

HB2490



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2490

Introduced 2/19/2021, by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

See Index

Repeals the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes.

LRB102 12152 RLC 17489 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 6. The Gun Trafficking Information Act is amended
7 by changing Section 10-5 as follows:

8 (5 ILCS 830/10-5)

9 Sec. 10-5. Gun trafficking information.

10 (a) The Department of State Police shall use all
11 reasonable efforts in making publicly available, on a regular
12 and ongoing basis, key information related to firearms used in
13 the commission of crimes in this State, including, but not
14 limited to: reports on crimes committed with firearms,
15 locations where the crimes occurred, the number of persons
16 killed or injured in the commission of the crimes, the state
17 where the firearms used originated, the Federal Firearms
18 Licensee that sold the firearm, and the type of firearms used.
19 The Department shall make the information available on its
20 website, in addition to electronically filing a report with
21 the Governor and the General Assembly. The report to the
22 General Assembly shall be filed with the Clerk of the House of
23 Representatives and the Secretary of the Senate in electronic
24 form only, in the manner that the Clerk and the Secretary shall

1 direct.

2 (b) The Department shall study, on a regular and ongoing
3 basis, and compile reports on the number of NICS Firearm
4 ~~Owner's Identification Card~~ checks to determine firearms
5 trafficking or straw purchase patterns. The Department shall,
6 to the extent not inconsistent with law, share such reports
7 and underlying data with academic centers, foundations, and
8 law enforcement agencies studying firearms trafficking,
9 provided that personally identifying information is protected.
10 ~~For purposes of this subsection (b), a Firearm Owner's~~
11 ~~Identification Card number is not personally identifying~~
12 ~~information, provided that no other personal information of~~
13 ~~the card holder is attached to the record. The Department may~~
14 ~~create and attach an alternate unique identifying number to~~
15 ~~each Firearm Owner's Identification Card number, instead of~~
16 ~~releasing the Firearm Owner's Identification Card number~~
17 ~~itself.~~

18 (c) Each department, office, division, and agency of this
19 State shall, to the extent not inconsistent with law,
20 cooperate fully with the Department and furnish the Department
21 with all relevant information and assistance on a timely basis
22 as is necessary to accomplish the purpose of this Act. The
23 Illinois Criminal Justice Information Authority shall submit
24 the information required in subsection (a) of this Section to
25 the Department of State Police, and any other information as
26 the Department may request, to assist the Department in

1 carrying out its duties under this Act.

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

3 Section 7. The Department of Natural Resources
4 (Conservation) Law of the Civil Administrative Code of
5 Illinois is amended by changing Section 805-538 as follows:

6 (20 ILCS 805/805-538)

7 Sec. 805-538. Retiring officer; purchase of service
8 firearm and police badge. The Director of Natural Resources
9 shall establish a program to allow a Conservation Police
10 Officer who is honorably retiring in good standing to purchase
11 either one or both of the following: (1) any Department of
12 Natural Resources police badge previously issued to that
13 officer; or (2) ~~if the officer has a currently valid Firearm~~
14 ~~Owner's Identification Card,~~ the service firearm issued or
15 previously issued to the officer by the Department of Natural
16 Resources. The cost of the firearm shall be the replacement
17 value of the firearm and not the firearm's fair market value.

18 (Source: P.A. 100-931, eff. 8-17-18.)

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

22 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

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

3 (1) (Blank).

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

6 (3) (Blank).

7 (4) Operate an electronic data processing and computer
8 center for the storage and retrieval of data pertaining to
9 criminal activity.

10 (5) Exercise the rights, powers, and duties vested in
11 the former Division of State Troopers by Section 17 of the
12 State Police Act.

13 (6) (Blank).

14 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~
15 ~~vested in the Department by the Firearm Owners~~
16 ~~Identification Card Act.~~

17 (7) Exercise other duties that may be assigned by the
18 Director to fulfill the responsibilities and achieve the
19 purposes of the Department.

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

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

23 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

24 Sec. 2605-300. Records; crime laboratories; personnel. To
25 do the following:

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

3 (2) Be a central repository for criminal history
4 record information.

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

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

10 (5) Establish general and field crime laboratories.

11 (6) Register and file for record information that may
12 be required by law for the issuance of ~~firearm owner's~~
13 ~~identification cards under the Firearm Owners~~
14 ~~Identification Card Act~~ and concealed carry licenses under
15 the Firearm Concealed Carry Act.

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

19 (8) Undertake other identification, information,
20 laboratory, statistical, or registration activities that
21 may be required by law.

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

23 (20 ILCS 2605/2605-595)

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

25 (a) There is created in the State treasury a special fund

1 known as the State Police Firearm Services Fund. The Fund
2 shall receive revenue under the Firearm Concealed Carry Act
3 ~~and Section 5 of the Firearm Owners Identification Card Act.~~
4 The Fund may also receive revenue from grants, pass-through
5 grants, donations, appropriations, and any other legal source.

6 (b) The Department of State Police may use moneys in the
7 Fund to finance any of its lawful purposes, mandates,
8 functions, and duties under ~~the Firearm Owners Identification~~
9 ~~Card Act~~ and the Firearm Concealed Carry Act, including the
10 cost of sending notices of expiration of ~~Firearm Owner's~~
11 ~~Identification Cards~~, concealed carry licenses, the prompt and
12 efficient processing of applications under ~~the Firearm Owners~~
13 ~~Identification Card Act~~ and the Firearm Concealed Carry Act,
14 the improved efficiency and reporting of the LEADS and federal
15 NICS law enforcement data systems, and support for
16 investigations required under that Act ~~these Acts~~ and law. Any
17 surplus funds beyond what is needed to comply with the
18 aforementioned purposes shall be used by the Department to
19 improve the Law Enforcement Agencies Data System (LEADS) and
20 criminal history background check system.

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

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

1 (20 ILCS 2605/2605-610 rep.)

2 Section 15. The Department of State Police Law of the
3 Civil Administrative Code of Illinois is amended by repealing
4 Sections 2605-120 and 2605-610.

5 Section 16. The State Police Act is amended by changing
6 Section 17b as follows:

7 (20 ILCS 2610/17b)

8 Sec. 17b. Retiring officer; purchase of service firearm
9 and police badge. The Director of State Police shall establish
10 a policy to allow a State Police officer who is honorably
11 retiring or separating in good standing to purchase either one
12 or both of the following: (i) any State Police badge
13 previously issued to that officer; or (ii) ~~if the officer has a~~
14 ~~currently valid Firearm Owner's Identification Card,~~ the
15 service firearm issued or previously issued to the officer by
16 the Department of State Police. The cost of the firearm
17 purchased shall be the replacement value of the firearm and
18 not the firearm's fair market value.

19 (Source: P.A. 100-931, eff. 8-17-18.)

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

22 (20 ILCS 2630/2.2)

1 Sec. 2.2. Notification to the Department. Upon judgment of
2 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
3 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
4 Code of 2012 when the defendant has been determined, pursuant
5 to Section 112A-11.1 of the Code of Criminal Procedure of
6 1963, to be subject to the prohibitions of 18 U.S.C.
7 922(g)(9), the circuit court clerk shall include notification
8 and a copy of the written determination in a report of the
9 conviction to the Department of State Police ~~Firearm Owner's~~
10 ~~Identification Card Office~~ to enable the Illinois State Police
11 ~~office~~ to perform its duties under the Firearm Concealed Carry
12 Act and Sections 4 and 8 of the Firearm Owners Identification
13 Card Act and to report that determination to the ~~Federal~~
14 ~~Bureau of Investigation~~ to assist the Federal Bureau of
15 Investigation in identifying persons prohibited from
16 purchasing and possessing a firearm pursuant to the provisions
17 of 18 U.S.C. 922. The written determination described in this
18 Section shall be included in the defendant's record of arrest
19 and conviction in the manner and form prescribed by the
20 Department of State Police.

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

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

24 (30 ILCS 105/6z-99)

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

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

7 (b) The Department of State Police and Department of Human
8 Services shall coordinate to use moneys in the Fund to finance
9 their respective duties of collecting and reporting data on
10 mental health records and ensuring that mental health firearm
11 possession prohibitors are enforced as set forth under the
12 Firearm Concealed Carry Act ~~and the Firearm Owners~~
13 ~~Identification Card Act~~. Any surplus in the Fund beyond what
14 is necessary to ensure compliance with mental health reporting
15 under that Act ~~these Acts~~ shall be used by the Department of
16 Human Services for mental health treatment programs.

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

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

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

23 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

1 (a) "Peace officer" means (i) any person who by virtue of
2 his office or public employment is vested by law with a primary
3 duty to maintain public order or to make arrests for offenses,
4 whether that duty extends to all offenses or is limited to
5 specific offenses, and who is employed in such capacity by any
6 county or municipality or (ii) any retired law enforcement
7 officers qualified under federal law to carry a concealed
8 weapon.

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

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

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

21 (50 ILCS 725/7.2 rep.)

22 Section 31. The Uniform Peace Officers' Disciplinary Act
23 is amended by repealing Section 7.2.

24 Section 35. The School Code is amended by changing

1 Sections 10-22.6, 10-27.1A and 34-8.05 as follows:

2 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

3 Sec. 10-22.6. Suspension or expulsion of pupils; school
4 searches.

5 (a) To expel pupils guilty of gross disobedience or
6 misconduct, including gross disobedience or misconduct
7 perpetuated by electronic means, pursuant to subsection (b-20)
8 of this Section, and no action shall lie against them for such
9 expulsion. Expulsion shall take place only after the parents
10 have been requested to appear at a meeting of the board, or
11 with a hearing officer appointed by it, to discuss their
12 child's behavior. Such request shall be made by registered or
13 certified mail and shall state the time, place and purpose of
14 the meeting. The board, or a hearing officer appointed by it,
15 at such meeting shall state the reasons for dismissal and the
16 date on which the expulsion is to become effective. If a
17 hearing officer is appointed by the board, he shall report to
18 the board a written summary of the evidence heard at the
19 meeting and the board may take such action thereon as it finds
20 appropriate. If the board acts to expel a pupil, the written
21 expulsion decision shall detail the specific reasons why
22 removing the pupil from the learning environment is in the
23 best interest of the school. The expulsion decision shall also
24 include a rationale as to the specific duration of the
25 expulsion. An expelled pupil may be immediately transferred to

1 an alternative program in the manner provided in Article 13A
2 or 13B of this Code. A pupil must not be denied transfer
3 because of the expulsion, except in cases in which such
4 transfer is deemed to cause a threat to the safety of students
5 or staff in the alternative program.

6 (b) To suspend or by policy to authorize the
7 superintendent of the district or the principal, assistant
8 principal, or dean of students of any school to suspend pupils
9 guilty of gross disobedience or misconduct, or to suspend
10 pupils guilty of gross disobedience or misconduct on the
11 school bus from riding the school bus, pursuant to subsections
12 (b-15) and (b-20) of this Section, and no action shall lie
13 against them for such suspension. The board may by policy
14 authorize the superintendent of the district or the principal,
15 assistant principal, or dean of students of any school to
16 suspend pupils guilty of such acts for a period not to exceed
17 10 school days. If a pupil is suspended due to gross
18 disobedience or misconduct on a school bus, the board may
19 suspend the pupil in excess of 10 school days for safety
20 reasons.

21 Any suspension shall be reported immediately to the
22 parents or guardian of a pupil along with a full statement of
23 the reasons for such suspension and a notice of their right to
24 a review. The school board must be given a summary of the
25 notice, including the reason for the suspension and the
26 suspension length. Upon request of the parents or guardian,

1 the school board or a hearing officer appointed by it shall
2 review such action of the superintendent or principal,
3 assistant principal, or dean of students. At such review, the
4 parents or guardian of the pupil may appear and discuss the
5 suspension with the board or its hearing officer. If a hearing
6 officer is appointed by the board, he shall report to the board
7 a written summary of the evidence heard at the meeting. After
8 its hearing or upon receipt of the written report of its
9 hearing officer, the board may take such action as it finds
10 appropriate. If a student is suspended pursuant to this
11 subsection (b), the board shall, in the written suspension
12 decision, detail the specific act of gross disobedience or
13 misconduct resulting in the decision to suspend. The
14 suspension decision shall also include a rationale as to the
15 specific duration of the suspension. A pupil who is suspended
16 in excess of 20 school days may be immediately transferred to
17 an alternative program in the manner provided in Article 13A
18 or 13B of this Code. A pupil must not be denied transfer
19 because of the suspension, except in cases in which such
20 transfer is deemed to cause a threat to the safety of students
21 or staff in the alternative program.

22 (b-5) Among the many possible disciplinary interventions
23 and consequences available to school officials, school
24 exclusions, such as out-of-school suspensions and expulsions,
25 are the most serious. School officials shall limit the number
26 and duration of expulsions and suspensions to the greatest

1 extent practicable, and it is recommended that they use them
2 only for legitimate educational purposes. To ensure that
3 students are not excluded from school unnecessarily, it is
4 recommended that school officials consider forms of
5 non-exclusionary discipline prior to using out-of-school
6 suspensions or expulsions.

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

11 (b-15) Out-of-school suspensions of 3 days or less may be
12 used only if the student's continuing presence in school would
13 pose a threat to school safety or a disruption to other
14 students' learning opportunities. For purposes of this
15 subsection (b-15), "threat to school safety or a disruption to
16 other students' learning opportunities" shall be determined on
17 a case-by-case basis by the school board or its designee.
18 School officials shall make all reasonable efforts to resolve
19 such threats, address such disruptions, and minimize the
20 length of suspensions to the greatest extent practicable.

21 (b-20) Unless otherwise required by this Code,
22 out-of-school suspensions of longer than 3 days, expulsions,
23 and disciplinary removals to alternative schools may be used
24 only if other appropriate and available behavioral and
25 disciplinary interventions have been exhausted and the
26 student's continuing presence in school would either (i) pose

1 a threat to the safety of other students, staff, or members of
2 the school community or (ii) substantially disrupt, impede, or
3 interfere with the operation of the school. For purposes of
4 this subsection (b-20), "threat to the safety of other
5 students, staff, or members of the school community" and
6 "substantially disrupt, impede, or interfere with the
7 operation of the school" shall be determined on a case-by-case
8 basis by school officials. For purposes of this subsection
9 (b-20), the determination of whether "appropriate and
10 available behavioral and disciplinary interventions have been
11 exhausted" shall be made by school officials. School officials
12 shall make all reasonable efforts to resolve such threats,
13 address such disruptions, and minimize the length of student
14 exclusions to the greatest extent practicable. Within the
15 suspension decision described in subsection (b) of this
16 Section or the expulsion decision described in subsection (a)
17 of this Section, it shall be documented whether other
18 interventions were attempted or whether it was determined that
19 there were no other appropriate and available interventions.

20 (b-25) Students who are suspended out-of-school for longer
21 than 4 school days shall be provided appropriate and available
22 support services during the period of their suspension. For
23 purposes of this subsection (b-25), "appropriate and available
24 support services" shall be determined by school authorities.
25 Within the suspension decision described in subsection (b) of
26 this Section, it shall be documented whether such services are

1 to be provided or whether it was determined that there are no
2 such appropriate and available services.

