Section 11-907 of  
22 the Illinois Vehicle Code; ~~or~~

23 (33) ~~(32)~~ the defendant was found guilty of an  
24 administrative infraction related to an act or acts of  
25 public indecency or sexual misconduct in the penal  
26 institution. In this paragraph (33) ~~(32)~~, "penal

1 institution" has the same meaning as in Section 2-14 of  
2 the Criminal Code of 2012; or-

3 (34) ~~(32)~~ the defendant committed the offense of  
4 leaving the scene of an accident in violation of  
5 subsection (b) of Section 11-401 of the Illinois Vehicle  
6 Code and the accident resulted in the death of a person and  
7 at the time of the offense, the defendant was: (i) driving  
8 under the influence of alcohol, other drug or drugs,  
9 intoxicating compound or compounds or any combination  
10 thereof as defined by Section 11-501 of the Illinois  
11 Vehicle Code; or (ii) operating the motor vehicle while  
12 using an electronic communication device as defined in  
13 Section 12-610.2 of the Illinois Vehicle Code.

14 For the purposes of this Section:

15 "School" is defined as a public or private elementary or  
16 secondary school, community college, college, or university.

17 "Day care center" means a public or private State  
18 certified and licensed day care center as defined in Section  
19 2.09 of the Child Care Act of 1969 that displays a sign in  
20 plain view stating that the property is a day care center.

21 "Intellectual disability" means significantly subaverage  
22 intellectual functioning which exists concurrently with  
23 impairment in adaptive behavior.

24 "Public transportation" means the transportation or  
25 conveyance of persons by means available to the general  
26 public, and includes paratransit services.

1 "Traffic control devices" means all signs, signals,  
2 markings, and devices that conform to the Illinois Manual on  
3 Uniform Traffic Control Devices, placed or erected by  
4 authority of a public body or official having jurisdiction,  
5 for the purpose of regulating, warning, or guiding traffic.

6 (b) The following factors, related to all felonies, may be  
7 considered by the court as reasons to impose an extended term  
8 sentence under Section 5-8-2 upon any offender:

9 (1) When a defendant is convicted of any felony, after  
10 having been previously convicted in Illinois or any other  
11 jurisdiction of the same or similar class felony or  
12 greater class felony, when such conviction has occurred  
13 within 10 years after the previous conviction, excluding  
14 time spent in custody, and such charges are separately  
15 brought and tried and arise out of different series of  
16 acts; or

17 (2) When a defendant is convicted of any felony and  
18 the court finds that the offense was accompanied by  
19 exceptionally brutal or heinous behavior indicative of  
20 wanton cruelty; or

21 (3) When a defendant is convicted of any felony  
22 committed against:

23 (i) a person under 12 years of age at the time of  
24 the offense or such person's property;

25 (ii) a person 60 years of age or older at the time  
26 of the offense or such person's property; or

1 (iii) a person who had a physical disability at  
2 the time of the offense or such person's property; or

3 (4) When a defendant is convicted of any felony and  
4 the offense involved any of the following types of  
5 specific misconduct committed as part of a ceremony, rite,  
6 initiation, observance, performance, practice or activity  
7 of any actual or ostensible religious, fraternal, or  
8 social group:

9 (i) the brutalizing or torturing of humans or  
10 animals;

11 (ii) the theft of human corpses;

12 (iii) the kidnapping of humans;

13 (iv) the desecration of any cemetery, religious,  
14 fraternal, business, governmental, educational, or  
15 other building or property; or

16 (v) ritualized abuse of a child; or

17 (5) When a defendant is convicted of a felony other  
18 than conspiracy and the court finds that the felony was  
19 committed under an agreement with 2 or more other persons  
20 to commit that offense and the defendant, with respect to  
21 the other individuals, occupied a position of organizer,  
22 supervisor, financier, or any other position of management  
23 or leadership, and the court further finds that the felony  
24 committed was related to or in furtherance of the criminal  
25 activities of an organized gang or was motivated by the  
26 defendant's leadership in an organized gang; or

1           (6) When a defendant is convicted of an offense  
2 committed while using a firearm with a laser sight  
3 attached to it. For purposes of this paragraph, "laser  
4 sight" has the meaning ascribed to it in Section 26-7 of  
5 the Criminal Code of 2012; or

6           (7) When a defendant who was at least 17 years of age  
7 at the time of the commission of the offense is convicted  
8 of a felony and has been previously adjudicated a  
9 delinquent minor under the Juvenile Court Act of 1987 for  
10 an act that if committed by an adult would be a Class X or  
11 Class 1 felony when the conviction has occurred within 10  
12 years after the previous adjudication, excluding time  
13 spent in custody; or

14           (8) When a defendant commits any felony and the  
15 defendant used, possessed, exercised control over, or  
16 otherwise directed an animal to assault a law enforcement  
17 officer engaged in the execution of his or her official  
18 duties or in furtherance of the criminal activities of an  
19 organized gang in which the defendant is engaged; or

20           (9) When a defendant commits any felony and the  
21 defendant knowingly video or audio records the offense  
22 with the intent to disseminate the recording.

23           (c) The following factors may be considered by the court  
24 as reasons to impose an extended term sentence under Section  
25 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
26 offenses:

1           (1) When a defendant is convicted of first degree  
2 murder, after having been previously convicted in Illinois  
3 of any offense listed under paragraph (c)(2) of Section  
4 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
5 occurred within 10 years after the previous conviction,  
6 excluding time spent in custody, and the charges are  
7 separately brought and tried and arise out of different  
8 series of acts.

9           (1.5) When a defendant is convicted of first degree  
10 murder, after having been previously convicted of domestic  
11 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
12 (720 ILCS 5/12-3.3) committed on the same victim or after  
13 having been previously convicted of violation of an order  
14 of protection (720 ILCS 5/12-30) in which the same victim  
15 was the protected person.

16           (2) When a defendant is convicted of voluntary  
17 manslaughter, second degree murder, involuntary  
18 manslaughter, or reckless homicide in which the defendant  
19 has been convicted of causing the death of more than one  
20 individual.

21           (3) When a defendant is convicted of aggravated  
22 criminal sexual assault or criminal sexual assault, when  
23 there is a finding that aggravated criminal sexual assault  
24 or criminal sexual assault was also committed on the same  
25 victim by one or more other individuals, and the defendant  
26 voluntarily participated in the crime with the knowledge

1 of the participation of the others in the crime, and the  
2 commission of the crime was part of a single course of  
3 conduct during which there was no substantial change in  
4 the nature of the criminal objective.

5 (4) If the victim was under 18 years of age at the time  
6 of the commission of the offense, when a defendant is  
7 convicted of aggravated criminal sexual assault or  
8 predatory criminal sexual assault of a child under  
9 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
10 of Section 12-14.1 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

12 (5) When a defendant is convicted of a felony  
13 violation of Section 24-1 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
15 finding that the defendant is a member of an organized  
16 gang.

17 (6) When a defendant was convicted of unlawful use of  
18 weapons under Section 24-1 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
20 a weapon that is not readily distinguishable as one of the  
21 weapons enumerated in Section 24-1 of the Criminal Code of  
22 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

23 (7) When a defendant is convicted of an offense  
24 involving the illegal manufacture of a controlled  
25 substance under Section 401 of the Illinois Controlled  
26 Substances Act (720 ILCS 570/401), the illegal manufacture

1 of methamphetamine under Section 25 of the Methamphetamine  
2 Control and Community Protection Act (720 ILCS 646/25), or  
3 the illegal possession of explosives and an emergency  
4 response officer in the performance of his or her duties  
5 is killed or injured at the scene of the offense while  
6 responding to the emergency caused by the commission of  
7 the offense. In this paragraph, "emergency" means a  
8 situation in which a person's life, health, or safety is  
9 in jeopardy; and "emergency response officer" means a  
10 peace officer, community policing volunteer, fireman,  
11 emergency medical technician-ambulance, emergency medical  
12 technician-intermediate, emergency medical  
13 technician-paramedic, ambulance driver, other medical  
14 assistance or first aid personnel, or hospital emergency  
15 room personnel.

16 (8) When the defendant is convicted of attempted mob  
17 action, solicitation to commit mob action, or conspiracy  
18 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
19 Criminal Code of 2012, where the criminal object is a  
20 violation of Section 25-1 of the Criminal Code of 2012,  
21 and an electronic communication is used in the commission  
22 of the offense. For the purposes of this paragraph (8),  
23 "electronic communication" shall have the meaning provided  
24 in Section 26.5-0.1 of the Criminal Code of 2012.

25 (d) For the purposes of this Section, "organized gang" has  
26 the meaning ascribed to it in Section 10 of the Illinois



1 Streetgang Terrorism Omnibus Prevention Act.

2 (e) The court may impose an extended term sentence under  
3 Article 4.5 of Chapter V upon an offender who has been  
4 convicted of a felony violation of Section 11-1.20, 11-1.30,  
5 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
6 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
7 when the victim of the offense is under 18 years of age at the  
8 time of the commission of the offense and, during the  
9 commission of the offense, the victim was under the influence  
10 of alcohol, regardless of whether or not the alcohol was  
11 supplied by the offender; and the offender, at the time of the  
12 commission of the offense, knew or should have known that the  
13 victim had consumed alcohol.

14 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;  
15 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of probation and of conditional  
18 discharge.

19 (a) The conditions of probation and of conditional  
20 discharge shall be that the person:

21 (1) not violate any criminal statute of any  
22 jurisdiction;

23 (2) report to or appear in person before such person  
24 or agency as directed by the court;

25 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a  
2 misdemeanor, the offense involved the intentional or  
3 knowing infliction of bodily harm or threat of bodily  
4 harm;

5 (4) not leave the State without the consent of the  
6 court or, in circumstances in which the reason for the  
7 absence is of such an emergency nature that prior consent  
8 by the court is not possible, without the prior  
9 notification and approval of the person's probation  
10 officer. Transfer of a person's probation or conditional  
11 discharge supervision to another state is subject to  
12 acceptance by the other state pursuant to the Interstate  
13 Compact for Adult Offender Supervision;

14 (5) permit the probation officer to visit him at his  
15 home or elsewhere to the extent necessary to discharge his  
16 duties;

17 (6) perform no less than 30 hours of community service  
18 and not more than 120 hours of community service, if  
19 community service is available in the jurisdiction and is  
20 funded and approved by the county board where the offense  
21 was committed, where the offense was related to or in  
22 furtherance of the criminal activities of an organized  
23 gang and was motivated by the offender's membership in or  
24 allegiance to an organized gang. The community service  
25 shall include, but not be limited to, the cleanup and  
26 repair of any damage caused by a violation of Section

1 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 and similar damage to property located within the  
3 municipality or county in which the violation occurred.  
4 When possible and reasonable, the community service should  
5 be performed in the offender's neighborhood. For purposes  
6 of this Section, "organized gang" has the meaning ascribed  
7 to it in Section 10 of the Illinois Streetgang Terrorism  
8 Omnibus Prevention Act. The court may give credit toward  
9 the fulfillment of community service hours for  
10 participation in activities and treatment as determined by  
11 court services;

12 (7) if he or she is at least 17 years of age and has  
13 been sentenced to probation or conditional discharge for a  
14 misdemeanor or felony in a county of 3,000,000 or more  
15 inhabitants and has not been previously convicted of a  
16 misdemeanor or felony, may be required by the sentencing  
17 court to attend educational courses designed to prepare  
18 the defendant for a high school diploma and to work toward  
19 a high school diploma or to work toward passing high  
20 school equivalency testing or to work toward completing a  
21 vocational training program approved by the court. The  
22 person on probation or conditional discharge must attend a  
23 public institution of education to obtain the educational  
24 or vocational training required by this paragraph (7). The  
25 court shall revoke the probation or conditional discharge  
26 of a person who wilfully fails to comply with this

1 paragraph (7). The person on probation or conditional  
2 discharge shall be required to pay for the cost of the  
3 educational courses or high school equivalency testing if  
4 a fee is charged for those courses or testing. The court  
5 shall resentence the offender whose probation or  
6 conditional discharge has been revoked as provided in  
7 Section 5-6-4. This paragraph (7) does not apply to a  
8 person who has a high school diploma or has successfully  
9 passed high school equivalency testing. This paragraph (7)  
10 does not apply to a person who is determined by the court  
11 to be a person with a developmental disability or  
12 otherwise mentally incapable of completing the educational  
13 or vocational program;

14 (8) if convicted of possession of a substance  
15 prohibited by the Cannabis Control Act, the Illinois  
16 Controlled Substances Act, or the Methamphetamine Control  
17 and Community Protection Act after a previous conviction  
18 or disposition of supervision for possession of a  
19 substance prohibited by the Cannabis Control Act or  
20 Illinois Controlled Substances Act or after a sentence of  
21 probation under Section 10 of the Cannabis Control Act,  
22 Section 410 of the Illinois Controlled Substances Act, or  
23 Section 70 of the Methamphetamine Control and Community  
24 Protection Act and upon a finding by the court that the  
25 person is addicted, undergo treatment at a substance abuse  
26 program approved by the court;

1           (8.5) if convicted of a felony sex offense as defined  
2           in the Sex Offender Management Board Act, the person shall  
3           undergo and successfully complete sex offender treatment  
4           by a treatment provider approved by the Board and  
5           conducted in conformance with the standards developed  
6           under the Sex Offender Management Board Act;

7           (8.6) if convicted of a sex offense as defined in the  
8           Sex Offender Management Board Act, refrain from residing  
9           at the same address or in the same condominium unit or  
10          apartment unit or in the same condominium complex or  
11          apartment complex with another person he or she knows or  
12          reasonably should know is a convicted sex offender or has  
13          been placed on supervision for a sex offense; the  
14          provisions of this paragraph do not apply to a person  
15          convicted of a sex offense who is placed in a Department of  
16          Corrections licensed transitional housing facility for sex  
17          offenders;

18          (8.7) if convicted for an offense committed on or  
19          after June 1, 2008 (the effective date of Public Act  
20          95-464) that would qualify the accused as a child sex  
21          offender as defined in Section 11-9.3 or 11-9.4 of the  
22          Criminal Code of 1961 or the Criminal Code of 2012,  
23          refrain from communicating with or contacting, by means of  
24          the Internet, a person who is not related to the accused  
25          and whom the accused reasonably believes to be under 18  
26          years of age; for purposes of this paragraph (8.7),

1 "Internet" has the meaning ascribed to it in Section  
2 16-0.1 of the Criminal Code of 2012; and a person is not  
3 related to the accused if the person is not: (i) the  
4 spouse, brother, or sister of the accused; (ii) a  
5 descendant of the accused; (iii) a first or second cousin  
6 of the accused; or (iv) a step-child or adopted child of  
7 the accused;

8 (8.8) if convicted for an offense under Section 11-6,  
9 11-9.1, 11-14.4 that involves soliciting for a juvenile  
10 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
11 of the Criminal Code of 1961 or the Criminal Code of 2012,  
12 or any attempt to commit any of these offenses, committed  
13 on or after June 1, 2009 (the effective date of Public Act  
14 95-983):

15 (i) not access or use a computer or any other  
16 device with Internet capability without the prior  
17 written approval of the offender's probation officer,  
18 except in connection with the offender's employment or  
19 search for employment with the prior approval of the  
20 offender's probation officer;

21 (ii) submit to periodic unannounced examinations  
22 of the offender's computer or any other device with  
23 Internet capability by the offender's probation  
24 officer, a law enforcement officer, or assigned  
25 computer or information technology specialist,  
26 including the retrieval and copying of all data from

1 the computer or device and any internal or external  
2 peripherals and removal of such information,  
3 equipment, or device to conduct a more thorough  
4 inspection;

5 (iii) submit to the installation on the offender's  
6 computer or device with Internet capability, at the  
7 offender's expense, of one or more hardware or  
8 software systems to monitor the Internet use; and

9 (iv) submit to any other appropriate restrictions  
10 concerning the offender's use of or access to a  
11 computer or any other device with Internet capability  
12 imposed by the offender's probation officer;

13 (8.9) if convicted of a sex offense as defined in the  
14 Sex Offender Registration Act committed on or after  
15 January 1, 2010 (the effective date of Public Act 96-262),  
16 refrain from accessing or using a social networking  
17 website as defined in Section 17-0.5 of the Criminal Code  
18 of 2012;

19 (9) if convicted of a felony or of any misdemeanor  
20 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
21 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
22 2012 that was determined, pursuant to Section 112A-11.1 of  
23 the Code of Criminal Procedure of 1963, to trigger the  
24 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
25 at a time and place designated by the court, ~~his or her~~  
26 ~~Firearm Owner's Identification Card~~ and any and all

1 firearms in his or her possession. ~~The Court shall return~~  
2 ~~to the Department of State Police Firearm Owner's~~  
3 ~~Identification Card Office the person's Firearm Owner's~~  
4 ~~Identification Card;~~

5 (10) if convicted of a sex offense as defined in  
6 subsection (a-5) of Section 3-1-2 of this Code, unless the  
7 offender is a parent or guardian of the person under 18  
8 years of age present in the home and no non-familial  
9 minors are present, not participate in a holiday event  
10 involving children under 18 years of age, such as  
11 distributing candy or other items to children on  
12 Halloween, wearing a Santa Claus costume on or preceding  
13 Christmas, being employed as a department store Santa  
14 Claus, or wearing an Easter Bunny costume on or preceding  
15 Easter;

16 (11) if convicted of a sex offense as defined in  
17 Section 2 of the Sex Offender Registration Act committed  
18 on or after January 1, 2010 (the effective date of Public  
19 Act 96-362) that requires the person to register as a sex  
20 offender under that Act, may not knowingly use any  
21 computer scrub software on any computer that the sex  
22 offender uses;

23 (12) if convicted of a violation of the  
24 Methamphetamine Control and Community Protection Act, the  
25 Methamphetamine Precursor Control Act, or a  
26 methamphetamine related offense:



1 (A) prohibited from purchasing, possessing, or  
2 having under his or her control any product containing  
3 pseudoephedrine unless prescribed by a physician; and

4 (B) prohibited from purchasing, possessing, or  
5 having under his or her control any product containing  
6 ammonium nitrate; and

7 (13) if convicted of a hate crime involving the  
8 protected class identified in subsection (a) of Section  
9 12-7.1 of the Criminal Code of 2012 that gave rise to the  
10 offense the offender committed, perform public or  
11 community service of no less than 200 hours and enroll in  
12 an educational program discouraging hate crimes that  
13 includes racial, ethnic, and cultural sensitivity training  
14 ordered by the court.