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

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

8 (b-30) A school district shall create a policy by which
9 suspended pupils, including those pupils suspended from the
10 school bus who do not have alternate transportation to school,
11 shall have the opportunity to make up work for equivalent
12 academic credit. It shall be the responsibility of a pupil's
13 parent or guardian to notify school officials that a pupil
14 suspended from the school bus does not have alternate
15 transportation to school.

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

20 (c-5) School districts shall make reasonable efforts to
21 provide ongoing professional development to teachers,
22 administrators, school board members, school resource
23 officers, and staff on the adverse consequences of school
24 exclusion and justice-system involvement, effective classroom
25 management strategies, culturally responsive discipline, the
26 appropriate and available supportive services for the

1 promotion of student attendance and engagement, and
2 developmentally appropriate disciplinary methods that promote
3 positive and healthy school climates.

4 (d) The board may expel a student for a definite period of
5 time not to exceed 2 calendar years, as determined on a
6 case-by-case basis. A student who is determined to have
7 brought one of the following objects to school, any
8 school-sponsored activity or event, or any activity or event
9 that bears a reasonable relationship to school shall be
10 expelled for a period of not less than one year:

11 (1) A firearm. For the purposes of this Section,
12 "firearm" means any gun, rifle, shotgun, weapon as defined
13 by Section 921 of Title 18 of the United States Code,
14 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~
15 ~~Owners Identification Card Act, or firearm as defined in~~
16 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion
17 period under this subdivision (1) may be modified by the
18 superintendent, and the superintendent's determination may
19 be modified by the board on a case-by-case basis.

20 (2) A knife, brass knuckles or other knuckle weapon
21 regardless of its composition, a billy club, or any other
22 object if used or attempted to be used to cause bodily
23 harm, including "look alike" of any firearm as defined in
24 subdivision (1) of this subsection (d). The expulsion
25 requirement under this subdivision (2) may be modified by
26 the superintendent, and the superintendent's determination

1 may be modified by the board on a case-by-case basis.
2 Expulsion or suspension shall be construed in a manner
3 consistent with the federal Individuals with Disabilities
4 Education Act. A student who is subject to suspension or
5 expulsion as provided in this Section may be eligible for a
6 transfer to an alternative school program in accordance with
7 Article 13A of the School Code.

8 (d-5) The board may suspend or by regulation authorize the
9 superintendent of the district or the principal, assistant
10 principal, or dean of students of any school to suspend a
11 student for a period not to exceed 10 school days or may expel
12 a student for a definite period of time not to exceed 2
13 calendar years, as determined on a case-by-case basis, if (i)
14 that student has been determined to have made an explicit
15 threat on an Internet website against a school employee, a
16 student, or any school-related personnel, (ii) the Internet
17 website through which the threat was made is a site that was
18 accessible within the school at the time the threat was made or
19 was available to third parties who worked or studied within
20 the school grounds at the time the threat was made, and (iii)
21 the threat could be reasonably interpreted as threatening to
22 the safety and security of the threatened individual because
23 of his or her duties or employment status or status as a
24 student inside the school.

25 (e) To maintain order and security in the schools, school
26 authorities may inspect and search places and areas such as

1 lockers, desks, parking lots, and other school property and
2 equipment owned or controlled by the school, as well as
3 personal effects left in those places and areas by students,
4 without notice to or the consent of the student, and without a
5 search warrant. As a matter of public policy, the General
6 Assembly finds that students have no reasonable expectation of
7 privacy in these places and areas or in their personal effects
8 left in these places and areas. School authorities may request
9 the assistance of law enforcement officials for the purpose of
10 conducting inspections and searches of lockers, desks, parking
11 lots, and other school property and equipment owned or
12 controlled by the school for illegal drugs, weapons, or other
13 illegal or dangerous substances or materials, including
14 searches conducted through the use of specially trained dogs.
15 If a search conducted in accordance with this Section produces
16 evidence that the student has violated or is violating either
17 the law, local ordinance, or the school's policies or rules,
18 such evidence may be seized by school authorities, and
19 disciplinary action may be taken. School authorities may also
20 turn over such evidence to law enforcement authorities.

21 (f) Suspension or expulsion may include suspension or
22 expulsion from school and all school activities and a
23 prohibition from being present on school grounds.

24 (g) A school district may adopt a policy providing that if
25 a student is suspended or expelled for any reason from any
26 public or private school in this or any other state, the

1 student must complete the entire term of the suspension or
2 expulsion in an alternative school program under Article 13A
3 of this Code or an alternative learning opportunities program
4 under Article 13B of this Code before being admitted into the
5 school district if there is no threat to the safety of students
6 or staff in the alternative program.

7 (h) School officials shall not advise or encourage
8 students to drop out voluntarily due to behavioral or academic
9 difficulties.

10 (i) A student may not be issued a monetary fine or fee as a
11 disciplinary consequence, though this shall not preclude
12 requiring a student to provide restitution for lost, stolen,
13 or damaged property.

14 (j) Subsections (a) through (i) of this Section shall
15 apply to elementary and secondary schools, charter schools,
16 special charter districts, and school districts organized
17 under Article 34 of this Code.

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

22 (l) Beginning with the 2018-2019 school year, an in-school
23 suspension program provided by a school district for any
24 students in kindergarten through grade 12 may focus on
25 promoting non-violent conflict resolution and positive
26 interaction with other students and school personnel. A school

1 district may employ a school social worker or a licensed
2 mental health professional to oversee an in-school suspension
3 program in kindergarten through grade 12.

4 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;
5 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.
6 7-12-19.)

7 (105 ILCS 5/10-27.1A)

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

9 (a) All school officials, including teachers, guidance
10 counselors, and support staff, shall immediately notify the
11 office of the principal in the event that they observe any
12 person in possession of a firearm on school grounds; provided
13 that taking such immediate action to notify the office of the
14 principal would not immediately endanger the health, safety,
15 or welfare of students who are under the direct supervision of
16 the school official or the school official. If the health,
17 safety, or welfare of students under the direct supervision of
18 the school official or of the school official is immediately
19 endangered, the school official shall notify the office of the
20 principal as soon as the students under his or her supervision
21 and he or she are no longer under immediate danger. A report is
22 not required by this Section when the school official knows
23 that the person in possession of the firearm is a law
24 enforcement official engaged in the conduct of his or her
25 official duties. Any school official acting in good faith who

1 makes such a report under this Section shall have immunity
2 from any civil or criminal liability that might otherwise be
3 incurred as a result of making the report. The identity of the
4 school official making such report shall not be disclosed
5 except as expressly and specifically authorized by law.
6 Knowingly and willfully failing to comply with this Section is
7 a petty offense. A second or subsequent offense is a Class C
8 misdemeanor.

9 (b) Upon receiving a report from any school official
10 pursuant to this Section, or from any other person, the
11 principal or his or her designee shall immediately notify a
12 local law enforcement agency. If the person found to be in
13 possession of a firearm on school grounds is a student, the
14 principal or his or her designee shall also immediately notify
15 that student's parent or guardian. Any principal or his or her
16 designee acting in good faith who makes such reports under
17 this Section shall have immunity from any civil or criminal
18 liability that might otherwise be incurred or imposed as a
19 result of making the reports. Knowingly and willfully failing
20 to comply with this Section is a petty offense. A second or
21 subsequent offense is a Class C misdemeanor. If the person
22 found to be in possession of the firearm on school grounds is a
23 minor, the law enforcement agency shall detain that minor
24 until such time as the agency makes a determination pursuant
25 to clause (a) of subsection (1) of Section 5-401 of the
26 Juvenile Court Act of 1987, as to whether the agency

1 reasonably believes that the minor is delinquent. If the law
2 enforcement agency determines that probable cause exists to
3 believe that the minor committed a violation of item (4) of
4 subsection (a) of Section 24-1 of the Criminal Code of 2012
5 while on school grounds, the agency shall detain the minor for
6 processing pursuant to Section 5-407 of the Juvenile Court Act
7 of 1987.

8 (c) On or after January 1, 1997, upon receipt of any
9 written, electronic, or verbal report from any school
10 personnel regarding a verified incident involving a firearm in
11 a school or on school owned or leased property, including any
12 conveyance owned, leased, or used by the school for the
13 transport of students or school personnel, the superintendent
14 or his or her designee shall report all such firearm-related
15 incidents occurring in a school or on school property to the
16 local law enforcement authorities immediately and to the
17 Department of State Police in a form, manner, and frequency as
18 prescribed by the Department of State Police.

19 The State Board of Education shall receive an annual
20 statistical compilation and related data associated with
21 incidents involving firearms in schools from the Department of
22 State Police. The State Board of Education shall compile this
23 information by school district and make it available to the
24 public.

25 (d) As used in this Section, the term "firearm" shall have
26 the meaning ascribed to it in Section 2-7.5 of the Criminal

1 Code of 2012 1.1 of the Firearm Owners Identification Card
2 Act.

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

5 As used in this Section, the term "school grounds"
6 includes the real property comprising any school, any
7 conveyance owned, leased, or contracted by a school to
8 transport students to or from school or a school-related
9 activity, or any public way within 1,000 feet of the real
10 property comprising any school.

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

12 (105 ILCS 5/34-8.05)

13 Sec. 34-8.05. Reporting firearms in schools. On or after
14 January 1, 1997, upon receipt of any written, electronic, or
15 verbal report from any school personnel regarding a verified
16 incident involving a firearm in a school or on school owned or
17 leased property, including any conveyance owned, leased, or
18 used by the school for the transport of students or school
19 personnel, the general superintendent or his or her designee
20 shall report all such firearm-related incidents occurring in a
21 school or on school property to the local law enforcement
22 authorities no later than 24 hours after the occurrence of the
23 incident and to the Department of State Police in a form,
24 manner, and frequency as prescribed by the Department of State
25 Police.

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

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

9 Section 40. The Illinois Explosives Act is amended by
10 changing Section 2005 as follows:

11 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

12 Sec. 2005. Qualifications for licensure.

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

14 (1) is under 21 years of age;

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

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

19 (4) is a fugitive from justice;

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

24 (6) has been adjudicated a person with a mental

1 disability as defined in Section 6-103.1 of the Mental
2 Health and Developmental Disabilities Code 1.1 of the
3 Firearm Owners Identification Card Act; or

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

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

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

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

15 (225 ILCS 447/35-30)

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

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

23 (a) No person shall be issued a permanent employee
24 registration card who:

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

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

4 (3) Has been determined by the Department to be unfit
5 by reason of conviction of an offense in this or another
6 state, including registration as a sex offender, but not
7 including a traffic offense. Persons convicted of felonies
8 involving bodily harm, weapons, violence, or theft within
9 the previous 10 years shall be presumed to be unfit for
10 registration. The Department shall adopt rules for making
11 those determinations that shall afford the applicant due
12 process of law.

13 (4) Has had a license or permanent employee
14 registration card denied, suspended, or revoked under this
15 Act (i) within one year before the date the person's
16 application for permanent employee registration card is
17 received by the Department; and (ii) that refusal, denial,
18 suspension, or revocation was based on any provision of
19 this Act other than Section 40-50, item (6) or (8) of
20 subsection (a) of Section 15-10, subsection (b) of Section
21 15-10, item (6) or (8) of subsection (a) of Section 20-10,
22 subsection (b) of Section 20-10, item (6) or (8) of
23 subsection (a) of Section 25-10, subsection (b) of Section
24 25-10, item (7) of subsection (a) of Section 30-10,
25 subsection (b) of Section 30-10, or Section 10-40.

26 (5) Has been declared incompetent by any court of

1 competent jurisdiction by reason of mental disease or
2 defect and has not been restored.

3 (6) Has been dishonorably discharged from the armed
4 services of the United States.

5 (b) No person may be employed by a private detective
6 agency, private security contractor agency, private alarm
7 contractor agency, fingerprint vendor agency, or locksmith
8 agency under this Section until he or she has executed and
9 furnished to the employer, on forms furnished by the
10 Department, a verified statement to be known as "Employee's
11 Statement" setting forth:

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

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

18 (3) That the person has not had a license or employee
19 registration denied, revoked, or suspended under this Act
20 (i) within one year before the date the person's
21 application for permanent employee registration card is
22 received by the Department; and (ii) that refusal, denial,
23 suspension, or revocation was based on any provision of
24 this Act other than Section 40-50, item (6) or (8) of
25 subsection (a) of Section 15-10, subsection (b) of Section
26 15-10, item (6) or (8) of subsection (a) of Section 20-10,

1 subsection (b) of Section 20-10, item (6) or (8) of
2 subsection (a) of Section 25-10, subsection (b) of Section
3 25-10, item (7) of subsection (a) of Section 30-10,
4 subsection (b) of Section 30-10, or Section 10-40.

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

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

8 (6) Any dishonorable discharge from the armed services
9 of the United States.

10 (7) Any other information as may be required by any
11 rule of the Department to show the good character,
12 competency, and integrity of the person executing the
13 statement.

14 (c) Each applicant for a permanent employee registration
15 card shall have his or her fingerprints submitted to the
16 Department of State Police in an electronic format that
17 complies with the form and manner for requesting and
18 furnishing criminal history record information as prescribed
19 by the Department of State Police. These fingerprints shall be
20 checked against the Department of State Police and Federal
21 Bureau of Investigation criminal history record databases now
22 and hereafter filed. The Department of State Police shall
23 charge applicants a fee for conducting the criminal history
24 records check, which shall be deposited in the State Police
25 Services Fund and shall not exceed the actual cost of the
26 records check. The Department of State Police shall furnish,

1 pursuant to positive identification, records of Illinois
2 convictions to the Department. The Department may require
3 applicants to pay a separate fingerprinting fee, either to the
4 Department or directly to the vendor. The Department, in its
5 discretion, may allow an applicant who does not have
6 reasonable access to a designated vendor to provide his or her
7 fingerprints in an alternative manner. The Department, in its
8 discretion, may also use other procedures in performing or
9 obtaining criminal background checks of applicants. Instead of
10 submitting his or her fingerprints, an individual may submit
11 proof that is satisfactory to the Department that an
12 equivalent security clearance has been conducted. Also, an
13 individual who has retired as a peace officer within 12 months
14 of application may submit verification, on forms provided by
15 the Department and signed by his or her employer, of his or her
16 previous full-time employment as a peace officer.

17 (d) The Department shall issue a permanent employee
18 registration card, in a form the Department prescribes, to all
19 qualified applicants. The holder of a permanent employee
20 registration card shall carry the card at all times while
21 actually engaged in the performance of the duties of his or her
22 employment. Expiration and requirements for renewal of
23 permanent employee registration cards shall be established by
24 rule of the Department. Possession of a permanent employee
25 registration card does not in any way imply that the holder of
26 the card is employed by an agency unless the permanent

1 employee registration card is accompanied by the employee
2 identification card required by subsection (f) of this
3 Section.

4 (e) Each employer shall maintain a record of each employee
5 that is accessible to the duly authorized representatives of
6 the Department. The record shall contain the following
7 information:

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

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

14 (3) All correspondence or documents relating to the
15 character and integrity of the employee received by the
16 employer from any official source or law enforcement
17 agency.

18 (4) In the case of former employees, the employee
19 identification card of that person issued under subsection
20 (f) of this Section. Each employee record shall duly note
21 if the employee is employed in an armed capacity. Armed
22 employee files shall contain ~~a copy of an active firearm~~
23 ~~owner's identification card and~~ a copy of an active
24 firearm control card. Each employer shall maintain a
25 record for each armed employee of each instance in which
26 the employee's weapon was discharged during the course of

1 his or her professional duties or activities. The record
2 shall be maintained on forms provided by the Department, a
3 copy of which must be filed with the Department within 15
4 days of an instance. The record shall include the date and
5 time of the occurrence, the circumstances involved in the
6 occurrence, and any other information as the Department
7 may require. Failure to provide this information to the
8 Department or failure to maintain the record as a part of
9 each armed employee's permanent file is grounds for
10 disciplinary action. The Department, upon receipt of a
11 report, shall have the authority to make any investigation
12 it considers appropriate into any occurrence in which an
13 employee's weapon was discharged and to take disciplinary
14 action as may be appropriate.

15 (5) A copy of the employee's permanent employee
16 registration card or a copy of the Department's "License
17 Lookup" Webpage showing that the employee has been issued
18 a valid permanent employee registration card by the
19 Department.

20 The Department may, by rule, prescribe further record
21 requirements.

22 (f) Every employer shall furnish an employee
23 identification card to each of his or her employees. This
24 employee identification card shall contain a recent photograph
25 of the employee, the employee's name, the name and agency
26 license number of the employer, the employee's personal

1 description, the signature of the employer, the signature of
2 that employee, the date of issuance, and an employee
3 identification card number.

4 (g) No employer may issue an employee identification card
5 to any person who is not employed by the employer in accordance
6 with this Section or falsely state or represent that a person
7 is or has been in his or her employ. It is unlawful for an
8 applicant for registered employment to file with the
9 Department the fingerprints of a person other than himself or
10 herself.

11 (h) Every employer shall obtain the identification card of
12 every employee who terminates employment with him or her.

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

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

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

23 (1) The agency completes in its entirety and submits
24 to the Department an application for a permanent employee
25 registration card, including the required fingerprint
26 receipt and fees.

1 (2) The agency has verification from the Department
2 that the applicant has no record of any criminal
3 conviction pursuant to the criminal history check
4 conducted by the Department of State Police. The agency
5 shall maintain the verification of the results of the
6 Department of State Police criminal history check as part
7 of the employee record as required under subsection (e) of
8 this Section.

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

12 (4) The agency maintains a separate roster of the
13 names of all employees whose applications are currently
14 pending with the Department and submits the roster to the
15 Department on a monthly basis. Rosters are to be
16 maintained by the agency for a period of at least 24
17 months.

18 An agency may employ only a permanent employee applicant
19 for which it either submitted a permanent employee application
20 and all required forms and fees or it confirms with the
21 Department that a permanent employee application and all
22 required forms and fees have been submitted by another agency,
23 licensee or the permanent employee and all other requirements
24 of this Section are met.

25 The Department shall have the authority to revoke, without
26 a hearing, the temporary authority of an individual to work

1 upon receipt of Federal Bureau of Investigation fingerprint
2 data or a report of another official authority indicating a
3 criminal conviction. If the Department has not received a
4 temporary employee's Federal Bureau of Investigation
5 fingerprint data within 120 days of the date the Department
6 received the Department of State Police fingerprint data, the
7 Department may, at its discretion, revoke the employee's
8 temporary authority to work with 15 days written notice to the
9 individual and the employing agency.

10 An agency may not employ a person in a temporary capacity
11 if it knows or reasonably should have known that the person has
12 been convicted of a crime under the laws of this State, has
13 been convicted in another state of any crime that is a crime
14 under the laws of this State, has been convicted of any crime
15 in a federal court, or has been posted as an unapproved
16 applicant by the Department. Notice by the Department to the
17 agency, via certified mail, personal delivery, electronic
18 mail, or posting on the Department's Internet site accessible
19 to the agency that the person has been convicted of a crime
20 shall be deemed constructive knowledge of the conviction on
21 the part of the agency. The Department may adopt rules to
22 implement this subsection (k).

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

25 (1) the person, while so employed, is being paid by
26 the United States or any political subdivision for the

1 time so employed in addition to any payments he or she may
2 receive from the employer; or

3 (2) the person wears any portion of his or her
4 official uniform, emblem of authority, or equipment while
5 so employed.

6 (m) If information is discovered affecting the
7 registration of a person whose fingerprints were submitted
8 under this Section, the Department shall so notify the agency
9 that submitted the fingerprints on behalf of that person.

10 (n) Peace officers shall be exempt from the requirements
11 of this Section relating to permanent employee registration
12 cards. The agency shall remain responsible for any peace
13 officer employed under this exemption, regardless of whether
14 the peace officer is compensated as an employee or as an
15 independent contractor and as further defined by rule.

16 (o) Persons who have no access to confidential or security
17 information, who do not go to a client's or prospective
18 client's residence or place of business, and who otherwise do
19 not provide traditional security services are exempt from
20 employee registration. Examples of exempt employees include,
21 but are not limited to, employees working in the capacity of
22 ushers, directors, ticket takers, cashiers, drivers, and
23 reception personnel. Confidential or security information is
24 that which pertains to employee files, scheduling, client
25 contracts, or technical security and alarm data.

26 (p) An applicant who is 21 years of age or older seeking a

1 religious exemption to the photograph requirement of this
2 Section shall furnish with the application an approved copy of
3 United States Department of the Treasury Internal Revenue
4 Service Form 4029. Regardless of age, an applicant seeking a
5 religious exemption to this photograph requirement shall
6 submit fingerprints in a form and manner prescribed by the
7 Department with his or her application in lieu of a
8 photograph.

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

10 (225 ILCS 447/35-35)

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

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

13 (a) No person shall perform duties that include the use,
14 carrying, or possession of a firearm in the performance of
15 those duties without complying with the provisions of this
16 Section and having been issued a valid firearm control card by
17 the Department.

18 (b) No employer shall employ any person to perform the
19 duties for which licensure or employee registration is
20 required and allow that person to carry a firearm unless that
21 person has complied with all the firearm training requirements
22 of this Section and has been issued a firearm control card.
23 This Act permits only the following to carry firearms while
24 actually engaged in the performance of their duties or while
25 commuting directly to or from their places of employment:

1 persons licensed as private detectives and their registered
2 employees; persons licensed as private security contractors
3 and their registered employees; persons licensed as private
4 alarm contractors and their registered employees; and
5 employees of a registered armed proprietary security force.

6 (c) Possession of a valid firearm control card allows a
7 licensee or employee to carry a firearm not otherwise
8 prohibited by law while the licensee or employee is engaged in
9 the performance of his or her duties or while the licensee or
10 employee is commuting directly to or from the licensee's or
11 employee's place or places of employment.

12 (d) The Department shall issue a firearm control card to a
13 person who has passed an approved firearm training course, who
14 is currently licensed or employed by an agency licensed by
15 this Act and has met all the requirements of this Act, and who
16 is not prohibited under State or federal law from possessing a
17 firearm ~~possesses a valid firearm owner identification card.~~

18 Application for the firearm control card shall be made by the
19 employer to the Department on forms provided by the
20 Department. The Department shall forward the card to the
21 employer who shall be responsible for its issuance to the
22 licensee or employee. The firearm control card shall be issued
23 by the Department and shall identify the person holding it and
24 the name of the course where the licensee or employee received
25 firearm instruction and shall specify the type of weapon or
26 weapons the person is authorized by the Department to carry

1 and for which the person has been trained.

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

4 (f) The Department may, in addition to any other
5 disciplinary action permitted by this Act, refuse to issue,
6 suspend, or revoke a firearm control card if the applicant or
7 holder has been convicted of any felony or crime involving the
8 illegal use, carrying, or possession of a deadly weapon or for
9 a violation of this Act or rules adopted ~~promulgated~~ under
10 this Act. The Department shall refuse to issue or shall revoke
11 a firearm control card if the applicant or holder is
12 prohibited under State or federal law from possessing a
13 firearm ~~fails to possess a valid firearm owners identification~~
14 ~~card without hearing~~. The Secretary shall summarily suspend a
15 firearm control card if the Secretary finds that its continued
16 use would constitute an imminent danger to the public. A
17 hearing shall be held before the Board within 30 days if the
18 Secretary summarily suspends a firearm control card.

19 (g) Notwithstanding any other provision of this Act to the
20 contrary, all requirements relating to firearms control cards
21 do not apply to a peace officer. If an individual ceases to be
22 employed as a peace officer and continues to perform services
23 in an armed capacity under this Act that are licensed
24 activities, then the individual is required to obtain a
25 permanent employee registration card pursuant to Section 35-30
26 of this Act and must possess a valid Firearm Owner's

1 Identification Card, but is not required to obtain a firearm
2 control card if the individual is otherwise in continuing
3 compliance with the federal Law Enforcement Officers Safety
4 Act of 2004. If an individual elects to carry a firearm
5 pursuant to the federal Law Enforcement Officers Safety Act of
6 2004, then the agency employing the officer is required to
7 submit a notice of that election to the Department along with a
8 fee specified by rule.

9 (h) The Department may issue a temporary firearm control
10 card pending issuance of a new firearm control card upon an
11 agency's acquiring of an established armed account. An agency
12 that has acquired armed employees as a result of acquiring an
13 established armed account may, on forms supplied by the
14 Department, request the issuance of a temporary firearm
15 control card for each acquired employee who held a valid
16 firearm control card under his or her employment with the
17 newly acquired established armed account immediately preceding
18 the acquiring of the account and who continues to meet all of
19 the qualifications for issuance of a firearm control card set
20 forth in this Act and any rules adopted under this Act. The
21 Department shall, by rule, set the fee for issuance of a
22 temporary firearm control card.

23 (i) The Department shall not issue a firearm control card
24 to a licensed fingerprint vendor or a licensed locksmith or
25 employees of a licensed fingerprint vendor agency or a
26 licensed locksmith agency.

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

2 Section 50. The Mental Health and Developmental
3 Disabilities Code is amended by changing Sections 6-103.1,
4 6-103.2, and 6-103.3 as follows:

5 (405 ILCS 5/6-103.1)

6 Sec. 6-103.1. Adjudication as a person with a mental
7 disability. When a person has been adjudicated as a person
8 with a mental disability ~~as defined in Section 1.1 of the~~
9 ~~Firearm Owners Identification Card Act~~, including, but not
10 limited to, an adjudication as a person with a disability as
11 defined in Section 11a-2 of the Probate Act of 1975, the court
12 shall direct the circuit court clerk to notify the Department
13 of State Police, ~~Firearm Owner's Identification (FOID) Office~~,
14 in a form and manner prescribed by the Department of State
15 Police, and shall forward a copy of the court order to the
16 Department no later than 7 days after the entry of the order.
17 Upon receipt of the order, the Department of State Police
18 shall provide notification to the National Instant Criminal
19 Background Check System. In this Section, "has been
20 adjudicated as a mentally disabled person" means the person is
21 the subject of a determination by a court, board, commission,
22 or other lawful authority that the person, as a result of
23 marked subnormal intelligence, or mental illness, mental
24 impairment, incompetency, condition, or disease:

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

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

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

8 (3.5) is guilty but mentally ill, as provided in
9 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

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

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

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

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

26 (11) is a person subject to involuntary admission on

1 an outpatient basis as defined in Section 1-119.1 of the
2 Mental Health and Developmental Disabilities Code;

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

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

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

9 (405 ILCS 5/6-103.2)

10 Sec. 6-103.2. Developmental disability; notice. If a
11 person 14 years old or older is determined to be a person with
12 a developmental disability by a physician, clinical
13 psychologist, or qualified examiner, the physician, clinical
14 psychologist, or qualified examiner shall notify the
15 Department of Human Services within 7 days of making the
16 determination that the person has a developmental disability.
17 The Department of Human Services shall immediately update its
18 records and information relating to mental health and
19 developmental disabilities, and if appropriate, shall notify
20 the Department of State Police in a form and manner prescribed
21 by the Department of State Police. Information disclosed under
22 this Section shall remain privileged and confidential, and
23 shall not be redisclosed, except as required under clause
24 (e)(2) of Section 24-4.5 of the Criminal Code of 2012
25 ~~subsection (c) of Section 3.1 of the Firearm Owners~~

1 ~~Identification Card Act~~, nor used for any other purpose. The
2 method of providing this information shall guarantee that the
3 information is not released beyond that which is necessary for
4 the purpose of this Section and shall be provided by rule by
5 the Department of Human Services. The identity of the person
6 reporting under this Section shall not be disclosed to the
7 subject of the report.

8 The physician, clinical psychologist, or qualified
9 examiner making the determination and his or her employer may
10 not be held criminally, civilly, or professionally liable for
11 making or not making the notification required under this
12 Section, except for willful or wanton misconduct.

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

16 In ~~For purposes of~~ this Section, "developmental
17 disability" means a disability which is attributable to any
18 other condition which results in impairment similar to that
19 caused by an intellectual disability and which requires
20 services similar to those required by intellectually disabled
21 persons. The disability must originate before the age of 18
22 years, be expected to continue indefinitely, and constitute a
23 substantial disability. This disability results, in the
24 professional opinion of a physician, clinical psychologist, or
25 qualified examiner, in significant functional limitations in 3
26 or more of the following areas of major life activity:

- 1 (i) self-care;
- 2 (ii) receptive and expressive language;
- 3 (iii) learning;
- 4 (iv) mobility; or
- 5 (v) self-direction.

6 "Determined to be a person with a developmental disability
7 by a physician, clinical psychologist, or qualified examiner"
8 means in the professional opinion of the physician, clinical
9 psychologist, or qualified examiner, a person is diagnosed,
10 assessed, or evaluated as having a developmental disability.

11 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
12 eff. 7-27-15; 99-642, eff. 7-28-16.)

13 (405 ILCS 5/6-103.3)

14 Sec. 6-103.3. Clear and present danger; notice. If a
15 person is determined to pose a clear and present danger to
16 himself, herself, or to others by a physician, clinical
17 psychologist, or qualified examiner, whether employed by the
18 State, by any public or private mental health facility or part
19 thereof, or by a law enforcement official or a school
20 administrator, then the physician, clinical psychologist,
21 qualified examiner shall notify the Department of Human
22 Services and a law enforcement official or school
23 administrator shall notify the Department of State Police,
24 within 24 hours of making the determination that the person
25 poses a clear and present danger. The Department of Human

1 Services shall immediately update its records and information
2 relating to mental health and developmental disabilities, and
3 if appropriate, shall notify the Department of State Police in
4 a form and manner prescribed by the Department of State
5 Police. Information disclosed under this Section shall remain
6 privileged and confidential, and shall not be redisclosed,
7 except as required under clause (e) (2) of Section 24-4.5 of
8 the Criminal Code of 2012 ~~subsection (e) of Section 3.1 of the~~
9 ~~Firearm Owners Identification Card Act~~, nor used for any other
10 purpose. The method of providing this information shall
11 guarantee that the information is not released beyond that
12 which is necessary for the purpose of this Section and shall be
13 provided by rule by the Department of Human Services. The
14 identity of the person reporting under this Section shall not
15 be disclosed to the subject of the report. The physician,
16 clinical psychologist, qualified examiner, law enforcement
17 official, or school administrator making the determination and
18 his or her employer shall not be held criminally, civilly, or
19 professionally liable for making or not making the
20 notification required under this Section, except for willful
21 or wanton misconduct. This Section does not apply to a law
22 enforcement official, if making the notification under this
23 Section will interfere with an ongoing or pending criminal
24 investigation.