15 (b) The Court may in addition to other reasonable  
16 conditions relating to the nature of the offense or the  
17 rehabilitation of the defendant as determined for each  
18 defendant in the proper discretion of the Court require that  
19 the person:

20 (1) serve a term of periodic imprisonment under  
21 Article 7 for a period not to exceed that specified in  
22 paragraph (d) of Section 5-7-1;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational  
25 training;

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

2 (5) attend or reside in a facility established for the  
3 instruction or residence of defendants on probation;

4 (6) support his dependents;

5 (7) and in addition, if a minor:

6 (i) reside with his parents or in a foster home;

7 (ii) attend school;

8 (iii) attend a non-residential program for youth;

9 (iv) contribute to his own support at home or in a  
10 foster home;

11 (v) with the consent of the superintendent of the  
12 facility, attend an educational program at a facility  
13 other than the school in which the offense was  
14 committed if he or she is convicted of a crime of  
15 violence as defined in Section 2 of the Crime Victims  
16 Compensation Act committed in a school, on the real  
17 property comprising a school, or within 1,000 feet of  
18 the real property comprising a school;

19 (8) make restitution as provided in Section 5-5-6 of  
20 this Code;

21 (9) perform some reasonable public or community  
22 service;

23 (10) serve a term of home confinement. In addition to  
24 any other applicable condition of probation or conditional  
25 discharge, the conditions of home confinement shall be  
26 that the offender:

1           (i) remain within the interior premises of the  
2 place designated for his confinement during the hours  
3 designated by the court;

4           (ii) admit any person or agent designated by the  
5 court into the offender's place of confinement at any  
6 time for purposes of verifying the offender's  
7 compliance with the conditions of his confinement; and

8           (iii) if further deemed necessary by the court or  
9 the Probation or Court Services Department, be placed  
10 on an approved electronic monitoring device, subject  
11 to Article 8A of Chapter V;

12           (iv) for persons convicted of any alcohol,  
13 cannabis or controlled substance violation who are  
14 placed on an approved monitoring device as a condition  
15 of probation or conditional discharge, the court shall  
16 impose a reasonable fee for each day of the use of the  
17 device, as established by the county board in  
18 subsection (g) of this Section, unless after  
19 determining the inability of the offender to pay the  
20 fee, the court assesses a lesser fee or no fee as the  
21 case may be. This fee shall be imposed in addition to  
22 the fees imposed under subsections (g) and (i) of this  
23 Section. The fee shall be collected by the clerk of the  
24 circuit court, except as provided in an administrative  
25 order of the Chief Judge of the circuit court. The  
26 clerk of the circuit court shall pay all monies

1 collected from this fee to the county treasurer for  
2 deposit in the substance abuse services fund under  
3 Section 5-1086.1 of the Counties Code, except as  
4 provided in an administrative order of the Chief Judge  
5 of the circuit court.

6 The Chief Judge of the circuit court of the county  
7 may by administrative order establish a program for  
8 electronic monitoring of offenders, in which a vendor  
9 supplies and monitors the operation of the electronic  
10 monitoring device, and collects the fees on behalf of  
11 the county. The program shall include provisions for  
12 indigent offenders and the collection of unpaid fees.  
13 The program shall not unduly burden the offender and  
14 shall be subject to review by the Chief Judge.

15 The Chief Judge of the circuit court may suspend  
16 any additional charges or fees for late payment,  
17 interest, or damage to any device; and

18 (v) for persons convicted of offenses other than  
19 those referenced in clause (iv) above and who are  
20 placed on an approved monitoring device as a condition  
21 of probation or conditional discharge, the court shall  
22 impose a reasonable fee for each day of the use of the  
23 device, as established by the county board in  
24 subsection (g) of this Section, unless after  
25 determining the inability of the defendant to pay the  
26 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to  
2 the fees imposed under subsections (g) and (i) of this  
3 Section. The fee shall be collected by the clerk of the  
4 circuit court, except as provided in an administrative  
5 order of the Chief Judge of the circuit court. The  
6 clerk of the circuit court shall pay all monies  
7 collected from this fee to the county treasurer who  
8 shall use the monies collected to defray the costs of  
9 corrections. The county treasurer shall deposit the  
10 fee collected in the probation and court services  
11 fund. The Chief Judge of the circuit court of the  
12 county may by administrative order establish a program  
13 for electronic monitoring of offenders, in which a  
14 vendor supplies and monitors the operation of the  
15 electronic monitoring device, and collects the fees on  
16 behalf of the county. The program shall include  
17 provisions for indigent offenders and the collection  
18 of unpaid fees. The program shall not unduly burden  
19 the offender and shall be subject to review by the  
20 Chief Judge.

21 The Chief Judge of the circuit court may suspend  
22 any additional charges or fees for late payment,  
23 interest, or damage to any device.

24 (11) comply with the terms and conditions of an order  
25 of protection issued by the court pursuant to the Illinois  
26 Domestic Violence Act of 1986, as now or hereafter

1 amended, or an order of protection issued by the court of  
2 another state, tribe, or United States territory. A copy  
3 of the order of protection shall be transmitted to the  
4 probation officer or agency having responsibility for the  
5 case;

6 (12) reimburse any "local anti-crime program" as  
7 defined in Section 7 of the Anti-Crime Advisory Council  
8 Act for any reasonable expenses incurred by the program on  
9 the offender's case, not to exceed the maximum amount of  
10 the fine authorized for the offense for which the  
11 defendant was sentenced;

12 (13) contribute a reasonable sum of money, not to  
13 exceed the maximum amount of the fine authorized for the  
14 offense for which the defendant was sentenced, (i) to a  
15 "local anti-crime program", as defined in Section 7 of the  
16 Anti-Crime Advisory Council Act, or (ii) for offenses  
17 under the jurisdiction of the Department of Natural  
18 Resources, to the fund established by the Department of  
19 Natural Resources for the purchase of evidence for  
20 investigation purposes and to conduct investigations as  
21 outlined in Section 805-105 of the Department of Natural  
22 Resources (Conservation) Law;

23 (14) refrain from entering into a designated  
24 geographic area except upon such terms as the court finds  
25 appropriate. Such terms may include consideration of the  
26 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a  
2 probation officer, if the defendant has been placed on  
3 probation or advance approval by the court, if the  
4 defendant was placed on conditional discharge;

5 (15) refrain from having any contact, directly or  
6 indirectly, with certain specified persons or particular  
7 types of persons, including but not limited to members of  
8 street gangs and drug users or dealers;

9 (16) refrain from having in his or her body the  
10 presence of any illicit drug prohibited by the Cannabis  
11 Control Act, the Illinois Controlled Substances Act, or  
12 the Methamphetamine Control and Community Protection Act,  
13 unless prescribed by a physician, and submit samples of  
14 his or her blood or urine or both for tests to determine  
15 the presence of any illicit drug;

16 (17) if convicted for an offense committed on or after  
17 June 1, 2008 (the effective date of Public Act 95-464)  
18 that would qualify the accused as a child sex offender as  
19 defined in Section 11-9.3 or 11-9.4 of the Criminal Code  
20 of 1961 or the Criminal Code of 2012, refrain from  
21 communicating with or contacting, by means of the  
22 Internet, a person who is related to the accused and whom  
23 the accused reasonably believes to be under 18 years of  
24 age; for purposes of this paragraph (17), "Internet" has  
25 the meaning ascribed to it in Section 16-0.1 of the  
26 Criminal Code of 2012; and a person is related to the

1 accused if the person is: (i) the spouse, brother, or  
2 sister of the accused; (ii) a descendant of the accused;  
3 (iii) a first or second cousin of the accused; or (iv) a  
4 step-child or adopted child of the accused;

5 (18) if convicted for an offense committed on or after  
6 June 1, 2009 (the effective date of Public Act 95-983)  
7 that would qualify as a sex offense as defined in the Sex  
8 Offender Registration Act:

9 (i) not access or use a computer or any other  
10 device with Internet capability without the prior  
11 written approval of the offender's probation officer,  
12 except in connection with the offender's employment or  
13 search for employment with the prior approval of the  
14 offender's probation officer;

15 (ii) submit to periodic unannounced examinations  
16 of the offender's computer or any other device with  
17 Internet capability by the offender's probation  
18 officer, a law enforcement officer, or assigned  
19 computer or information technology specialist,  
20 including the retrieval and copying of all data from  
21 the computer or device and any internal or external  
22 peripherals and removal of such information,  
23 equipment, or device to conduct a more thorough  
24 inspection;

25 (iii) submit to the installation on the offender's  
26 computer or device with Internet capability, at the



1 subject's expense, of one or more hardware or software  
2 systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions  
4 concerning the offender's use of or access to a  
5 computer or any other device with Internet capability  
6 imposed by the offender's probation officer; and

7 (19) refrain from possessing a firearm or other  
8 dangerous weapon where the offense is a misdemeanor that  
9 did not involve the intentional or knowing infliction of  
10 bodily harm or threat of bodily harm.

11 (c) The court may as a condition of probation or of  
12 conditional discharge require that a person under 18 years of  
13 age found guilty of any alcohol, cannabis or controlled  
14 substance violation, refrain from acquiring a driver's license  
15 during the period of probation or conditional discharge. If  
16 such person is in possession of a permit or license, the court  
17 may require that the minor refrain from driving or operating  
18 any motor vehicle during the period of probation or  
19 conditional discharge, except as may be necessary in the  
20 course of the minor's lawful employment.