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

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

1 (1) communicates a serious threat of physical
2 violence against a reasonably identifiable victim or
3 poses a clear and imminent risk of serious physical
4 injury to himself, herself, or another person as
5 determined by a physician, clinical psychologist, or
6 qualified examiner; or

7 (2) demonstrates threatening physical or verbal
8 behavior, such as violent, suicidal, or assaultive
9 threats, actions, or other behavior, as determined by
10 a physician, clinical psychologist, qualified
11 examiner, school administrator, or law enforcement
12 official.

13 "Physician", "clinical psychologist", and "qualified
14 examiner" have the meanings ascribed to them in the Mental
15 Health and Developmental Disabilities Code ~~has the meaning~~
16 ~~ascribed to it in Section 1.1 of the Firearm Owners~~
17 ~~Identification Card Act.~~

18 "Determined to pose a clear and present danger to
19 himself, herself, or to others by a physician, clinical
20 psychologist, or qualified examiner" means in the
21 professional opinion of the physician, clinical
22 psychologist, or qualified examiner, a person poses a
23 clear and present danger.

24 "School administrator" means the person required to
25 report under the School Administrator Reporting of Mental
26 Health Clear and Present Danger Determinations Law.

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

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

4 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

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

10 "Childhood Lead Risk Questionnaire" means the
11 questionnaire developed by the Department for use by
12 physicians and other health care providers to determine risk
13 factors for children 6 years of age or younger residing in
14 areas designated as low risk for lead exposure.

15 "Delegate agency" means a unit of local government or
16 health department approved by the Department to carry out the
17 provisions of this Act.

18 "Department" means the Department of Public Health.

19 "Director" means the Director of Public Health.

20 "Dwelling unit" means an individual unit within a
21 residential building used as living quarters for one
22 household.

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

1 "Exposed surface" means any interior or exterior surface
2 of a regulated facility.

3 "High risk area" means an area in the State determined by
4 the Department to be high risk for lead exposure for children 6
5 years of age or younger. The Department may consider, but is
6 not limited to, the following factors to determine a high risk
7 area: age and condition (using Department of Housing and Urban
8 Development definitions of "slum" and "blighted") of housing,
9 proximity to highway traffic or heavy local traffic or both,
10 percentage of housing determined as rental or vacant,
11 proximity to industry using lead, established incidence of
12 elevated blood lead levels in children, percentage of
13 population living below 200% of federal poverty guidelines,
14 and number of children residing in the area who are 6 years of
15 age or younger.

16 "Lead abatement" means any approved work practices that
17 will permanently eliminate lead exposure or remove the
18 lead-bearing substances in a regulated facility. The
19 Department shall establish by rule which work practices are
20 approved or prohibited for lead abatement.

21 "Lead abatement contractor" means any person or entity
22 licensed by the Department to perform lead abatement and
23 mitigation.

24 "Lead abatement supervisor" means any person employed by a
25 lead abatement contractor and licensed by the Department to
26 perform lead abatement and lead mitigation and to supervise

1 lead workers who perform lead abatement and lead mitigation.

2 "Lead abatement worker" means any person employed by a
3 lead abatement contractor and licensed by the Department to
4 perform lead abatement and mitigation.

5 "Lead activities" means the conduct of any lead services,
6 including, lead inspection, lead risk assessment, lead
7 mitigation, or lead abatement work or supervision in a
8 regulated facility.

9 "Lead-bearing substance" means any item containing or
10 coated with lead such that the lead content is more than
11 six-hundredths of one percent (0.06%) lead by total weight; or
12 any dust on surfaces or in furniture or other nonpermanent
13 elements of the regulated facility; or any paint or other
14 surface coating material containing more than five-tenths of
15 one percent (0.5%) lead by total weight (calculated as lead
16 metal) in the total non-volatile content of liquid paint; or
17 lead-bearing substances containing greater than one milligram
18 per square centimeter or any lower standard for lead content
19 in residential paint as may be established by federal law or
20 rule; or more than 1 milligram per square centimeter in the
21 dried film of paint or previously applied substance; or item
22 or dust on item containing lead in excess of the amount
23 specified in the rules authorized by this Act or a lower
24 standard for lead content as may be established by federal law
25 or rule. "Lead-bearing substance" does not include firearm
26 ammunition or components as defined by Section 2-7.1 of the

1 Criminal Code of 2012 ~~the Firearm Owners Identification Card~~
2 ~~Act.~~

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

5 "Lead hazard screen" means a lead risk assessment that
6 involves limited dust and paint sampling for lead-bearing
7 substances and lead hazards. This service is used as a
8 screening tool designed to determine if further lead
9 investigative services are required for the regulated
10 facility.

11 "Lead inspection" means a surface-by-surface investigation
12 to determine the presence of lead-based paint.

13 "Lead inspector" means an individual who has been trained
14 by a Department-approved training program and is licensed by
15 the Department to conduct lead inspections; to sample for the
16 presence of lead in paint, dust, soil, and water; and to
17 conduct compliance investigations.

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

22 "Lead poisoning" means having an elevated blood lead
23 level.

24 "Lead risk assessment" means an on-site investigation to
25 determine the existence, nature, severity, and location of
26 lead hazards. "Lead risk assessment" includes any lead

1 sampling and visual assessment associated with conducting a
2 lead risk assessment and lead hazard screen and all lead
3 sampling associated with compliance investigations.

4 "Lead risk assessor" means an individual who has been
5 trained by a Department-approved training program and is
6 licensed by the Department to conduct lead risk assessments,
7 lead inspections, and lead hazard screens; to sample for the
8 presence of lead in paint, dust, soil, water, and sources for
9 lead-bearing substances; and to conduct compliance
10 investigations.

11 "Lead training program provider" means any person
12 providing Department-approved lead training in Illinois to
13 individuals seeking licensure in accordance with the Act.

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

18 "Owner" means any person, who alone, jointly, or severally
19 with others:

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

22 (b) Has charge, care, or control of the regulated
23 facility as owner or agent of the owner, or as executor,
24 administrator, trustee, or guardian of the estate of the
25 owner.

26 "Person" means any individual, partnership, firm, company,

1 limited liability company, corporation, association, joint
2 stock company, trust, estate, political subdivision, State
3 agency, or any other legal entity, or their legal
4 representative, agent, or assign.

5 "Regulated facility" means a residential building or child
6 care facility.

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

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

12 (430 ILCS 65/Act rep.)

13 Section 60. The Firearm Owners Identification Card Act is
14 repealed.

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

17 (430 ILCS 66/25)

18 Sec. 25. Qualifications for a license.

19 The Department shall issue a license to an applicant
20 completing an application in accordance with Section 30 of
21 this Act if the person:

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

23 (2) ~~has a currently valid Firearm Owner's~~

1 ~~Identification Card and at the time of application meets~~
2 ~~the requirements for the issuance of a Firearm Owner's~~
3 ~~Identification Card and~~ is not prohibited under State or
4 ~~the Firearm Owners Identification Card Act~~ or federal law
5 from possessing or receiving a firearm;

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

8 (A) 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 license application;
11 or

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

17 (4) is not the subject of a pending arrest warrant,
18 prosecution, or proceeding for an offense or action that
19 could lead to disqualification to own or possess a
20 firearm;

21 (5) has not been in residential or court-ordered
22 treatment for alcoholism, alcohol detoxification, or drug
23 treatment within the 5 years immediately preceding the
24 date of the license application; and

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

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

2 (430 ILCS 66/30)

3 Sec. 30. Contents of license application.

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

12 (b) The application shall contain the following:

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

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

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

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

9 (4) an affirmation that the applicant is not
10 prohibited under State or federal law from possessing or
11 receiving a firearm ~~possesses a currently valid Firearm~~
12 ~~Owner's Identification Card and card number if possessed~~
13 ~~or notice the applicant is applying for a Firearm Owner's~~
14 ~~Identification Card in conjunction with the license~~
15 ~~application;~~

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

18 (A) a felony;

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

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

1 (6) whether the applicant has failed a drug test for a
2 drug for which the applicant did not have a prescription,
3 within the previous year, and if so, the provider of the
4 test, the specific substance involved, and the date of the
5 test;

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

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

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

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

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

23 (430 ILCS 66/40)

24 Sec. 40. Non-resident license applications.

25 (a) For the purposes of this Section, "non-resident" means

1 a person who has not resided within this State for more than 30
2 days and resides in another state or territory.

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

8 (c) A resident of a state or territory approved by the
9 Department under subsection (b) of this Section may apply for
10 a non-resident license. The applicant shall apply to the
11 Department and must meet all of the qualifications established
12 in Section 25 of this Act, ~~except for the Illinois residency~~
13 ~~requirement in item (xiv) of paragraph (2) of subsection (a)~~
14 ~~of Section 4 of the Firearm Owners Identification Card Act.~~
15 The applicant shall submit:

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

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

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

22 (B) if applicable, has a license or permit to
23 carry a firearm or concealed firearm issued by his or
24 her state or territory of residence and attach a copy
25 of the license or permit to the application;

26 (C) understands Illinois laws pertaining to the

1 possession and transport of firearms; and

2 (D) acknowledges that the applicant is subject to
3 the jurisdiction of the Department and Illinois courts
4 for any violation of this Act;

5 (3) a photocopy of any certificates or other evidence
6 of compliance with the training requirements under Section
7 75 of this Act; and

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

11 (d) In lieu of an Illinois driver's license or Illinois
12 identification card, a non-resident applicant shall provide
13 similar documentation from his or her state or territory of
14 residence. The applicant shall submit ~~In lieu of a valid~~
15 ~~Firearm Owner's Identification Card, the applicant shall~~
16 ~~submit documentation and information required by the~~
17 ~~Department to obtain a Firearm Owner's Identification Card,~~
18 ~~including~~ an affidavit that the non-resident meets the mental
19 health standards to obtain a firearm under Illinois law, and
20 the Department shall ensure that the applicant would meet the
21 eligibility criteria under State law to possess a firearm ~~to~~
22 ~~obtain a Firearm Owner's Identification card~~ if he or she was a
23 resident of this State.

24 (e) Nothing in this Act shall prohibit a non-resident from
25 transporting a concealed firearm within his or her vehicle in
26 Illinois, if the concealed firearm remains within his or her

1 vehicle and the non-resident:

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

4 (2) is eligible to carry a firearm in public under the
5 laws of his or her state or territory of residence, as
6 evidenced by the possession of a concealed carry license
7 or permit issued by his or her state of residence, if
8 applicable; and

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

10 If the non-resident leaves his or her vehicle unattended,
11 he or she shall store the firearm within a locked vehicle or
12 locked container within the vehicle in accordance with
13 subsection (b) of Section 65 of this Act.

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

16 (430 ILCS 66/70)

17 Sec. 70. Violations.

18 (a) A license issued or renewed under this Act shall be
19 revoked if, at any time, the licensee is found to be ineligible
20 for a license under this Act or the licensee is prohibited from
21 possessing a firearm under State or federal law ~~no longer~~
22 ~~meets the eligibility requirements of the Firearm Owners~~
23 ~~Identification Card Act.~~

24 (b) A license shall be suspended if an order of
25 protection, including an emergency order of protection,

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

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

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

25 A licensee in violation of this subsection (d) shall be
26 guilty of a Class A misdemeanor for a first or second violation

1 and a Class 4 felony for a third violation. The Department may
2 suspend a license for up to 6 months for a second violation and
3 shall permanently revoke a license for a third violation.

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

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

24 (g) A licensee whose license is revoked, suspended, or
25 denied shall, within 48 hours of receiving notice of the
26 revocation, suspension, or denial, surrender his or her

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

17 (h) (Blank). ~~A license issued or renewed under this Act~~
18 ~~shall be revoked if, at any time, the licensee is found~~
19 ~~ineligible for a Firearm Owner's Identification Card, or the~~
20 ~~licensee no longer possesses a valid Firearm Owner's~~
21 ~~Identification Card. A licensee whose license is revoked under~~
22 ~~this subsection (h) shall surrender his or her concealed carry~~
23 ~~license as provided for in subsection (g) of this Section.~~

24 ~~This subsection shall not apply to a person who has filed~~
25 ~~an application with the State Police for renewal of a Firearm~~
26 ~~Owner's Identification Card and who is not otherwise~~

1 ~~ineligible to obtain a Firearm Owner's Identification Card.~~

2 (i) A certified firearms instructor who knowingly provides
3 or offers to provide a false certification that an applicant
4 has completed firearms training as required under this Act is
5 guilty of a Class A misdemeanor. A person guilty of a violation
6 of this subsection (i) is not eligible for court supervision.
7 The Department shall permanently revoke the firearms
8 instructor certification of a person convicted under this
9 subsection (i).

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

11 (430 ILCS 66/80)

12 Sec. 80. Certified firearms instructors.

13 (a) Within 60 days of the effective date of this Act, the
14 Department shall begin approval of certified firearms
15 instructors and enter certified firearms instructors into an
16 online registry on the Department's website.

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

23 (c) A person seeking to become a certified firearms
24 instructor shall:

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

1 (2) be a legal resident of the United States; and
2 (3) meet the requirements of Section 25 of this Act,
3 ~~except for the Illinois residency requirement in item~~
4 ~~(xiv) of paragraph (2) of subsection (a) of Section 4 of~~
5 ~~the Firearm Owners Identification Card Act; and any~~
6 additional uniformly applied requirements established by
7 the Department.

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

11 (1) possess a high school diploma or high school
12 equivalency certificate; and

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

15 (A) certification from a law enforcement agency;

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

18 (C) certification from a firearm instructor
19 qualification course offered by the Illinois Law
20 Enforcement Training Standards Board; or

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

24 (e) A person may have his or her firearms instructor
25 certification denied or revoked if he or she does not meet the
26 requirements to obtain a license under this Act, provides

1 false or misleading information to the Department, or has had
2 a prior instructor certification revoked or denied by the
3 Department.

4 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13;
5 98-718, eff. 1-1-15.)

6 (430 ILCS 66/105)

7 Sec. 105. Duty of school administrator. It is the duty of
8 the principal of a public elementary or secondary school, or
9 his or her designee, and the chief administrative officer of a
10 private elementary or secondary school or a public or private
11 community college, college, or university, or his or her
12 designee, to report to the Department of State Police when a
13 student is determined to pose a clear and present danger to
14 himself, herself, or to others, within 24 hours of the
15 determination as provided in Section 6-103.3 of the Mental
16 Health and Developmental Disabilities Code. "Clear and present
17 danger" has the meaning as provided in paragraph (2) of the
18 definition of "clear and present danger" in Section 6-103.3 of
19 the Mental Health and Developmental Disabilities Code ~~1.1 of~~
20 ~~the Firearm Owners Identification Card Act.~~

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

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

1 (430 ILCS 67/35)

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

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

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

1 efforts were made.

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

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

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

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

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

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

2 (1) the respondent to refrain from having in his or
3 her custody or control, purchasing, possessing, or
4 receiving additional firearms for the duration of the
5 order; and

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

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

1 agency.

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

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

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

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

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

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

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

19 (430 ILCS 67/40)

20 Sec. 40. Six-month orders.

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

1 purchasing, possessing, or receiving a firearm. The petition
2 shall also describe the number, types, and locations of any
3 firearms presently believed by the petitioner to be possessed
4 or controlled by the respondent.

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

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

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

1 days.

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

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

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

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

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

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

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

24 (7) A pattern of violent acts or violent threats,
25 including, but not limited to, threats of violence or acts
26 of violence by the respondent directed toward himself,

1 herself, or another.

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

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

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

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

21 (1) the respondent to refrain from having in his or
22 her custody or control, purchasing, possessing, or
23 receiving additional firearms for the duration of the
24 order; and

25 (2) the respondent to turn over to the local law
26 enforcement agency any firearm ~~or Firearm Owner's~~

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

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

20 (i-5) A respondent whose firearms have been turned over to
21 a local law enforcement agency ~~Firearm Owner's Identification~~
22 ~~Card has been revoked or suspended~~ may petition the court, if
23 the petitioner is present in court or has notice of the
24 respondent's petition, to transfer the respondent's firearm to
25 a person who is lawfully able to possess the firearm if the
26 person does not reside at the same address as the respondent.

1 Notice of the petition shall be served upon the person
2 protected by the emergency firearms restraining order. While
3 the order is in effect, the transferee who receives the
4 respondent's firearms must swear or affirm by affidavit that
5 he or she shall not transfer the firearm to the respondent or
6 to anyone residing in the same residence as the respondent.

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

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

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

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

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

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

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

11 Section 70. The Firearm Dealer License Certification Act
12 is amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as
13 follows:

14 (430 ILCS 68/5-20)

15 Sec. 5-20. Additional licensee requirements.

16 (a) A certified licensee shall make a photo copy of a
17 buyer's or transferee's valid photo identification card
18 whenever a firearm sale transaction takes place. The photo
19 copy shall be attached to the documentation detailing the
20 record of sale.

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

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

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

6 (B) sell or transfer your firearm to someone else
7 without receiving approval for the transfer from the
8 Department of State Police, or

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

11 This sign shall be created by the Department and made
12 available for printing or downloading from the Department's
13 website.

14 (c) No retail location established after the effective
15 date of this Act shall be located within 500 feet of any
16 school, pre-school, or day care facility in existence at its
17 location before the retail location is established as measured
18 from the nearest corner of the building holding the retail
19 location to the corner of the school, pre-school, or day care
20 facility building nearest the retail location at the time the
21 retail location seeks licensure.

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

23 (430 ILCS 68/5-25)

24 Sec. 5-25. Exemptions. The provisions of this Act related
25 to the certification of a license do not apply to a person or

1 entity that engages in the following activities:

2 (1) temporary transfers of firearms solely for use at
3 the location or on the premises where the transfer takes
4 place, such as transfers at a shooting range for use at
5 that location;

6 (2) temporary transfers of firearms solely for use
7 while in the presence of the transferor or transfers for
8 the purposes of firearm safety training by a firearms
9 safety training instructor;

10 (3) transfers of firearms among immediate family or
11 household members, as "immediate family or household
12 member" is defined in Section 3-2.7-10 of the Unified Code
13 of Corrections, provided that both the transferor and
14 transferee are not prohibited from possessing a firearm
15 under federal or State law ~~have a currently valid Firearm~~
16 ~~Owner's Identification Card; however, this paragraph (3)~~
17 ~~does not limit the familial gift exemption under paragraph~~
18 ~~(2) of subsection (a 15) of Section 3 of the Firearm~~
19 ~~Owners Identification Card Act;~~

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

22 (5) transfers by persons or entities liquidating all
23 or part of a collection. For purposes of this paragraph
24 (5), "collection" means 2 or more firearms which are of
25 special interest to collectors by reason of some quality
26 other than is associated with firearms intended for

1 sporting use or as offensive or defensive weapons;

2 (6) transfers of firearms that have been rendered
3 permanently inoperable to a nonprofit historical society,
4 museum, or institutional collection;

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

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

11 (9) transfers of curios and relics, as defined under
12 federal law, between collectors licensed under subsection
13 (b) of Section 923 of the federal Gun Control Act of 1968;

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

16 (10.5) transfers of firearms to a resident registered
17 competitor or attendee or non-resident registered
18 competitor or attendee by a licensed federal firearms
19 dealer under Section 923 of the federal Gun Control Act of
20 1968 at a competitive shooting event held at the World
21 Shooting and Recreational Complex that is sanctioned by a
22 national governing body; or

23 (11) transfers between a pawnshop and a customer which
24 amount to a bailment. For purposes of this paragraph (11),
25 "bailment" means the act of placing property in the
26 custody and control of another, by agreement in which the

1 holder is responsible for the safekeeping and return of
2 the property.

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

4 (430 ILCS 68/5-40)

5 Sec. 5-40. Qualifications for operation.

6 (a) Each certified licensee shall submit with each
7 application for certification or renewal an affidavit to the
8 Department stating that each owner, employee, or other agent
9 of the certified licensee who sells or conducts transfers of
10 firearms for the certified licensee is at least 21 years of
11 age, ~~has a currently valid Firearm Owner's Identification Card~~
12 and, for a renewal, has completed the training required under
13 Section 5-30. The affidavit must also contain the name ~~and~~
14 ~~Firearm Owner's Identification Card number~~ of each owner,
15 employee, or other agent who sells or conducts transfers of
16 firearms for the certified licensee. If an owner, employee, or
17 other agent of the certified licensee is not otherwise a
18 resident of this State, the certified licensee shall submit an
19 affidavit stating that the owner, employee, or other agent has
20 undergone a background check and is not prohibited from owning
21 or possessing firearms.

22 (b) In addition to the affidavit required under subsection
23 (a), within 30 days of a new owner, employee, or other agent
24 beginning selling or conducting transfers of firearms for the
25 certified licensee, the certified licensee shall submit an

1 affidavit to the Department stating the date that the new
2 owner, employee, or other agent began selling or conducting
3 transfers of firearms for the certified licensee, and
4 providing the information required in subsection (a) for that
5 new owner, employee, or other agent.

6 (c) If a certified licensee has a license, certificate, or
7 permit to sell, lease, transfer, purchase, or possess firearms
8 issued by the federal government or the government of any
9 state revoked or suspended for good cause within the preceding
10 4 years, the Department may consider revoking or suspending
11 the certified licenses in this State. In making a
12 determination of whether or not to revoke or suspend a
13 certified license in this State, the Department shall consider
14 the number of retail locations the certified licensee or any
15 related person or entity operates in this State or in other
16 states under the same or different business names, and the
17 severity of the infraction in the state in which a license was
18 revoked or suspended.

19 (d) Applications and affidavits required under this
20 Section are not subject to disclosure by the Department under
21 the Freedom of Information Act.

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

23 (430 ILCS 68/5-85)

24 Sec. 5-85. Disciplinary sanctions.

25 (a) For violations of this Act not penalized under Section

1 5-15, the Department may refuse to renew or restore, or may
2 reprimand, place on probation, suspend, revoke, or take other
3 disciplinary or non-disciplinary action against any licensee,
4 and may impose a fine commensurate with the severity of the
5 violation not to exceed \$10,000 for each violation for any of
6 the following, consistent with the Protection of Lawful
7 Commerce in Arms Act, 15 U.S.C. 7901 through 7903:

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

10 (2) A pattern of practice or other behavior which
11 demonstrates incapacity or incompetency to practice under
12 this Act.

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

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

17 (5) Conviction of, plea of guilty to, or plea of nolo
18 contendere to any crime that disqualifies the person from
19 obtaining a firearm ~~valid Firearm Owner's Identification~~
20 ~~Card~~.

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

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

26 (B) Habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, alcohol, or
2 any other substance that results in the inability to
3 practice with reasonable judgment, skill, or safety.

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

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

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

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

15 (11) A fraudulent or material misstatement in the
16 completion of an affirmative obligation or inquiry by law
17 enforcement.

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

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

22 Section 75. The Wildlife Code is amended by changing
23 Sections 3.2 and 3.2a as follows:

24 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

1 Sec. 3.2. Hunting license; application; instruction.
2 Before the Department or any county, city, village, township,
3 incorporated town clerk or his duly designated agent or any
4 other person authorized or designated by the Department to
5 issue hunting licenses shall issue a hunting license to any
6 person, the person shall file his application with the
7 Department or other party authorized to issue licenses on a
8 form provided by the Department and further give definite
9 proof of identity and place of legal residence. Each clerk
10 designating agents to issue licenses and stamps shall furnish
11 the Department, within 10 days following the appointment, the
12 names and mailing addresses of the agents. Each clerk or his
13 duly designated agent shall be authorized to sell licenses and
14 stamps only within the territorial area for which he was
15 elected or appointed. No duly designated agent is authorized
16 to furnish licenses or stamps for issuance by any other
17 business establishment. Each application shall be executed and
18 sworn to and shall set forth the name and description of the
19 applicant and place of residence.

20 No hunting license shall be issued to any person born on or
21 after January 1, 1980 unless he presents the person authorized
22 to issue the license evidence that he has held a hunting
23 license issued by the State of Illinois or another state in a
24 prior year, or a certificate of competency as provided in this
25 Section. Persons under 18 years of age may be issued a Lifetime
26 Hunting or Sportsmen's Combination License as provided under

1 Section 20-45 of the Fish and Aquatic Life Code but shall not
2 be entitled to hunt alone, without the supervision of an adult
3 age 21 or older, unless they have a certificate of competency
4 as provided in this Section and the certificate is in their
5 possession while hunting.

6 The Department of Natural Resources shall authorize
7 personnel of the Department or certified volunteer instructors
8 to conduct courses, of not less than 10 hours in length, in
9 firearms and hunter safety, which may include training in bow
10 and arrow safety, at regularly specified intervals throughout
11 the State. Persons successfully completing the course shall
12 receive a certificate of competency. The Department of Natural
13 Resources may further cooperate with any reputable association
14 or organization in establishing courses if the organization
15 has as one of its objectives the promotion of safety in the
16 handling of firearms or bow and arrow.

17 The Department of Natural Resources shall designate any
18 person found by it to be competent to give instruction in the
19 handling of firearms, hunter safety, and bow and arrow. The
20 persons so appointed shall give the course of instruction and
21 upon the successful completion shall issue to the person
22 instructed a certificate of competency in the safe handling of
23 firearms, hunter safety, and bow and arrow. No charge shall be
24 made for any course of instruction except for materials or
25 ammunition consumed. The Department of Natural Resources shall
26 furnish information on the requirements of hunter safety

1 education programs to be distributed free of charge to
2 applicants for hunting licenses by the persons appointed and
3 authorized to issue licenses. ~~Funds for the conducting of
4 firearms and hunter safety courses shall be taken from the fee
5 charged for the Firearm Owners Identification Card.~~

6 The fee for a hunting license to hunt all species for a
7 resident of Illinois is \$12. For residents age 65 or older,
8 and, commencing with the 2012 license year, resident veterans
9 of the United States Armed Forces after returning from service
10 abroad or mobilization by the President of the United States,
11 the fee is one-half of the fee charged for a hunting license to
12 hunt all species for a resident of Illinois. Veterans must
13 provide to the Department, at one of the Department's 5
14 regional offices, verification of their service. The
15 Department shall establish what constitutes suitable
16 verification of service for the purpose of issuing resident
17 veterans hunting licenses at a reduced fee. The fee for a
18 hunting license to hunt all species shall be \$1 for residents
19 over 75 years of age. Nonresidents shall be charged \$57 for a
20 hunting license.

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

24 A special nonresident hunting license authorizing a
25 nonresident to take game birds by hunting on a game breeding
26 and hunting preserve area only, established under Section

1 3.27, shall be issued upon proper application being made and
2 payment of a fee equal to that for a resident hunting license.
3 The expiration date of this license shall be on the same date
4 each year that game breeding and hunting preserve area
5 licenses expire.

6 Each applicant for a State Migratory Waterfowl Stamp,
7 regardless of his residence or other condition, shall pay a
8 fee of \$15 and shall receive a stamp. The fee for a State
9 Migratory Waterfowl Stamp shall be waived for residents over
10 75 years of age. Except as provided under Section 20-45 of the
11 Fish and Aquatic Life Code, the stamp shall be signed by the
12 person or affixed to his license or permit in a space
13 designated by the Department for that purpose.

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

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

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

1 The Department shall furnish the holders of hunting
2 licenses and stamps with an insignia as evidence of possession
3 of license, or license and stamp, as the Department may
4 consider advisable. The insignia shall be exhibited and used
5 as the Department may order.

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

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

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

19 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

20 Sec. 3.2a. Every person holding any license, permit or
21 stamp issued under the provisions hereof shall have it in his
22 possession for immediate presentation for inspection to the
23 officers and authorized employees of the Department, any
24 sheriff, deputy sheriff or any other peace officer making a
25 demand for it. This provision shall not apply to Department

1 owned or managed sites where it is required that all hunters
2 deposit their license or ~~7~~ permit ~~or~~ ~~Firearm Owner's~~
3 ~~Identification Card~~ at the check station upon entering the
4 hunting areas.

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

6 Section 76. The Illinois Vehicle Code is amended by
7 changing Section 2-116 as follows:

8 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

9 Sec. 2-116. Secretary of State Department of Police.

10 (a) The Secretary of State and the officers, inspectors,
11 and investigators appointed by him shall cooperate with the
12 State Police and the sheriffs and police in enforcing the laws
13 regulating the operation of vehicles and the use of the
14 highways.

15 (b) The Secretary of State may provide training and
16 education for members of his office in traffic regulation, the
17 promotion of traffic safety and the enforcement of laws vested
18 in the Secretary of State for administration and enforcement
19 regulating the operation of vehicles and the use of the
20 highways.

21 (c) The Secretary of State may provide distinctive
22 uniforms and badges for officers, inspectors and investigators
23 employed in the administration of laws relating to the
24 operation of vehicles and the use of the highways and vesting

1 the administration and enforcement of such laws in the
2 Secretary of State.

3 (c-5) The Director of the Secretary of State Department of
4 Police shall establish a program to allow a Secretary of State
5 Police officer, inspector, or investigator who is honorably
6 retiring in good standing to purchase either one or both of the
7 following: (1) any Secretary of State Department of Police
8 badge previously issued to that officer, inspector, or
9 investigator; or (2) ~~if the officer, inspector, or~~
10 ~~investigator has a currently valid Firearm Owner's~~
11 ~~Identification Card,~~ the service firearm issued or previously
12 issued to the officer, inspector, or investigator by the
13 Secretary of State Department of Police. The cost of the
14 firearm shall be the replacement value of the firearm and not
15 the firearm's fair market value.

16 (d) The Secretary of State Department of Police is
17 authorized to:

18 (1) investigate the origins, activities, persons, and
19 incidents of crime and the ways and means, if any, to
20 redress the victims of crimes, and study the impact, if
21 any, of legislation relative to the criminal laws of this
22 State related thereto and conduct any other investigations
23 as may be provided by law;

24 (2) employ skilled experts, technicians,
25 investigators, special agents, or otherwise specially
26 qualified persons to aid in preventing or detecting crime,

1 apprehending criminals, or preparing and presenting
2 evidence of violations of the criminal laws of the State;

3 (3) cooperate with the police of cities, villages, and
4 incorporated towns, and with the police officers of any
5 county, in enforcing the laws of the State and in making
6 arrests;

7 (4) provide, as may be required by law, assistance to
8 local law enforcement agencies through training,
9 management, and consultant services for local law
10 enforcement agencies, pertaining to law enforcement
11 activities;

12 (5) exercise the rights, powers, and duties which have
13 been vested in it by the Secretary of State Act and this
14 Code; and

15 (6) enforce and administer any other laws in relation
16 to law enforcement as may be vested in the Secretary of
17 State Department of Police.