21 (d) An offender sentenced to probation or to conditional  
22 discharge shall be given a certificate setting forth the  
23 conditions thereof.

24 (e) Except where the offender has committed a fourth or  
25 subsequent violation of subsection (c) of Section 6-303 of the  
26 Illinois Vehicle Code, the court shall not require as a

1 condition of the sentence of probation or conditional  
2 discharge that the offender be committed to a period of  
3 imprisonment in excess of 6 months. This 6-month limit shall  
4 not include periods of confinement given pursuant to a  
5 sentence of county impact incarceration under Section 5-8-1.2.

6 Persons committed to imprisonment as a condition of  
7 probation or conditional discharge shall not be committed to  
8 the Department of Corrections.

9 (f) The court may combine a sentence of periodic  
10 imprisonment under Article 7 or a sentence to a county impact  
11 incarceration program under Article 8 with a sentence of  
12 probation or conditional discharge.

13 (g) An offender sentenced to probation or to conditional  
14 discharge and who during the term of either undergoes  
15 mandatory drug or alcohol testing, or both, or is assigned to  
16 be placed on an approved electronic monitoring device, shall  
17 be ordered to pay all costs incidental to such mandatory drug  
18 or alcohol testing, or both, and all costs incidental to such  
19 approved electronic monitoring in accordance with the  
20 defendant's ability to pay those costs. The county board with  
21 the concurrence of the Chief Judge of the judicial circuit in  
22 which the county is located shall establish reasonable fees  
23 for the cost of maintenance, testing, and incidental expenses  
24 related to the mandatory drug or alcohol testing, or both, and  
25 all costs incidental to approved electronic monitoring,  
26 involved in a successful probation program for the county. The

1 concurrence of the Chief Judge shall be in the form of an  
2 administrative order. The fees shall be collected by the clerk  
3 of the circuit court, except as provided in an administrative  
4 order of the Chief Judge of the circuit court. The clerk of the  
5 circuit court shall pay all moneys collected from these fees  
6 to the county treasurer who shall use the moneys collected to  
7 defray the costs of drug testing, alcohol testing, and  
8 electronic monitoring. The county treasurer shall deposit the  
9 fees collected in the county working cash fund under Section  
10 6-27001 or Section 6-29002 of the Counties Code, as the case  
11 may be. The Chief Judge of the circuit court of the county may  
12 by administrative order establish a program for electronic  
13 monitoring of offenders, in which a vendor supplies and  
14 monitors the operation of the electronic monitoring device,  
15 and collects the fees on behalf of the county. The program  
16 shall include provisions for indigent offenders and the  
17 collection of unpaid fees. The program shall not unduly burden  
18 the offender and shall be subject to review 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 (h) Jurisdiction over an offender may be transferred from  
23 the sentencing court to the court of another circuit with the  
24 concurrence of both courts. Further transfers or retransfers  
25 of jurisdiction are also authorized in the same manner. The  
26 court to which jurisdiction has been transferred shall have

1 the same powers as the sentencing court. The probation  
2 department within the circuit to which jurisdiction has been  
3 transferred, or which has agreed to provide supervision, may  
4 impose probation fees upon receiving the transferred offender,  
5 as provided in subsection (i). For all transfer cases, as  
6 defined in Section 9b of the Probation and Probation Officers  
7 Act, the probation department from the original sentencing  
8 court shall retain all probation fees collected prior to the  
9 transfer. After the transfer, all probation fees shall be paid  
10 to the probation department within the circuit to which  
11 jurisdiction has been transferred.

12 (i) The court shall impose upon an offender sentenced to  
13 probation after January 1, 1989 or to conditional discharge  
14 after January 1, 1992 or to community service under the  
15 supervision of a probation or court services department after  
16 January 1, 2004, as a condition of such probation or  
17 conditional discharge or supervised community service, a fee  
18 of \$50 for each month of probation or conditional discharge  
19 supervision or supervised community service ordered by the  
20 court, unless after determining the inability of the person  
21 sentenced to probation or conditional discharge or supervised  
22 community service to pay the fee, the court assesses a lesser  
23 fee. The court may not impose the fee on a minor who is placed  
24 in the guardianship or custody of the Department of Children  
25 and Family Services under the Juvenile Court Act of 1987 while  
26 the minor is in placement. The fee shall be imposed only upon

1 an offender who is actively supervised by the probation and  
2 court services department. The fee shall be collected by the  
3 clerk of the circuit court. The clerk of the circuit court  
4 shall pay all monies collected from this fee to the county  
5 treasurer for deposit in the probation and court services fund  
6 under Section 15.1 of the Probation and Probation Officers  
7 Act.

8 A circuit court may not impose a probation fee under this  
9 subsection (i) in excess of \$25 per month unless the circuit  
10 court has adopted, by administrative order issued by the chief  
11 judge, a standard probation fee guide determining an  
12 offender's ability to pay. Of the amount collected as a  
13 probation fee, up to \$5 of that fee collected per month may be  
14 used to provide services to crime victims and their families.

15 The Court may only waive probation fees based on an  
16 offender's ability to pay. The probation department may  
17 re-evaluate an offender's ability to pay every 6 months, and,  
18 with the approval of the Director of Court Services or the  
19 Chief Probation Officer, adjust the monthly fee amount. An  
20 offender may elect to pay probation fees due in a lump sum. Any  
21 offender that has been assigned to the supervision of a  
22 probation department, or has been transferred either under  
23 subsection (h) of this Section or under any interstate  
24 compact, shall be required to pay probation fees to the  
25 department supervising the offender, based on the offender's  
26 ability to pay.

1           Public Act 93-970 deletes the \$10 increase in the fee  
2 under this subsection that was imposed by Public Act 93-616.  
3 This deletion is intended to control over any other Act of the  
4 93rd General Assembly that retains or incorporates that fee  
5 increase.

6           (i-5) In addition to the fees imposed under subsection (i)  
7 of this Section, in the case of an offender convicted of a  
8 felony sex offense (as defined in the Sex Offender Management  
9 Board Act) or an offense that the court or probation  
10 department has determined to be sexually motivated (as defined  
11 in the Sex Offender Management Board Act), the court or the  
12 probation department shall assess additional fees to pay for  
13 all costs of treatment, assessment, evaluation for risk and  
14 treatment, and monitoring the offender, based on that  
15 offender's ability to pay those costs either as they occur or  
16 under a payment plan.

17           (j) All fines and costs imposed under this Section for any  
18 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
19 Code, or a similar provision of a local ordinance, and any  
20 violation of the Child Passenger Protection Act, or a similar  
21 provision of a local ordinance, shall be collected and  
22 disbursed by the circuit clerk as provided under the Criminal  
23 and Traffic Assessment Act.

24           (k) Any offender who is sentenced to probation or  
25 conditional discharge for a felony sex offense as defined in  
26 the Sex Offender Management Board Act or any offense that the

1 court or probation department has determined to be sexually  
2 motivated as defined in the Sex Offender Management Board Act  
3 shall be required to refrain from any contact, directly or  
4 indirectly, with any persons specified by the court and shall  
5 be available for all evaluations and treatment programs  
6 required by the court or the probation department.

7 (1) The court may order an offender who is sentenced to  
8 probation or conditional discharge for a violation of an order  
9 of protection be placed under electronic surveillance as  
10 provided in Section 5-8A-7 of this Code.

11 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
12 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.  
13 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

14 Section 95. The Stalking No Contact Order Act is amended  
15 by changing Section 80 as follows:

16 (740 ILCS 21/80)

17 Sec. 80. Stalking no contact orders; remedies.

18 (a) If the court finds that the petitioner has been a  
19 victim of stalking, a stalking no contact order shall issue;  
20 provided that the petitioner must also satisfy the  
21 requirements of Section 95 on emergency orders or Section 100  
22 on plenary orders. The petitioner shall not be denied a  
23 stalking no contact order because the petitioner or the  
24 respondent is a minor. The court, when determining whether or

1 not to issue a stalking no contact order, may not require  
2 physical injury on the person of the petitioner. Modification  
3 and extension of prior stalking no contact orders shall be in  
4 accordance with this Act.

5 (b) A stalking no contact order shall order one or more of  
6 the following:

7 (1) prohibit the respondent from threatening to commit  
8 or committing stalking;

9 (2) order the respondent not to have any contact with  
10 the petitioner or a third person specifically named by the  
11 court;

12 (3) prohibit the respondent from knowingly coming  
13 within, or knowingly remaining within a specified distance  
14 of the petitioner or the petitioner's residence, school,  
15 daycare, or place of employment, or any specified place  
16 frequented by the petitioner; however, the court may order  
17 the respondent to stay away from the respondent's own  
18 residence, school, or place of employment only if the  
19 respondent has been provided actual notice of the  
20 opportunity to appear and be heard on the petition;

21 (4) prohibit the respondent from ~~possessing a Firearm~~  
22 ~~Owners Identification Card, or~~ possessing or buying  
23 firearms; and

24 (5) order other injunctive relief the court determines  
25 to be necessary to protect the petitioner or third party  
26 specifically named by the court.