18 Persons within the Secretary of State Department of Police
19 who exercise these powers are conservators of the peace and
20 have all the powers possessed by policemen in municipalities
21 and sheriffs, and may exercise these powers anywhere in the
22 State in cooperation with local law enforcement officials.
23 These persons may use false or fictitious names in the
24 performance of their duties under this Section, upon approval
25 of the Director of Police-Secretary of State, and shall not be
26 subject to prosecution under the criminal laws for that use.

1 (e) The Secretary of State Department of Police may
2 charge, collect, and receive fees or moneys equivalent to the
3 cost of providing its personnel, equipment, and services to
4 governmental agencies when explicitly requested by a
5 governmental agency and according to an intergovernmental
6 agreement or memorandums of understanding as provided by this
7 Section, including but not limited to fees or moneys
8 equivalent to the cost of providing training to other
9 governmental agencies on terms and conditions that in the
10 judgment of the Director of Police-Secretary of State are in
11 the best interest of the Secretary of State. All fees received
12 by the Secretary of State Police Department under this Act
13 shall be deposited in a special fund in the State Treasury to
14 be known as the Secretary of State Police Services Fund. The
15 money deposited in the Secretary of State Police Services Fund
16 shall be appropriated to the Secretary of State Department of
17 Police as provided for in subsection (g).

18 (f) The Secretary of State Department of Police may apply
19 for grants or contracts and receive, expend, allocate, or
20 disburse moneys made available by public or private entities,
21 including, but not limited to, contracts, bequests, grants, or
22 receiving equipment from corporations, foundations, or public
23 or private institutions of higher learning.

24 (g) The Secretary of State Police Services Fund is hereby
25 created as a special fund in the State Treasury. All moneys
26 received under this Section by the Secretary of State

1 Department of Police shall be deposited into the Secretary of
2 State Police Services Fund to be appropriated to the Secretary
3 of State Department of Police for purposes as indicated by the
4 grantor or contractor or, in the case of moneys bequeathed or
5 granted for no specific purpose, for any purpose as deemed
6 appropriate by the Director of Police-Secretary of State in
7 administering the responsibilities of the Secretary of State
8 Department of Police.

9 (Source: P.A. 100-931, eff. 8-17-18.)

10 Section 80. The Criminal Code of 2012 is amended by
11 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
12 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,
13 24-3.5, 24-3B, 24-4.1, and 24-9 and adding Section 24-4.5 as
14 follows:

15 (720 ILCS 5/2-7.1)

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

21 (1) any ammunition exclusively designed for use with a
22 device used exclusively for signaling or safety and required
23 or recommended by the United States Coast Guard or the
24 Interstate Commerce Commission; and

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

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

6 (720 ILCS 5/2-7.5)

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

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

16 (1.1) any pneumatic gun, spring gun, paint ball gun, or
17 B-B gun which expels breakable paint balls containing washable
18 marking colors;

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

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

25 (4) an antique firearm (other than a machine-gun) which,

1 although designed as a weapon, the Illinois State Police finds
2 by reason of the date of its manufacture, value, design, and
3 other characteristics is primarily a collector's item and is
4 not likely to be used as a weapon ~~has the meaning ascribed to~~
5 ~~it in Section 1.1 of the Firearm Owners Identification Card~~
6 ~~Act.~~

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

8 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

9 Sec. 12-3.05. Aggravated battery.

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

14 (1) Causes great bodily harm or permanent disability
15 or disfigurement.

16 (2) Causes severe and permanent disability, great
17 bodily harm, or disfigurement by means of a caustic or
18 flammable substance, a poisonous gas, a deadly biological
19 or chemical contaminant or agent, a radioactive substance,
20 or a bomb or explosive compound.

21 (3) Causes great bodily harm or permanent disability
22 or disfigurement to an individual whom the person knows to
23 be a peace officer, community policing volunteer, fireman,
24 private security officer, correctional institution
25 employee, or Department of Human Services employee

1 supervising or controlling sexually dangerous persons or
2 sexually violent persons:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (4) Causes great bodily harm or permanent disability
9 or disfigurement to an individual 60 years of age or
10 older.

11 (5) Strangles another individual.

12 (b) Offense based on injury to a child or person with an
13 intellectual disability. A person who is at least 18 years of
14 age commits aggravated battery when, in committing a battery,
15 he or she knowingly and without legal justification by any
16 means:

17 (1) causes great bodily harm or permanent disability
18 or disfigurement to any child under the age of 13 years, or
19 to any person with a severe or profound intellectual
20 disability; or

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

24 (c) Offense based on location of conduct. A person commits
25 aggravated battery when, in committing a battery, other than
26 by the discharge of a firearm, he or she is or the person

1 battered is on or about a public way, public property, a public
2 place of accommodation or amusement, a sports venue, or a
3 domestic violence shelter, or in a church, synagogue, mosque,
4 or other building, structure, or place used for religious
5 worship.

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

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

11 (2) A person who is pregnant or has a physical
12 disability.

13 (3) A teacher or school employee upon school grounds
14 or grounds adjacent to a school or in any part of a
15 building used for school purposes.

16 (4) A peace officer, community policing volunteer,
17 fireman, private security officer, correctional
18 institution employee, or Department of Human Services
19 employee supervising or controlling sexually dangerous
20 persons or sexually violent persons:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (5) A judge, emergency management worker, emergency

1 medical services personnel, or utility worker:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

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

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

12 (8) A taxi driver on duty.

13 (9) A merchant who detains the person for an alleged
14 commission of retail theft under Section 16-26 of this
15 Code and the person without legal justification by any
16 means causes bodily harm to the merchant.

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

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

24 (12) A merchant: (i) while performing his or her
25 duties, including, but not limited to, relaying directions
26 for healthcare or safety from his or her supervisor or

1 employer or relaying health or safety guidelines,
2 recommendations, regulations, or rules from a federal,
3 State, or local public health agency; and (ii) during a
4 disaster declared by the Governor, or a state of emergency
5 declared by the mayor of the municipality in which the
6 merchant is located, due to a public health emergency and
7 for a period of 6 months after such declaration.

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

11 (1) Discharges a firearm, other than a machine gun or
12 a firearm equipped with a silencer, and causes any injury
13 to another person.

14 (2) Discharges a firearm, other than a machine gun or
15 a firearm equipped with a silencer, and causes any injury
16 to a person he or she knows to be a peace officer,
17 community policing volunteer, person summoned by a police
18 officer, fireman, private security officer, correctional
19 institution employee, or emergency management worker:

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (3) 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 emergency medical
2 services personnel:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (4) Discharges a firearm and causes any injury to a
9 person he or she knows to be a teacher, a student in a
10 school, or a school employee, and the teacher, student, or
11 employee is upon school grounds or grounds adjacent to a
12 school or in any part of a building used for school
13 purposes.

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

16 (6) Discharges a machine gun or a firearm equipped
17 with a silencer, and causes any injury to a person he or
18 she knows to be a peace officer, community policing
19 volunteer, person summoned by a police officer, fireman,
20 private security officer, correctional institution
21 employee or emergency management worker:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (7) 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 emergency medical services personnel:

4 (i) performing his or her official duties;

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

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

9 (8) Discharges a machine gun or a firearm equipped
10 with a silencer, and causes any injury to a person he or
11 she knows to be a teacher, or a student in a school, or a
12 school employee, and the teacher, student, or employee is
13 upon school grounds or grounds adjacent to a school or in
14 any part of a building used for school purposes.

15 (f) Offense based on use of a weapon or device. A person
16 commits aggravated battery when, in committing a battery, he
17 or she does any of the following:

18 (1) Uses a deadly weapon other than by discharge of a
19 firearm, or uses an air rifle as defined in Section
20 24.8-0.1 of this Code.

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

23 (3) Knowingly and without lawful justification shines
24 or flashes a laser gunsight or other laser device attached
25 to a firearm, or used in concert with a firearm, so that
26 the laser beam strikes upon or against the person of

1 another.

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

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

7 (1) Violates Section 401 of the Illinois Controlled
8 Substances Act by unlawfully delivering a controlled
9 substance to another and any user experiences great bodily
10 harm or permanent disability as a result of the injection,
11 inhalation, or ingestion of any amount of the controlled
12 substance.

13 (2) Knowingly administers to an individual or causes
14 him or her to take, without his or her consent or by threat
15 or deception, and for other than medical purposes, any
16 intoxicating, poisonous, stupefying, narcotic,
17 anesthetic, or controlled substance, or gives to another
18 person any food containing any substance or object
19 intended to cause physical injury if eaten.

20 (3) Knowingly causes or attempts to cause a
21 correctional institution employee or Department of Human
22 Services employee to come into contact with blood, seminal
23 fluid, urine, or feces by throwing, tossing, or expelling
24 the fluid or material, and the person is an inmate of a
25 penal institution or is a sexually dangerous person or
26 sexually violent person in the custody of the Department

1 of Human Services.

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

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

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

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

15 Aggravated battery as defined in subdivision (a)(1) is a
16 Class 2 felony when the person causes great bodily harm or
17 permanent disability to an individual whom the person knows to
18 be a member of a congregation engaged in prayer or other
19 religious activities at a church, synagogue, mosque, or other
20 building, structure, or place used for religious worship.

21 Aggravated battery under subdivision (a)(5) is a Class 1
22 felony if:

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

25 (B) the person caused great bodily harm or permanent
26 disability or disfigurement to the other person while

1 committing the offense; or

2 (C) the person has been previously convicted of a
3 violation of subdivision (a)(5) under the laws of this
4 State or laws similar to subdivision (a)(5) of any other
5 state.

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

8 Aggravated battery as defined in subdivision (a)(2) is a
9 Class X felony for which a person shall be sentenced to a term
10 of imprisonment of a minimum of 6 years and a maximum of 45
11 years.

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

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

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

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

26 (1) if the person committed the offense while armed

1 with a firearm, 15 years shall be added to the term of
2 imprisonment imposed by the court;

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

6 (3) if, during the commission of the offense, the
7 person personally discharged a firearm that proximately
8 caused great bodily harm, permanent disability, permanent
9 disfigurement, or death to another person, 25 years or up
10 to a term of natural life shall be added to the term of
11 imprisonment imposed by the court.

12 (i) Definitions. In this Section:

13 "Building or other structure used to provide shelter" has
14 the meaning ascribed to "shelter" in Section 1 of the Domestic
15 Violence Shelters Act.

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

18 "Domestic violence shelter" means any building or other
19 structure used to provide shelter or other services to victims
20 or to the dependent children of victims of domestic violence
21 pursuant to the Illinois Domestic Violence Act of 1986 or the
22 Domestic Violence Shelters Act, or any place within 500 feet
23 of such a building or other structure in the case of a person
24 who is going to or from such a building or other structure.

25 "Firearm" has the meaning provided under Section 2-7.5 ~~4.1~~
26 ~~of the Firearm Owners Identification Card Act~~, and does not

1 include an air rifle as defined by Section 24.8-0.1 of this
2 Code.

3 "Machine gun" has the meaning ascribed to it in Section
4 24-1 of this Code.

5 "Merchant" has the meaning ascribed to it in Section
6 16-0.1 of this Code.

7 "Strangle" means intentionally impeding the normal
8 breathing or circulation of the blood of an individual by
9 applying pressure on the throat or neck of that individual or
10 by blocking the nose or mouth of that individual.

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

12 (720 ILCS 5/16-0.1)

13 Sec. 16-0.1. Definitions. In this Article, unless the
14 context clearly requires otherwise, the following terms are
15 defined as indicated:

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

19 "Coin-operated machine" includes any automatic vending
20 machine or any part thereof, parking meter, coin telephone,
21 coin-operated transit turnstile, transit fare box, coin
22 laundry machine, coin dry cleaning machine, amusement machine,
23 music machine, vending machine dispensing goods or services,
24 or money changer.

25 "Communication device" means any type of instrument,

1 device, machine, or equipment which is capable of
2 transmitting, acquiring, decrypting, or receiving any
3 telephonic, electronic, data, Internet access, audio, video,
4 microwave, or radio transmissions, signals, communications, or
5 services, including the receipt, acquisition, transmission, or
6 decryption of all such communications, transmissions, signals,
7 or services provided by or through any cable television, fiber
8 optic, telephone, satellite, microwave, radio, Internet-based,
9 data transmission, or wireless distribution network, system or
10 facility; or any part, accessory, or component thereof,
11 including any computer circuit, security module, smart card,
12 software, computer chip, electronic mechanism or other
13 component, accessory or part of any communication device which
14 is capable of facilitating the transmission, decryption,
15 acquisition or reception of all such communications,
16 transmissions, signals, or services.

17 "Communication service" means any service lawfully
18 provided for a charge or compensation to facilitate the lawful
19 origination, transmission, emission, or reception of signs,
20 signals, data, writings, images, and sounds or intelligence of
21 any nature by telephone, including cellular telephones or a
22 wire, wireless, radio, electromagnetic, photo-electronic or
23 photo-optical system; and also any service lawfully provided
24 by any radio, telephone, cable television, fiber optic,
25 satellite, microwave, Internet-based or wireless distribution
26 network, system, facility or technology, including, but not

1 limited to, any and all electronic, data, video, audio,
2 Internet access, telephonic, microwave and radio
3 communications, transmissions, signals and services, and any
4 such communications, transmissions, signals and services
5 lawfully provided directly or indirectly by or through any of
6 those networks, systems, facilities or technologies.

7 "Communication service provider" means: (1) any person or
8 entity providing any communication service, whether directly
9 or indirectly, as a reseller, including, but not limited to, a
10 cellular, paging or other wireless communications company or
11 other person or entity which, for a fee, supplies the
12 facility, cell site, mobile telephone switching office or
13 other equipment or communication service; (2) any person or
14 entity owning or operating any cable television, fiber optic,
15 satellite, telephone, wireless, microwave, radio, data
16 transmission or Internet-based distribution network, system or
17 facility; and (3) any person or entity providing any
18 communication service directly or indirectly by or through any
19 such distribution system, network or facility.

20 "Computer" means a device that accepts, processes, stores,
21 retrieves or outputs data, and includes but is not limited to
22 auxiliary storage and telecommunications devices connected to
23 computers.

24 "Continuing course of conduct" means a series of acts, and
25 the accompanying mental state necessary for the crime in
26 question, irrespective of whether the series of acts are

1 continuous or intermittent.

2 "Delivery container" means any bakery basket of wire or
3 plastic used to transport or store bread or bakery products,
4 any dairy case of wire or plastic used to transport or store
5 dairy products, and any dolly or cart of 2 or 4 wheels used to
6 transport or store any bakery or dairy product.

7 "Document-making implement" means any implement,
8 impression, template, computer file, computer disc, electronic
9 device, computer hardware, computer software, instrument, or
10 device that is used to make a real or fictitious or fraudulent
11 personal identification document.

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

13 (1) An electronic funds transfer card.

14 (2) A credit card.

15 (3) A debit card.