1           (b-5) When the petitioner and the respondent attend the  
2 same public, private, or non-public elementary, middle, or  
3 high school, the court when issuing a stalking no contact  
4 order and providing relief shall consider the severity of the  
5 act, any continuing physical danger or emotional distress to  
6 the petitioner, the educational rights guaranteed to the  
7 petitioner and respondent under federal and State law, the  
8 availability of a transfer of the respondent to another  
9 school, a change of placement or a change of program of the  
10 respondent, the expense, difficulty, and educational  
11 disruption that would be caused by a transfer of the  
12 respondent to another school, and any other relevant facts of  
13 the case. The court may order that the respondent not attend  
14 the public, private, or non-public elementary, middle, or high  
15 school attended by the petitioner, order that the respondent  
16 accept a change of placement or program, as determined by the  
17 school district or private or non-public school, or place  
18 restrictions on the respondent's movements within the school  
19 attended by the petitioner. The respondent bears the burden of  
20 proving by a preponderance of the evidence that a transfer,  
21 change of placement, or change of program of the respondent is  
22 not available. The respondent also bears the burden of  
23 production with respect to the expense, difficulty, and  
24 educational disruption that would be caused by a transfer of  
25 the respondent to another school. A transfer, change of  
26 placement, or change of program is not unavailable to the

1 respondent solely on the ground that the respondent does not  
2 agree with the school district's or private or non-public  
3 school's transfer, change of placement, or change of program  
4 or solely on the ground that the respondent fails or refuses to  
5 consent to or otherwise does not take an action required to  
6 effectuate a transfer, change of placement, or change of  
7 program. When a court orders a respondent to stay away from the  
8 public, private, or non-public school attended by the  
9 petitioner and the respondent requests a transfer to another  
10 attendance center within the respondent's school district or  
11 private or non-public school, the school district or private  
12 or non-public school shall have sole discretion to determine  
13 the attendance center to which the respondent is transferred.  
14 In the event the court order results in a transfer of the minor  
15 respondent to another attendance center, a change in the  
16 respondent's placement, or a change of the respondent's  
17 program, the parents, guardian, or legal custodian of the  
18 respondent is responsible for transportation and other costs  
19 associated with the transfer or change.

20 (b-6) The court may order the parents, guardian, or legal  
21 custodian of a minor respondent to take certain actions or to  
22 refrain from taking certain actions to ensure that the  
23 respondent complies with the order. In the event the court  
24 orders a transfer of the respondent to another school, the  
25 parents, guardian, or legal custodian of the respondent are  
26 responsible for transportation and other costs associated with

1 the change of school by the respondent.

2 (b-7) The court shall not hold a school district or  
3 private or non-public school or any of its employees in civil  
4 or criminal contempt unless the school district or private or  
5 non-public school has been allowed to intervene.

6 (b-8) The court may hold the parents, guardian, or legal  
7 custodian of a minor respondent in civil or criminal contempt  
8 for a violation of any provision of any order entered under  
9 this Act for conduct of the minor respondent in violation of  
10 this Act if the parents, guardian, or legal custodian  
11 directed, encouraged, or assisted the respondent minor in such  
12 conduct.

13 (c) The court may award the petitioner costs and attorneys  
14 fees if a stalking no contact order is granted.

15 (d) Monetary damages are not recoverable as a remedy.

16 (e) If the stalking no contact order prohibits the  
17 respondent from ~~possessing a Firearm Owner's Identification~~  
18 ~~Card, or~~ possessing or buying firearms; the court shall  
19 confiscate the respondent's firearms ~~Firearm Owner's~~  
20 ~~Identification Card and immediately return the card to the~~  
21 ~~Department of State Police Firearm Owner's Identification Card~~  
22 ~~Office.~~

23 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
24 97-1131, eff. 1-1-13.)

25 Section 100. The Mental Health and Developmental

1 Disabilities Confidentiality Act is amended by changing  
2 Section 12 as follows:

3 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

4 Sec. 12. (a) If the United States Secret Service or the  
5 Department of State Police requests information from a mental  
6 health or developmental disability facility, as defined in  
7 Section 1-107 and 1-114 of the Mental Health and Developmental  
8 Disabilities Code, relating to a specific recipient and the  
9 facility director determines that disclosure of such  
10 information may be necessary to protect the life of, or to  
11 prevent the infliction of great bodily harm to, a public  
12 official, or a person under the protection of the United  
13 States Secret Service, only the following information may be  
14 disclosed: the recipient's name, address, and age and the date  
15 of any admission to or discharge from a facility; and any  
16 information which would indicate whether or not the recipient  
17 has a history of violence or presents a danger of violence to  
18 the person under protection. Any information so disclosed  
19 shall be used for investigative purposes only and shall not be  
20 publicly disseminated. Any person participating in good faith  
21 in the disclosure of such information in accordance with this  
22 provision shall have immunity from any liability, civil,  
23 criminal or otherwise, if such information is disclosed  
24 relying upon the representation of an officer of the United  
25 States Secret Service or the Department of State Police that a

1 person is under the protection of the United States Secret  
2 Service or is a public official.

3 For the purpose of this subsection (a), the term "public  
4 official" means the Governor, Lieutenant Governor, Attorney  
5 General, Secretary of State, State Comptroller, State  
6 Treasurer, member of the General Assembly, member of the  
7 United States Congress, Judge of the United States as defined  
8 in 28 U.S.C. 451, Justice of the United States as defined in 28  
9 U.S.C. 451, United States Magistrate Judge as defined in 28  
10 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
11 Supreme, Appellate, Circuit, or Associate Judge of the State  
12 of Illinois. The term shall also include the spouse, child or  
13 children of a public official.

14 (b) The Department of Human Services (acting as successor  
15 to the Department of Mental Health and Developmental  
16 Disabilities) and all public or private hospitals and mental  
17 health facilities are required, as hereafter described in this  
18 subsection, to furnish the Department of State Police only  
19 such information as may be required for the sole purpose of  
20 determining whether an individual who may be or may have been a  
21 patient is disqualified because of that status from receiving  
22 or retaining a firearm under paragraph (4) of subsection (a)  
23 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~  
24 ~~Identification Card or falls within the federal prohibitors~~  
25 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~  
26 ~~of the Firearm Owners Identification Card Act, or falls within~~

1 the federal prohibitors in 18 U.S.C. 922(g) and (n). All  
2 physicians, clinical psychologists, or qualified examiners at  
3 public or private mental health facilities or parts thereof as  
4 defined in this subsection shall, in the form and manner  
5 required by the Department, provide notice directly to the  
6 Department of Human Services, or to his or her employer who  
7 shall then report to the Department, within 24 hours after  
8 determining that a person poses a clear and present danger to  
9 himself, herself, or others, or within 7 days after a person 14  
10 years or older is determined to be a person with a  
11 developmental disability by a physician, clinical  
12 psychologist, or qualified examiner as described in this  
13 subsection (b) Section 1.1 of the Firearm Owners  
14 Identification Card Act. If a person is a patient as described  
15 in clause (2) (A) (1) of the definition of "patient" in (2) (A)  
16 Section 1.1 of the Firearm Owners Identification Card Act,  
17 this information shall be furnished within 7 days after  
18 admission to a public or private hospital or mental health  
19 facility or the provision of services. Any such information  
20 disclosed under this subsection shall remain privileged and  
21 confidential, and shall not be redisclosed, except as required  
22 by clause (e) (2) of Section 24-4.5 of the Criminal Code of 2012  
23 subsection (c) of Section 3.1 of the Firearm Owners  
24 Identification Card Act, nor utilized for any other purpose.  
25 The method of requiring the providing of such information  
26 shall guarantee that no information is released beyond what is

1 necessary for this purpose. In addition, the information  
2 disclosed shall be provided by the Department within the time  
3 period established by Section 24-3 of the Criminal Code of  
4 2012 regarding the delivery of firearms. The method used shall  
5 be sufficient to provide the necessary information within the  
6 prescribed time period, which may include periodically  
7 providing lists to the Department of Human Services or any  
8 public or private hospital or mental health facility of  
9 ~~Firearm Owner's Identification Card~~ applicants for firearm  
10 purchases on which the Department or hospital shall indicate  
11 the identities of those individuals who are to its knowledge  
12 disqualified from having a firearm ~~Firearm Owner's~~  
13 ~~Identification Card~~ for reasons described herein. The  
14 Department may provide for a centralized source of information  
15 for the State on this subject under its jurisdiction. The  
16 identity of the person reporting under this subsection shall  
17 not be disclosed to the subject of the report. For the purposes  
18 of this subsection, the physician, clinical psychologist, or  
19 qualified examiner making the determination and his or her  
20 employer shall not be held criminally, civilly, or  
21 professionally liable for making or not making the  
22 notification required under this subsection, except for  
23 willful or wanton misconduct.

24 Any person, institution, or agency, under this Act,  
25 participating in good faith in the reporting or disclosure of  
26 records and communications otherwise in accordance with this

1 provision or with rules, regulations or guidelines issued by  
2 the Department shall have immunity from any liability, civil,  
3 criminal or otherwise, that might result by reason of the  
4 action. For the purpose of any proceeding, civil or criminal,  
5 arising out of a report or disclosure in accordance with this  
6 provision, the good faith of any person, institution, or  
7 agency so reporting or disclosing shall be presumed. The full  
8 extent of the immunity provided in this subsection (b) shall  
9 apply to any person, institution or agency that fails to make a  
10 report or disclosure in the good faith belief that the report  
11 or disclosure would violate federal regulations governing the  
12 confidentiality of alcohol and drug abuse patient records  
13 implementing 42 U.S.C. 290dd-3 and 290ee-3.

14 For purposes of this subsection (b) only, the following  
15 terms shall have the meaning prescribed:

16 (1) (Blank).