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

17 (5) Any instrument, device, card, plate, code, account
18 number, personal identification number, or a record or
19 copy of a code, account number, or personal identification
20 number or other means of access to a credit account or
21 deposit account, or a driver's license or State
22 identification card used to access a proprietary account,
23 other than access originated solely by a paper instrument,
24 that can be used alone or in conjunction with another
25 access device, for any of the following purposes:

26 (A) Obtaining money, cash refund or credit

1 account, credit, goods, services, or any other thing
2 of value.

3 (B) Certifying or guaranteeing to a person or
4 business the availability to the device holder of
5 funds on deposit to honor a draft or check payable to
6 the order of that person or business.

7 (C) Providing the device holder access to a
8 deposit account for the purpose of making deposits,
9 withdrawing funds, transferring funds between deposit
10 accounts, obtaining information pertaining to a
11 deposit account, or making an electronic funds
12 transfer.

13 "Full retail value" means the merchant's stated or
14 advertised price of the merchandise. "Full retail value"
15 includes the aggregate value of property obtained from retail
16 thefts committed by the same person as part of a continuing
17 course of conduct from one or more mercantile establishments
18 in a single transaction or in separate transactions over a
19 period of one year.

20 "Internet" means an interactive computer service or system
21 or an information service, system, or access software provider
22 that provides or enables computer access by multiple users to
23 a computer server, and includes, but is not limited to, an
24 information service, system, or access software provider that
25 provides access to a network system commonly known as the
26 Internet, or any comparable system or service and also

1 includes, but is not limited to, a World Wide Web page,
2 newsgroup, message board, mailing list, or chat area on any
3 interactive computer service or system or other online
4 service.

5 "Library card" means a card or plate issued by a library
6 facility for purposes of identifying the person to whom the
7 library card was issued as authorized to borrow library
8 material, subject to all limitations and conditions imposed on
9 the borrowing by the library facility issuing such card.

10 "Library facility" includes any public library or museum,
11 or any library or museum of an educational, historical or
12 eleemosynary institution, organization or society.

13 "Library material" includes any book, plate, picture,
14 photograph, engraving, painting, sculpture, statue, artifact,
15 drawing, map, newspaper, pamphlet, broadside, magazine,
16 manuscript, document, letter, microfilm, sound recording,
17 audiovisual material, magnetic or other tape, electronic data
18 processing record or other documentary, written or printed
19 material regardless of physical form or characteristics, or
20 any part thereof, belonging to, or on loan to or otherwise in
21 the custody of a library facility.

22 "Manufacture or assembly of an unlawful access device"
23 means to make, produce or assemble an unlawful access device
24 or to modify, alter, program or re-program any instrument,
25 device, machine, equipment or software so that it is capable
26 of defeating or circumventing any technology, device or

1 software used by the provider, owner or licensee of a
2 communication service or of any data, audio or video programs
3 or transmissions to protect any such communication, data,
4 audio or video services, programs or transmissions from
5 unauthorized access, acquisition, disclosure, receipt,
6 decryption, communication, transmission or re-transmission.

7 "Manufacture or assembly of an unlawful communication
8 device" means to make, produce or assemble an unlawful
9 communication or wireless device or to modify, alter, program
10 or reprogram a communication or wireless device to be capable
11 of acquiring, disrupting, receiving, transmitting, decrypting,
12 or facilitating the acquisition, disruption, receipt,
13 transmission or decryption of, a communication service without
14 the express consent or express authorization of the
15 communication service provider, or to knowingly assist others
16 in those activities.

17 "Master sound recording" means the original physical
18 object on which a given set of sounds were first recorded and
19 which the original object from which all subsequent sound
20 recordings embodying the same set of sounds are directly or
21 indirectly derived.

22 "Merchandise" means any item of tangible personal
23 property, including motor fuel.

24 "Merchant" means an owner or operator of any retail
25 mercantile establishment or any agent, employee, lessee,
26 consignee, officer, director, franchisee, or independent

1 contractor of the owner or operator. "Merchant" also means a
2 person who receives from an authorized user of a payment card,
3 or someone the person believes to be an authorized user, a
4 payment card or information from a payment card, or what the
5 person believes to be a payment card or information from a
6 payment card, as the instrument for obtaining, purchasing or
7 receiving goods, services, money, or anything else of value
8 from the person.

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

11 "Online" means the use of any electronic or wireless
12 device to access the Internet.

13 "Payment card" means a credit card, charge card, debit
14 card, or any other card that is issued to an authorized card
15 user and that allows the user to obtain, purchase, or receive
16 goods, services, money, or anything else of value from a
17 merchant.

18 "Person with a disability" means a person who suffers from
19 a physical or mental impairment resulting from disease,
20 injury, functional disorder or congenital condition that
21 impairs the individual's mental or physical ability to
22 independently manage his or her property or financial
23 resources, or both.

24 "Personal identification document" means a birth
25 certificate, a driver's license, a State identification card,
26 a public, government, or private employment identification

1 card, a social security card, a license issued under the
2 Firearm Concealed Carry Act ~~firearm owner's identification~~
3 ~~card~~, a credit card, a debit card, or a passport issued to or
4 on behalf of a person other than the offender, or any document
5 made or issued, or falsely purported to have been made or
6 issued, by or under the authority of the United States
7 Government, the State of Illinois, or any other state
8 political subdivision of any state, or any other governmental
9 or quasi-governmental organization that is of a type intended
10 for the purpose of identification of an individual, or any
11 such document made or altered in a manner that it falsely
12 purports to have been made on behalf of or issued to another
13 person or by the authority of one who did not give that
14 authority.

15 "Personal identifying information" means any of the
16 following information:

17 (1) A person's name.

18 (2) A person's address.

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

20 (4) A person's telephone number.

21 (5) A person's driver's license number or State of
22 Illinois identification card as assigned by the Secretary
23 of State of the State of Illinois or a similar agency of
24 another state.

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

26 (7) A person's public, private, or government

1 employer, place of employment, or employment
2 identification number.

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

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

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

11 (11) Personal identification numbers.

12 (12) Electronic identification numbers.

13 (13) Digital signals.

14 (14) User names, passwords, and any other word,
15 number, character or combination of the same usable in
16 whole or part to access information relating to a specific
17 individual, or to the actions taken, communications made
18 or received, or other activities or transactions of a
19 specific individual.

20 (15) Any other numbers or information which can be
21 used to access a person's financial resources, or to
22 identify a specific individual, or the actions taken,
23 communications made or received, or other activities or
24 transactions of a specific individual.

25 "Premises of a retail mercantile establishment" includes,
26 but is not limited to, the retail mercantile establishment;

1 any common use areas in shopping centers; and all parking
2 areas set aside by a merchant or on behalf of a merchant for
3 the parking of vehicles for the convenience of the patrons of
4 such retail mercantile establishment.

5 "Public water, gas, or power supply, or other public
6 services" mean any service subject to regulation by the
7 Illinois Commerce Commission; any service furnished by a
8 public utility that is owned and operated by any political
9 subdivision, public institution of higher education or
10 municipal corporation of this State; any service furnished by
11 any public utility that is owned by such political
12 subdivision, public institution of higher education, or
13 municipal corporation and operated by any of its lessees or
14 operating agents; any service furnished by an electric
15 cooperative as defined in Section 3.4 of the Electric Supplier
16 Act; or wireless service or other service regulated by the
17 Federal Communications Commission.

18 "Publish" means to communicate or disseminate information
19 to any one or more persons, either orally, in person, or by
20 telephone, radio or television or in writing of any kind,
21 including, without limitation, a letter or memorandum,
22 circular or handbill, newspaper or magazine article or book.

23 "Radio frequency identification device" means any
24 implement, computer file, computer disc, electronic device,
25 computer hardware, computer software, or instrument that is
26 used to activate, read, receive, or decode information stored

1 on a RFID tag or transponder attached to a personal
2 identification document.

3 "RFID tag or transponder" means a chip or device that
4 contains personal identifying information from which the
5 personal identifying information can be read or decoded by
6 another device emitting a radio frequency that activates or
7 powers a radio frequency emission response from the chip or
8 transponder.

9 "Reencoder" means an electronic device that places encoded
10 information from the magnetic strip or stripe of a payment
11 card onto the magnetic strip or stripe of a different payment
12 card.

13 "Retail mercantile establishment" means any place where
14 merchandise is displayed, held, stored or offered for sale to
15 the public.

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

20 "Shopping cart" means those push carts of the type or
21 types which are commonly provided by grocery stores, drug
22 stores or other retail mercantile establishments for the use
23 of the public in transporting commodities in stores and
24 markets and, incidentally, from the stores to a place outside
25 the store.

26 "Sound or audio visual recording" means any sound or audio

1 visual phonograph record, disc, pre-recorded tape, film, wire,
2 magnetic tape or other object, device or medium, now known or
3 hereafter invented, by which sounds or images may be
4 reproduced with or without the use of any additional machine,
5 equipment or device.

6 "Theft detection device remover" means any tool or device
7 specifically designed and intended to be used to remove any
8 theft detection device from any merchandise.

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

12 "Unidentified sound or audio visual recording" means a
13 sound or audio visual recording without the actual name and
14 full and correct street address of the manufacturer, and the
15 name of the actual performers or groups prominently and
16 legibly printed on the outside cover or jacket and on the label
17 of such sound or audio visual recording.

18 "Unlawful access device" means any type of instrument,
19 device, machine, equipment, technology, or software which is
20 primarily possessed, used, designed, assembled, manufactured,
21 sold, distributed or offered, promoted or advertised for the
22 purpose of defeating or circumventing any technology, device
23 or software, or any component or part thereof, used by the
24 provider, owner or licensee of any communication service or of
25 any data, audio or video programs or transmissions to protect
26 any such communication, audio or video services, programs or

1 transmissions from unauthorized access, acquisition, receipt,
2 decryption, disclosure, communication, transmission or
3 re-transmission.

4 "Unlawful communication device" means any electronic
5 serial number, mobile identification number, personal
6 identification number or any communication or wireless device
7 that is capable of acquiring or facilitating the acquisition
8 of a communication service without the express consent or
9 express authorization of the communication service provider,
10 or that has been altered, modified, programmed or
11 reprogrammed, alone or in conjunction with another
12 communication or wireless device or other equipment, to so
13 acquire or facilitate the unauthorized acquisition of a
14 communication service. "Unlawful communication device" also
15 means:

16 (1) any phone altered to obtain service without the
17 express consent or express authorization of the
18 communication service provider, tumbler phone, counterfeit
19 or clone phone, tumbler microchip, counterfeit or clone
20 microchip, scanning receiver of wireless communication
21 service or other instrument capable of disguising its
22 identity or location or of gaining unauthorized access to
23 a communications or wireless system operated by a
24 communication service provider; and

25 (2) any communication or wireless device which is
26 capable of, or has been altered, designed, modified,

1 programmed or reprogrammed, alone or in conjunction with
2 another communication or wireless device or devices, so as
3 to be capable of, facilitating the disruption,
4 acquisition, receipt, transmission or decryption of a
5 communication service without the express consent or
6 express authorization of the communication service
7 provider, including, but not limited to, any device,
8 technology, product, service, equipment, computer software
9 or component or part thereof, primarily distributed, sold,
10 designed, assembled, manufactured, modified, programmed,
11 reprogrammed or used for the purpose of providing the
12 unauthorized receipt of, transmission of, disruption of,
13 decryption of, access to or acquisition of any
14 communication service provided by any communication
15 service provider.

16 "Vehicle" means a motor vehicle, motorcycle, or farm
17 implement that is self-propelled and that uses motor fuel for
18 propulsion.

19 "Wireless device" includes any type of instrument, device,
20 machine, or equipment that is capable of transmitting or
21 receiving telephonic, electronic or radio communications, or
22 any part of such instrument, device, machine, or equipment, or
23 any computer circuit, computer chip, electronic mechanism, or
24 other component that is capable of facilitating the
25 transmission or reception of telephonic, electronic, or radio
26 communications.

1 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
2 1-1-12; 97-1109, eff. 1-1-13.)

3 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

4 Sec. 17-30. Defaced, altered, or removed manufacturer or
5 owner identification number.

6 (a) Unlawful sale of household appliances. A person
7 commits unlawful sale of household appliances when he or she
8 knowingly, with the intent to defraud or deceive another,
9 keeps for sale, within any commercial context, any household
10 appliance with a missing, defaced, obliterated, or otherwise
11 altered manufacturer's identification number.

12 (b) Construction equipment identification defacement. A
13 person commits construction equipment identification
14 defacement when he or she knowingly changes, alters, removes,
15 mutilates, or obliterates a permanently affixed serial number,
16 product identification number, part number, component
17 identification number, owner-applied identification, or other
18 mark of identification attached to or stamped, inscribed,
19 molded, or etched into a machine or other equipment, whether
20 stationary or mobile or self-propelled, or a part of such
21 machine or equipment, used in the construction, maintenance,
22 or demolition of buildings, structures, bridges, tunnels,
23 sewers, utility pipes or lines, ditches or open cuts, roads,
24 highways, dams, airports, or waterways or in material handling
25 for such projects.

1 The trier of fact may infer that the defendant has
2 knowingly changed, altered, removed, or obliterated the serial
3 number, product identification number, part number, component
4 identification number, owner-applied identification number, or
5 other mark of identification, if the defendant was in
6 possession of any machine or other equipment or a part of such
7 machine or equipment used in the construction, maintenance, or
8 demolition of buildings, structures, bridges, tunnels, sewers,
9 utility pipes or lines, ditches or open cuts, roads, highways,
10 dams, airports, or waterways or in material handling for such
11 projects upon which any such serial number, product
12 identification number, part number, component identification
13 number, owner-applied identification number, or other mark of
14 identification has been changed, altered, removed, or
15 obliterated.

16 (c) Defacement of manufacturer's serial number or
17 identification mark. A person commits defacement of a
18 manufacturer's serial number or identification mark when he or
19 she knowingly removes, alters, defaces, covers, or destroys
20 the manufacturer's serial number or any other manufacturer's
21 number or distinguishing identification mark upon any machine
22 or other article of merchandise, other than a motor vehicle as
23 defined in Section 1-146 of the Illinois Vehicle Code or a
24 firearm ~~as defined in the Firearm Owners Identification Card~~
25 ~~Act~~, with the intent of concealing or destroying the identity
26 of such machine or other article of merchandise.

1 (d) Sentence.

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

6 (2) A violation of subsection (b) of this Section is a
7 Class A misdemeanor.

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

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

12 (f) Definitions. In this Section:

13 "Commercial context" means a continuing business
14 enterprise conducted for profit by any person whose primary
15 business is the wholesale or retail marketing of household
16 appliances, or a significant portion of whose business or
17 inventory consists of household appliances kept or sold on a
18 wholesale or retail basis.

19 "Household appliance" means any gas or electric device or
20 machine marketed for use as home entertainment or for
21 facilitating or expediting household tasks or chores. The term
22 shall include but not necessarily be limited to refrigerators,
23 freezers, ranges, radios, television sets, vacuum cleaners,
24 toasters, dishwashers, and other similar household items.

25 "Manufacturer's identification number" means any serial
26 number or other similar numerical or alphabetical designation

1 imprinted upon or attached to or placed, stamped, or otherwise
2 imprinted upon or attached to a household appliance or item by
3 the manufacturer for purposes of identifying a particular
4 appliance or item individually or by lot number.