17 (1.3) "Clear and present danger" has the meaning as  
18 defined in Section 6-103.3 of the Mental Health and  
19 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~  
20 ~~Identification Card Act.~~

21 (1.5) "Person with a developmental disability" has the  
22 meaning as defined in Section 6-103.3 of the Mental Health  
23 and Developmental Disabilities Code ~~1.1 of the Firearm~~  
24 ~~Owners Identification Card Act.~~

25 (2) "Patient" means (A) a person who voluntarily  
26 receives mental health treatment as an in-patient or



1 resident of any public or private mental health facility,  
2 unless the treatment was solely for an alcohol abuse  
3 disorder and no other secondary substance abuse disorder  
4 or mental illness; or (B) a person who voluntarily  
5 receives mental health treatment as an out-patient or is  
6 provided services by a public or private mental health  
7 facility, and who poses a clear and present danger to  
8 himself, herself, or to others ~~has the meaning as defined~~  
9 ~~in Section 1.1 of the Firearm Owners Identification Card~~  
10 ~~Act.~~

11 (3) "Mental health facility" means any licensed  
12 private hospital or hospital affiliate, institution, or  
13 facility, or part thereof, and any facility, or part  
14 thereof, operated by the State or a political subdivision  
15 thereof which provide treatment of persons with mental  
16 illness and includes all hospitals, institutions, clinics,  
17 evaluation facilities, mental health centers, colleges,  
18 universities, long-term care facilities, and nursing  
19 homes, or parts thereof, which provide treatment of  
20 persons with mental illness whether or not the primary  
21 purpose is to provide treatment of persons with mental  
22 illness ~~has the meaning as defined in Section 1.1 of the~~  
23 ~~Firearm Owners Identification Card Act.~~

24 (c) Upon the request of a peace officer who takes a person  
25 into custody and transports such person to a mental health or  
26 developmental disability facility pursuant to Section 3-606 or

1 4-404 of the Mental Health and Developmental Disabilities Code  
2 or who transports a person from such facility, a facility  
3 director shall furnish said peace officer the name, address,  
4 age and name of the nearest relative of the person transported  
5 to or from the mental health or developmental disability  
6 facility. In no case shall the facility director disclose to  
7 the peace officer any information relating to the diagnosis,  
8 treatment or evaluation of the person's mental or physical  
9 health.

10 For the purposes of this subsection (c), the terms "mental  
11 health or developmental disability facility", "peace officer"  
12 and "facility director" shall have the meanings ascribed to  
13 them in the Mental Health and Developmental Disabilities Code.

14 (d) Upon the request of a peace officer or prosecuting  
15 authority who is conducting a bona fide investigation of a  
16 criminal offense, or attempting to apprehend a fugitive from  
17 justice, a facility director may disclose whether a person is  
18 present at the facility. Upon request of a peace officer or  
19 prosecuting authority who has a valid forcible felony warrant  
20 issued, a facility director shall disclose: (1) whether the  
21 person who is the subject of the warrant is present at the  
22 facility and (2) the date of that person's discharge or future  
23 discharge from the facility. The requesting peace officer or  
24 prosecuting authority must furnish a case number and the  
25 purpose of the investigation or an outstanding arrest warrant  
26 at the time of the request. Any person, institution, or agency

1 participating in good faith in disclosing such information in  
2 accordance with this subsection (d) is immune from any  
3 liability, civil, criminal or otherwise, that might result by  
4 reason of the action.

5 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
6 eff. 7-27-15; 99-642, eff. 7-28-16.)

7 Section 105. The Illinois Domestic Violence Act of 1986 is  
8 amended by changing Section 214 as follows:

9 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

10 Sec. 214. Order of protection; remedies.

11 (a) Issuance of order. If the court finds that petitioner  
12 has been abused by a family or household member or that  
13 petitioner is a high-risk adult who has been abused,  
14 neglected, or exploited, as defined in this Act, an order of  
15 protection prohibiting the abuse, neglect, or exploitation  
16 shall issue; provided that petitioner must also satisfy the  
17 requirements of one of the following Sections, as appropriate:  
18 Section 217 on emergency orders, Section 218 on interim  
19 orders, or Section 219 on plenary orders. Petitioner shall not  
20 be denied an order of protection because petitioner or  
21 respondent is a minor. The court, when determining whether or  
22 not to issue an order of protection, shall not require  
23 physical manifestations of abuse on the person of the victim.  
24 Modification and extension of prior orders of protection shall

1 be in accordance with this Act.

2 (b) Remedies and standards. The remedies to be included in  
3 an order of protection shall be determined in accordance with  
4 this Section and one of the following Sections, as  
5 appropriate: Section 217 on emergency orders, Section 218 on  
6 interim orders, and Section 219 on plenary orders. The  
7 remedies listed in this subsection shall be in addition to  
8 other civil or criminal remedies available to petitioner.

9 (1) Prohibition of abuse, neglect, or exploitation.  
10 Prohibit respondent's harassment, interference with  
11 personal liberty, intimidation of a dependent, physical  
12 abuse, or willful deprivation, neglect or exploitation, as  
13 defined in this Act, or stalking of the petitioner, as  
14 defined in Section 12-7.3 of the Criminal Code of 2012, if  
15 such abuse, neglect, exploitation, or stalking has  
16 occurred or otherwise appears likely to occur if not  
17 prohibited.

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

1 Marriage Act.

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

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

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

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

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

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

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

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



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

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

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

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

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

13 If a court finds, after a hearing, that respondent has  
14 committed abuse (as defined in Section 103) of a minor  
15 child, there shall be a rebuttable presumption that  
16 awarding physical care to respondent would not be in the  
17 minor child's best interest.

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

25 If a court finds, after a hearing, that respondent has  
26 committed abuse (as defined in Section 103) of a minor

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

5 (7) Parenting time. Determine the parenting time, if  
6 any, of respondent in any case in which the court awards  
7 physical care or allocates temporary significant  
8 decision-making responsibility of a minor child to  
9 petitioner. The court shall restrict or deny respondent's  
10 parenting time with a minor child if the court finds that  
11 respondent has done or is likely to do any of the  
12 following: (i) abuse or endanger the minor child during  
13 parenting time; (ii) use the parenting time as an  
14 opportunity to abuse or harass petitioner or petitioner's  
15 family or household members; (iii) improperly conceal or  
16 detain the minor child; or (iv) otherwise act in a manner  
17 that is not in the best interests of the minor child. The  
18 court shall not be limited by the standards set forth in  
19 Section 603.10 of the Illinois Marriage and Dissolution of  
20 Marriage Act. If the court grants parenting time, the  
21 order shall specify dates and times for the parenting time  
22 to take place or other specific parameters or conditions  
23 that are appropriate. No order for parenting time shall  
24 refer merely to the term "reasonable parenting time".

25 Petitioner may deny respondent access to the minor  
26 child if, when respondent arrives for parenting time,

1           respondent is under the influence of drugs or alcohol and  
2           constitutes a threat to the safety and well-being of  
3           petitioner or petitioner's minor children or is behaving  
4           in a violent or abusive manner.

5           If necessary to protect any member of petitioner's  
6           family or household from future abuse, respondent shall be  
7           prohibited from coming to petitioner's residence to meet  
8           the minor child for parenting time, and the parties shall  
9           submit to the court their recommendations for reasonable  
10          alternative arrangements for parenting time. A person may  
11          be approved to supervise parenting time only after filing  
12          an affidavit accepting that responsibility and  
13          acknowledging accountability to the court.

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

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

23          (10) Possession of personal property. Grant petitioner  
24          exclusive possession of personal property and, if  
25          respondent has possession or control, direct respondent to  
26          promptly make it available to petitioner, if:

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

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

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

14           No order under this provision shall affect title to  
15 property.

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

21           (i) petitioner, but not respondent, owns the  
22 property; or

23           (ii) the parties own the property jointly, and the  
24 balance of hardships favors granting this remedy.

25           If petitioner's sole claim to ownership of the  
26 property is that it is marital property, the court may

1 grant petitioner relief under subparagraph (ii) of this  
2 paragraph only if a proper proceeding has been filed under  
3 the Illinois Marriage and Dissolution of Marriage Act, as  
4 now or hereafter amended.

5 The court may further prohibit respondent from  
6 improperly using the financial or other resources of an  
7 aged member of the family or household for the profit or  
8 advantage of respondent or of any other person.

9 (11.5) Protection of animals. Grant the petitioner the  
10 exclusive care, custody, or control of any animal owned,  
11 possessed, leased, kept, or held by either the petitioner  
12 or the respondent or a minor child residing in the  
13 residence or household of either the petitioner or the  
14 respondent and order the respondent to stay away from the  
15 animal and forbid the respondent from taking,  
16 transferring, encumbering, concealing, harming, or  
17 otherwise disposing of the animal.

18 (12) Order for payment of support. Order respondent to  
19 pay temporary support for the petitioner or any child in  
20 the petitioner's care or over whom the petitioner has been  
21 allocated parental responsibility, when the respondent has  
22 a legal obligation to support that person, in accordance  
23 with the Illinois Marriage and Dissolution of Marriage  
24 Act, which shall govern, among other matters, the amount  
25 of support, payment through the clerk and withholding of  
26 income to secure payment. An order for child support may

1 be granted to a petitioner with lawful physical care of a  
2 child, or an order or agreement for physical care of a  
3 child, prior to entry of an order allocating significant  
4 decision-making responsibility. Such a support order shall  
5 expire upon entry of a valid order allocating parental  
6 responsibility differently and vacating the petitioner's  
7 significant decision-making authority, unless otherwise  
8 provided in the order.

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

18 (i) Losses affecting family needs. If a party is  
19 entitled to seek maintenance, child support or  
20 property distribution from the other party under the  
21 Illinois Marriage and Dissolution of Marriage Act, as  
22 now or hereafter amended, the court may order  
23 respondent to reimburse petitioner's actual losses, to  
24 the extent that such reimbursement would be  
25 "appropriate temporary relief", as authorized by  
26 subsection (a) (3) of Section 501 of that Act.

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

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

13          (14.5) Prohibition of firearm possession.

14          (a) Prohibit a respondent against whom an order of  
15          protection was issued from possessing any firearms  
16          during the duration of the order if the order:

17                  (1) was issued after a hearing of which such  
18                  person received actual notice, and at which such  
19                  person had an opportunity to participate;

20                  (2) restrains such person from harassing,  
21                  stalking, or threatening an intimate partner of  
22                  such person or child of such intimate partner or  
23                  person, or engaging in other conduct that would  
24                  place an intimate partner in reasonable fear of  
25                  bodily injury to the partner or child; and

26                  (3)(i) includes a finding that such person



1 represents a credible threat to the physical  
2 safety of such intimate partner or child; or (ii)  
3 by its terms explicitly prohibits the use,  
4 attempted use, or threatened use of physical force  
5 against such intimate partner or child that would  
6 reasonably be expected to cause bodily injury.

7 ~~Any Firearm Owner's Identification Card in the~~  
8 ~~possession of the respondent, except as provided in~~  
9 ~~subsection (b), shall be ordered by the court to be~~  
10 ~~turned over to the local law enforcement agency. The~~  
11 ~~local law enforcement agency shall immediately mail~~  
12 ~~the card to the Department of State Police Firearm~~  
13 ~~Owner's Identification Card Office for safekeeping.~~  
14 The court shall issue a warrant for seizure of any  
15 firearm in the possession of the respondent, to be  
16 kept by the local law enforcement agency for  
17 safekeeping, except as provided in subsection (b). The  
18 period of safekeeping shall be for the duration of the  
19 order of protection. The firearm or firearms ~~and~~  
20 ~~Firearm Owner's Identification Card, if unexpired,~~  
21 shall at the respondent's request, be returned to the  
22 respondent at the end of the order of protection. It is  
23 the respondent's responsibility to notify the  
24 Department of State Police ~~Firearm Owner's~~  
25 ~~Identification Card Office.~~

26 (b) If the respondent is a peace officer as

1 defined in Section 2-13 of the Criminal Code of 2012,  
2 the court shall order that any firearms used by the  
3 respondent in the performance of his or her duties as a  
4 peace officer be surrendered to the chief law  
5 enforcement executive of the agency in which the  
6 respondent is employed, who shall retain the firearms  
7 for safekeeping for the duration of the order of  
8 protection.

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

23 (15) Prohibition of access to records. If an order of  
24 protection prohibits respondent from having contact with  
25 the minor child, or if petitioner's address is omitted  
26 under subsection (b) of Section 203, or if necessary to

1 prevent abuse or wrongful removal or concealment of a  
2 minor child, the order shall deny respondent access to,  
3 and prohibit respondent from inspecting, obtaining, or  
4 attempting to inspect or obtain, school or any other  
5 records of the minor child who is in the care of  
6 petitioner.

7 (16) Order for payment of shelter services. Order  
8 respondent to reimburse a shelter providing temporary  
9 housing and counseling services to the petitioner for the  
10 cost of the services, as certified by the shelter and  
11 deemed reasonable by the court.

12 (17) Order for injunctive relief. Enter injunctive  
13 relief necessary or appropriate to prevent further abuse  
14 of a family or household member or further abuse, neglect,  
15 or exploitation of a high-risk adult with disabilities or  
16 to effectuate one of the granted remedies, if supported by  
17 the balance of hardships. If the harm to be prevented by  
18 the injunction is abuse or any other harm that one of the  
19 remedies listed in paragraphs (1) through (16) of this  
20 subsection is designed to prevent, no further evidence is  
21 necessary that the harm is an irreparable injury.

22 (18) Telephone services.

23 (A) Unless a condition described in subparagraph  
24 (B) of this paragraph exists, the court may, upon  
25 request by the petitioner, order a wireless telephone  
26 service provider to transfer to the petitioner the

1 right to continue to use a telephone number or numbers  
2 indicated by the petitioner and the financial  
3 responsibility associated with the number or numbers,  
4 as set forth in subparagraph (C) of this paragraph.  
5 For purposes of this paragraph (18), the term  
6 "wireless telephone service provider" means a provider  
7 of commercial mobile service as defined in 47 U.S.C.  
8 332. The petitioner may request the transfer of each  
9 telephone number that the petitioner, or a minor child  
10 in his or her custody, uses. The clerk of the court  
11 shall serve the order on the wireless telephone  
12 service provider's agent for service of process  
13 provided to the Illinois Commerce Commission. The  
14 order shall contain all of the following:

15 (i) The name and billing telephone number of  
16 the account holder including the name of the  
17 wireless telephone service provider that serves  
18 the account.

19 (ii) Each telephone number that will be  
20 transferred.

21 (iii) A statement that the provider transfers  
22 to the petitioner all financial responsibility for  
23 and right to the use of any telephone number  
24 transferred under this paragraph.

25 (B) A wireless telephone service provider shall  
26 terminate the respondent's use of, and shall transfer

1 to the petitioner use of, the telephone number or  
2 numbers indicated in subparagraph (A) of this  
3 paragraph unless it notifies the petitioner, within 72  
4 hours after it receives the order, that one of the  
5 following applies:

6 (i) The account holder named in the order has  
7 terminated the account.

8 (ii) A difference in network technology would  
9 prevent or impair the functionality of a device on  
10 a network if the transfer occurs.

11 (iii) The transfer would cause a geographic or  
12 other limitation on network or service provision  
13 to the petitioner.

14 (iv) Another technological or operational  
15 issue would prevent or impair the use of the  
16 telephone number if the transfer occurs.

17 (C) The petitioner assumes all financial  
18 responsibility for and right to the use of any  
19 telephone number transferred under this paragraph. In  
20 this paragraph, "financial responsibility" includes  
21 monthly service costs and costs associated with any  
22 mobile device associated with the number.

23 (D) A wireless telephone service provider may  
24 apply to the petitioner its routine and customary  
25 requirements for establishing an account or  
26 transferring a number, including requiring the

1 petitioner to provide proof of identification,  
2 financial information, and customer preferences.

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

7 (F) All wireless service providers that provide  
8 services to residential customers shall provide to the  
9 Illinois Commerce Commission the name and address of  
10 an agent for service of orders entered under this  
11 paragraph (18). Any change in status of the registered  
12 agent must be reported to the Illinois Commerce  
13 Commission within 30 days of such change.

14 (G) The Illinois Commerce Commission shall  
15 maintain the list of registered agents for service for  
16 each wireless telephone service provider on the  
17 Commission's website. The Commission may consult with  
18 wireless telephone service providers and the Circuit  
19 Court Clerks on the manner in which this information  
20 is provided and displayed.

21 (c) Relevant factors; findings.

22 (1) In determining whether to grant a specific remedy,  
23 other than payment of support, the court shall consider  
24 relevant factors, including but not limited to the  
25 following:

26 (i) the nature, frequency, severity, pattern and

1 consequences of the respondent's past abuse, neglect  
2 or exploitation of the petitioner or any family or  
3 household member, including the concealment of his or  
4 her location in order to evade service of process or  
5 notice, and the likelihood of danger of future abuse,  
6 neglect, or exploitation to petitioner or any member  
7 of petitioner's or respondent's family or household;  
8 and

9 (ii) the danger that any minor child will be  
10 abused or neglected or improperly relocated from the  
11 jurisdiction, improperly concealed within the State or  
12 improperly separated from the child's primary  
13 caretaker.

14 (2) In comparing relative hardships resulting to the  
15 parties from loss of possession of the family home, the  
16 court shall consider relevant factors, including but not  
17 limited to the following:

18 (i) availability, accessibility, cost, safety,  
19 adequacy, location and other characteristics of  
20 alternate housing for each party and any minor child  
21 or dependent adult in the party's care;

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

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

26 (3) Subject to the exceptions set forth in paragraph

1 (4) of this subsection, the court shall make its findings  
2 in an official record or in writing, and shall at a minimum  
3 set forth the following:

4 (i) That the court has considered the applicable  
5 relevant factors described in paragraphs (1) and (2)  
6 of this subsection.

7 (ii) Whether the conduct or actions of respondent,  
8 unless prohibited, will likely cause irreparable harm  
9 or continued abuse.

10 (iii) Whether it is necessary to grant the  
11 requested relief in order to protect petitioner or  
12 other alleged abused persons.

13 (4) For purposes of issuing an ex parte emergency  
14 order of protection, the court, as an alternative to or as  
15 a supplement to making the findings described in  
16 paragraphs (c)(3)(i) through (c)(3)(iii) of this  
17 subsection, may use the following procedure:

18 When a verified petition for an emergency order of  
19 protection in accordance with the requirements of Sections  
20 203 and 217 is presented to the court, the court shall  
21 examine petitioner on oath or affirmation. An emergency  
22 order of protection shall be issued by the court if it  
23 appears from the contents of the petition and the  
24 examination of petitioner that the averments are  
25 sufficient to indicate abuse by respondent and to support  
26 the granting of relief under the issuance of the emergency



1 order of protection.

2 (5) Never married parties. No rights or  
3 responsibilities for a minor child born outside of  
4 marriage attach to a putative father until a father and  
5 child relationship has been established under the Illinois  
6 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
7 the Illinois Public Aid Code, Section 12 of the Vital  
8 Records Act, the Juvenile Court Act of 1987, the Probate  
9 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
10 Support Act, the Uniform Interstate Family Support Act,  
11 the Expedited Child Support Act of 1990, any judicial,  
12 administrative, or other act of another state or  
13 territory, any other Illinois statute, or by any foreign  
14 nation establishing the father and child relationship, any  
15 other proceeding substantially in conformity with the  
16 Personal Responsibility and Work Opportunity  
17 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
18 both parties appeared in open court or at an  
19 administrative hearing acknowledging under oath or  
20 admitting by affirmation the existence of a father and  
21 child relationship. Absent such an adjudication, finding,  
22 or acknowledgment, no putative father shall be granted  
23 temporary allocation of parental responsibilities,  
24 including parenting time with the minor child, or physical  
25 care and possession of the minor child, nor shall an order  
26 of payment for support of the minor child be entered.

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

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

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

15 (2) Respondent was voluntarily intoxicated;

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

20 (4) Petitioner did not act in self-defense or defense  
21 of another;

22 (5) Petitioner left the residence or household to  
23 avoid further abuse, neglect, or exploitation by  
24 respondent;

25 (6) Petitioner did not leave the residence or  
26 household to avoid further abuse, neglect, or exploitation

1 by respondent;

2 (7) Conduct by any family or household member excused  
3 the abuse, neglect, or exploitation by respondent, unless  
4 that same conduct would have excused such abuse, neglect,  
5 or exploitation if the parties had not been family or  
6 household members.

7 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,  
8 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;  
9 100-923, eff. 1-1-19.)

10 Section 110. The Uniform Disposition of Unclaimed Property  
11 Act is amended by changing Section 1 as follows:

12 (765 ILCS 1025/1) (from Ch. 141, par. 101)

13 Sec. 1. As used in this Act, unless the context otherwise  
14 requires:

15 (a) "Banking organization" means any bank, trust company,  
16 savings bank, industrial bank, land bank, safe deposit  
17 company, or a private banker.

18 (b) "Business association" means any corporation, joint  
19 stock company, business trust, partnership, or any  
20 association, limited liability company, or other business  
21 entity consisting of one or more persons, whether or not for  
22 profit.

23 (c) "Financial organization" means any savings and loan  
24 association, building and loan association, credit union,

1 currency exchange, co-operative bank, mutual funds, or  
2 investment company.

3 (d) "Holder" means any person in possession of property  
4 subject to this Act belonging to another, or who is trustee in  
5 case of a trust, or is indebted to another on an obligation  
6 subject to this Act.

7 (e) "Life insurance corporation" means any association or  
8 corporation transacting the business of insurance on the lives  
9 of persons or insurance appertaining thereto, including, but  
10 not by way of limitation, endowments and annuities.

11 (f) "Owner" means a depositor in case of a deposit, a  
12 beneficiary in case of a trust, a creditor, claimant, or payee  
13 in case of other property, or any person having a legal or  
14 equitable interest in property subject to this Act, or his  
15 legal representative.

16 (g) "Person" means any individual, business association,  
17 financial organization, government or political subdivision or  
18 agency, public authority, estate, trust, or any other legal or  
19 commercial entity.

20 (h) "Utility" means any person who owns or operates, for  
21 public use, any plant, equipment, property, franchise, or  
22 license for the transmission of communications or the  
23 production, storage, transmission, sale, delivery, or  
24 furnishing of electricity, water, steam, oil or gas.

25 (i) (Blank).

26 (j) "Insurance company" means any person transacting the

1 kinds of business enumerated in Section 4 of the Illinois  
2 Insurance Code other than life insurance.

3 (k) "Economic loss", as used in Sections 2a and 9 of this  
4 Act includes, but is not limited to, delivery charges,  
5 mark-downs and write-offs, carrying costs, restocking charges,  
6 lay-aways, special orders, issuance of credit memos, and the  
7 costs of special services or goods provided that reduce the  
8 property value or that result in lost sales opportunity.

9 (l) "Reportable property" means property, tangible or  
10 intangible, presumed abandoned under this Act that must be  
11 appropriately and timely reported and remitted to the Office  
12 of the State Treasurer under this Act. Interest, dividends,  
13 stock splits, warrants, or other rights that become reportable  
14 property under this Act include the underlying security or  
15 commodity giving rise to the interest, dividend, split,  
16 warrant, or other right to which the owner would be entitled.

17 (m) "Firearm" has the meaning ascribed to that term in  
18 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~  
19 ~~Identification Card Act.~~

20 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99;  
21 91-748, eff. 6-2-00.)

22 Section 115. The Revised Uniform Unclaimed Property Act is  
23 amended by changing Section 15-705 as follows:

24 (765 ILCS 1026/15-705)

1           Sec. 15-705. Exceptions to the sale of tangible property.  
2           The administrator shall dispose of tangible property  
3           identified by this Section in accordance with this Section.

4           (a) Military medals or decorations. The administrator may  
5           not sell a medal or decoration awarded for military service in  
6           the armed forces of the United States. Instead, the  
7           administrator, with the consent of the respective organization  
8           under paragraph (1), agency under paragraph (2), or entity  
9           under paragraph (3), may deliver a medal or decoration to be  
10          held in custody for the owner, to:

11                 (1) a military veterans organization qualified under  
12                 Section 501(c)(19) of the Internal Revenue Code;

13                 (2) the agency that awarded the medal or decoration;  
14                 or

15                 (3) a governmental entity.

16          After delivery, the administrator is not responsible for  
17          the safekeeping of the medal or decoration.

18          (b) Property with historical value. Property that the  
19          administrator reasonably believes may have historical value  
20          may be, at his or her discretion, loaned to an accredited  
21          museum in the United States where it will be kept until such  
22          time as the administrator orders it to be returned to his or  
23          her custody.

24          (c) Human remains. If human remains are delivered to the  
25          administrator under this Act, the administrator shall deliver  
26          those human remains to the coroner of the county in which the

1 human remains were abandoned for disposition under Section  
2 3-3034 of the Counties Code. The only human remains that may be  
3 delivered to the administrator under this Act and that the  
4 administrator may receive are those that are reported and  
5 delivered as contents of a safe deposit box.

6 (d) Evidence in a criminal investigation. Property that  
7 may have been used in the commission of a crime or that may  
8 assist in the investigation of a crime, as determined after  
9 consulting with the Department of State Police, shall be  
10 delivered to the Department of State Police or other  
11 appropriate law enforcement authority to allow law enforcement  
12 to determine whether a criminal investigation should take  
13 place. Any such property delivered to a law enforcement  
14 authority shall be held in accordance with existing statutes  
15 and rules related to the gathering, retention, and release of  
16 evidence.

17 (e) Firearms.

18 (1) The administrator, in cooperation with the  
19 Department of State Police, shall develop a procedure to  
20 determine whether a firearm delivered to the administrator  
21 under this Act has been stolen or used in the commission of  
22 a crime. The Department of State Police shall determine  
23 the appropriate disposition of a firearm that has been  
24 stolen or used in the commission of a crime. The  
25 administrator shall attempt to return a firearm that has  
26 not been stolen or used in the commission of a crime to the

1           rightful owner if the Department of State Police  
2           determines that the owner may lawfully possess the  
3           firearm.

4           (2) If the administrator is unable to return a firearm  
5           to its owner, the administrator shall transfer custody of  
6           the firearm to the Department of State Police. Legal title  
7           to a firearm transferred to the Department of State Police  
8           under this subsection (e) is vested in the Department of  
9           State Police by operation of law if:

10                   (i) the administrator cannot locate the owner of  
11                   the firearm;

12                   (ii) the owner of the firearm may not lawfully  
13                   possess the firearm;

14                   (iii) the apparent owner does not respond to  
15                   notice published under Section 15-503 of this Act; or

16                   (iv) the apparent owner responds to notice  
17                   published under Section 15-502 and states that he or  
18                   she no longer claims an interest in the firearm.

19           (3) With respect to a firearm whose title is  
20           transferred to the Department of State Police under this  
21           subsection (e), the Department of State Police may:

22                   (i) retain the firearm for use by the crime  
23                   laboratory system, for training purposes, or for any  
24                   other application as deemed appropriate by the  
25                   Department;

26                   (ii) transfer the firearm to the Illinois State



1 Museum if the firearm has historical value; or  
2 (iii) destroy the firearm if it is not retained  
3 pursuant to subparagraph (i) or transferred pursuant  
4 to subparagraph (ii).

5 As used in this subsection, "firearm" has the meaning  
6 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~  
7 ~~Firearm Owners Identification Card Act.~~

8 (Source: P.A. 100-22, eff. 1-1-18.)

9 Section 999. Effective date. This Act takes effect January  
10 1, 2022.

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20 ILCS 2605/2605-300 was 20 ILCS 2605/55a in part

6

20 ILCS 2605/2605-595

7

20 ILCS 2605/2605-120 rep.

8

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