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

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

10 (1) Sells, manufactures, purchases, possesses or
11 carries any bludgeon, black-jack, slung-shot, sand-club,
12 sand-bag, metal knuckles or other knuckle weapon
13 regardless of its composition, throwing star, or any
14 knife, commonly referred to as a switchblade knife, which
15 has a blade that opens automatically by hand pressure
16 applied to a button, spring or other device in the handle
17 of the knife, or a ballistic knife, which is a device that
18 propels a knifelike blade as a projectile by means of a
19 coil spring, elastic material or compressed gas; or

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

25 (2.5) Carries or possesses with intent to use the same

1 unlawfully against another, any firearm in a church,
2 synagogue, mosque, or other building, structure, or place
3 used for religious worship; or

4 (3) Carries on or about his person or in any vehicle, a
5 tear gas gun projector or bomb or any object containing
6 noxious liquid gas or substance, other than an object
7 containing a non-lethal noxious liquid gas or substance
8 designed solely for personal defense carried by a person
9 18 years of age or older; or

10 (4) Carries or possesses in any vehicle or concealed
11 on or about his person except when on his land or in his
12 own abode, legal dwelling, or fixed place of business, or
13 on the land or in the legal dwelling of another person as
14 an invitee with that person's permission, any pistol,
15 revolver, stun gun or taser or other firearm, except that
16 this subsection (a) (4) does not apply to or affect
17 transportation of weapons that meet one of the following
18 conditions:

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

20 (ii) are not immediately accessible; or

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

26 (iv) are carried or possessed in accordance with

1 the Firearm Concealed Carry Act by a person who has
2 been issued a currently valid license under the
3 Firearm Concealed Carry Act; or

4 (5) Sets a spring gun; or

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

8 (7) Sells, manufactures, purchases, possesses or
9 carries:

10 (i) a machine gun, which shall be defined for the
11 purposes of this subsection as any weapon, which
12 shoots, is designed to shoot, or can be readily
13 restored to shoot, automatically more than one shot
14 without manually reloading by a single function of the
15 trigger, including the frame or receiver of any such
16 weapon, or sells, manufactures, purchases, possesses,
17 or carries any combination of parts designed or
18 intended for use in converting any weapon into a
19 machine gun, or any combination or parts from which a
20 machine gun can be assembled if such parts are in the
21 possession or under the control of a person;

22 (ii) any rifle having one or more barrels less
23 than 16 inches in length or a shotgun having one or
24 more barrels less than 18 inches in length or any
25 weapon made from a rifle or shotgun, whether by
26 alteration, modification, or otherwise, if such a

1 weapon as modified has an overall length of less than
2 26 inches; or

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

8 (8) Carries or possesses any firearm, stun gun or
9 taser or other deadly weapon in any place which is
10 licensed to sell intoxicating beverages, or at any public
11 gathering held pursuant to a license issued by any
12 governmental body or any public gathering at which an
13 admission is charged, excluding a place where a showing,
14 demonstration or lecture involving the exhibition of
15 unloaded firearms is conducted.

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

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

25 (10) Carries or possesses on or about his or her
26 person, upon any public street, alley, or other public

1 lands within the corporate limits of a city, village, or
2 incorporated town, except when an invitee thereon or
3 therein, for the purpose of the display of such weapon or
4 the lawful commerce in weapons, or except when on his land
5 or in his or her own abode, legal dwelling, or fixed place
6 of business, or on the land or in the legal dwelling of
7 another person as an invitee with that person's
8 permission, any pistol, revolver, stun gun, or taser or
9 other firearm, except that this subsection (a) (10) does
10 not apply to or affect transportation of weapons that meet
11 one of the following conditions:

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

13 (ii) are not immediately accessible; or

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

19 (iv) are carried or possessed in accordance with
20 the Firearm Concealed Carry Act by a person who has
21 been issued a currently valid license under the
22 Firearm Concealed Carry Act.

23 A "stun gun or taser", as used in this paragraph (a)
24 means (i) any device which is powered by electrical
25 charging units, such as, batteries, and which fires one or
26 several barbs attached to a length of wire and which, upon

1 hitting a human, can send out a current capable of
2 disrupting the person's nervous system in such a manner as
3 to render him incapable of normal functioning or (ii) any
4 device which is powered by electrical charging units, such
5 as batteries, and which, upon contact with a human or
6 clothing worn by a human, can send out current capable of
7 disrupting the person's nervous system in such a manner as
8 to render him incapable of normal functioning; or

9 (11) Sells, manufactures, or purchases any explosive
10 bullet. For purposes of this paragraph (a) "explosive
11 bullet" means the projectile portion of an ammunition
12 cartridge which contains or carries an explosive charge
13 which will explode upon contact with the flesh of a human
14 or an animal. "Cartridge" means a tubular metal case
15 having a projectile affixed at the front thereof and a cap
16 or primer at the rear end thereof, with the propellant
17 contained in such tube between the projectile and the cap;
18 or

19 (12) (Blank); or

20 (13) Carries or possesses on or about his or her
21 person while in a building occupied by a unit of
22 government, a billy club, other weapon of like character,
23 or other instrument of like character intended for use as
24 a weapon. For the purposes of this Section, "billy club"
25 means a short stick or club commonly carried by police
26 officers which is either telescopic or constructed of a

1 solid piece of wood or other man-made material.

2 (b) Sentence. A person convicted of a violation of
3 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
4 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
5 Class A misdemeanor. A person convicted of a violation of
6 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;
7 a person convicted of a violation of subsection 24-1(a)(6) or
8 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
9 convicted of a violation of subsection 24-1(a)(7)(i) commits a
10 Class 2 felony and shall be sentenced to a term of imprisonment
11 of not less than 3 years and not more than 7 years, unless the
12 weapon is possessed in the passenger compartment of a motor
13 vehicle as defined in Section 1-146 of the Illinois Vehicle
14 Code, or on the person, while the weapon is loaded, in which
15 case it shall be a Class X felony. A person convicted of a
16 second or subsequent violation of subsection 24-1(a)(4),
17 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
18 felony. A person convicted of a violation of subsection
19 24-1(a)(2.5) commits a Class 2 felony. The possession of each
20 weapon in violation of this Section constitutes a single and
21 separate violation.

22 (c) Violations in specific places.

23 (1) A person who violates subsection 24-1(a)(6) or
24 24-1(a)(7) in any school, regardless of the time of day or
25 the time of year, in residential property owned, operated
26 or managed by a public housing agency or leased by a public

1 housing agency as part of a scattered site or mixed-income
2 development, in a public park, in a courthouse, on the
3 real property comprising any school, regardless of the
4 time of day or the time of year, on residential property
5 owned, operated or managed by a public housing agency or
6 leased by a public housing agency as part of a scattered
7 site or mixed-income development, on the real property
8 comprising any public park, on the real property
9 comprising any courthouse, in any conveyance owned, leased
10 or contracted by a school to transport students to or from
11 school or a school related activity, in any conveyance
12 owned, leased, or contracted by a public transportation
13 agency, or on any public way within 1,000 feet of the real
14 property comprising any school, public park, courthouse,
15 public transportation facility, or 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 commits a Class 2 felony
19 and shall be sentenced to a term of imprisonment of not
20 less than 3 years and not more than 7 years.

21 (1.5) A person who violates subsection 24-1(a)(4),
22 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
23 the time of day or the time of year, in residential
24 property owned, operated, or managed by a public housing
25 agency or leased by a public housing agency as part of a
26 scattered site or mixed-income development, in a public

1 park, in a courthouse, on the real property comprising any
2 school, regardless of the time of day or the time of year,
3 on residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development,
6 on the real property comprising any public park, on the
7 real property comprising any courthouse, in any conveyance
8 owned, leased, or contracted by a school to transport
9 students to or from school or a school related activity,
10 in any conveyance owned, leased, or contracted by a public
11 transportation agency, or on any public way within 1,000
12 feet of the real property comprising any school, public
13 park, courthouse, public transportation facility, or
14 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 commits a Class 3 felony.

18 (2) A person who violates subsection 24-1(a)(1),
19 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
20 time of day or the time of year, in residential property
21 owned, operated or managed by a public housing agency or
22 leased by a public housing agency as part of a scattered
23 site or mixed-income development, in a public park, in a
24 courthouse, on the real property comprising any school,
25 regardless of the time of day or the time of year, on
26 residential property owned, operated or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development,
3 on the real property comprising any public park, on the
4 real property comprising any courthouse, in any conveyance
5 owned, leased or contracted by a school to transport
6 students to or from school or a school related activity,
7 in any conveyance owned, leased, or contracted by a public
8 transportation agency, or on any public way within 1,000
9 feet of the real property comprising any school, public
10 park, courthouse, public transportation facility, or
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 commits a Class 4 felony. "Courthouse" means any building
15 that is used by the Circuit, Appellate, or Supreme Court
16 of this State for the conduct of official business.

17 (3) Paragraphs (1), (1.5), and (2) of this subsection
18 (c) shall not apply to law enforcement officers or
19 security officers of such school, college, or university
20 or to students carrying or possessing firearms for use in
21 training courses, parades, hunting, target shooting on
22 school ranges, or otherwise with the consent of school
23 authorities and which firearms are transported unloaded
24 enclosed in a suitable case, box, or transportation
25 package.

26 (4) For the purposes of this subsection (c), "school"

1 means any public or private elementary or secondary
2 school, community college, college, or university.

3 (5) For the purposes of this subsection (c), "public
4 transportation agency" means a public or private agency
5 that provides for the transportation or conveyance of
6 persons by means available to the general public, except
7 for transportation by automobiles not used for conveyance
8 of the general public as passengers; and "public
9 transportation facility" means a terminal or other place
10 where one may obtain public transportation.

11 (d) The presence in an automobile other than a public
12 omnibus of any weapon, instrument or substance referred to in
13 subsection (a) (7) is prima facie evidence that it is in the
14 possession of, and is being carried by, all persons occupying
15 such automobile at the time such weapon, instrument or
16 substance is found, except under the following circumstances:
17 (i) if such weapon, instrument or instrumentality is found
18 upon the person of one of the occupants therein; or (ii) if
19 such weapon, instrument or substance is found in an automobile
20 operated for hire by a duly licensed driver in the due, lawful
21 and proper pursuit of his or her trade, then such presumption
22 shall not apply to the driver.

23 (e) Exemptions.

24 (1) Crossbows, Common or Compound bows and Underwater
25 Spearguns are exempted from the definition of ballistic
26 knife as defined in paragraph (1) of subsection (a) of

1 this Section.

2 (2) The provision of paragraph (1) of subsection (a)
3 of this Section prohibiting the sale, manufacture,
4 purchase, possession, or carrying of any knife, commonly
5 referred to as a switchblade knife, which has a blade that
6 opens automatically by hand pressure applied to a button,
7 spring or other device in the handle of the knife, does not
8 apply to a person eligible under State and federal law to
9 possess a firearm ~~who possesses a currently valid Firearm~~
10 ~~Owner's Identification Card previously issued in his or~~
11 ~~her name by the Department of State Police~~ or to a person
12 or an entity engaged in the business of selling or
13 manufacturing switchblade knives.

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

15 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

16 Sec. 24-1.1. Unlawful use or possession of weapons by
17 felons or persons in the custody of the Department of
18 Corrections facilities.

19 (a) It is unlawful for a person to knowingly possess on or
20 about his person or on his land or in his own abode or fixed
21 place of business any weapon prohibited under Section 24-1 of
22 this Act or any firearm or any firearm ammunition if the person
23 has been convicted of a felony under the laws of this State or
24 any other jurisdiction. This Section shall not apply if the
25 person has been granted relief under this subsection ~~by the~~

1 ~~Director of the Department of State Police under Section 10 of~~
2 ~~the Firearm Owners Identification Card Act. A person~~
3 prohibited from possessing a firearm under this subsection (a)
4 may petition the Director of the Illinois State Police for a
5 hearing and relief from the prohibition, unless the
6 prohibition was based upon a forcible felony, stalking,
7 aggravated stalking, domestic battery, any violation of the
8 Illinois Controlled Substances Act, the Methamphetamine
9 Control and Community Protection Act, or the Cannabis Control
10 Act that is classified as a Class 2 or greater felony, any
11 felony violation of Article 24 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, or any adjudication as a delinquent
13 minor for the commission of an offense that if committed by an
14 adult would be a felony, in which case the person may petition
15 the circuit court in writing in the county of his or her
16 residence for a hearing and relief from the prohibition. The
17 Director or court may grant the relief if it is established by
18 the petitioner to the court's or Director's satisfaction that:

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

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

1 jurisdiction within 20 years of the filing of the
2 petition, or at least 20 years have passed since the end of
3 any period of imprisonment imposed in relation to that
4 conviction;

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

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

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

14 (b) It is unlawful for any person confined in a penal
15 institution, which is a facility of the Illinois Department of
16 Corrections, to possess any weapon prohibited under Section
17 24-1 of this Code or any firearm or firearm ammunition,
18 regardless of the intent with which he possesses it.

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

23 (d) The defense of necessity is not available to a person
24 who is charged with a violation of subsection (b) of this
25 Section.

26 (e) Sentence. Violation of this Section by a person not

1 confined in a penal institution shall be a Class 3 felony for
2 which the person shall be sentenced to no less than 2 years and
3 no more than 10 years. A second or subsequent violation of this
4 Section shall be a Class 2 felony for which the person shall be
5 sentenced to a term of imprisonment of 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
9 who has been convicted of a forcible felony, a felony
10 violation of Article 24 of this Code ~~or of the Firearm Owners~~
11 ~~Identification Card Act~~, stalking or aggravated stalking, or a
12 Class 2 or greater felony under the Illinois Controlled
13 Substances Act, the Cannabis Control Act, or the
14 Methamphetamine Control and Community Protection Act is a
15 Class 2 felony for which the person shall be sentenced to not
16 less than 3 years and not more than 14 years, except as
17 provided for in Section 5-4.5-110 of the Unified Code of
18 Corrections. Violation of this Section by a person who is on
19 parole or mandatory supervised release is a Class 2 felony for
20 which the person shall be sentenced to not less than 3 years
21 and not more than 14 years, except as provided for in Section
22 5-4.5-110 of the Unified Code of Corrections. Violation of
23 this Section by a person not confined in a penal institution is
24 a Class X felony when the firearm possessed is a machine gun.
25 Any person who violates this Section while confined in a penal
26 institution, which is a facility of the Illinois Department of

1 Corrections, is guilty of a Class 1 felony, if he possesses any
2 weapon prohibited under Section 24-1 of this Code regardless
3 of the intent with which he possesses it, a Class X felony if
4 he possesses any firearm, firearm ammunition or explosive, and
5 a Class X felony for which the offender shall be sentenced to
6 not less than 12 years and not more than 50 years when the
7 firearm possessed is a machine gun. A violation of this
8 Section while wearing or in possession of body armor as
9 defined in Section 33F-1 is a Class X felony punishable by a
10 term of imprisonment of not less than 10 years and not more
11 than 40 years. The possession of each firearm or firearm
12 ammunition in violation of this Section constitutes a single
13 and separate violation.

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

15 (720 ILCS 5/24-1.6)

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

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

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

1 (2) Carries or possesses on or about his or her
2 person, upon any public street, alley, or other public
3 lands within the corporate limits of a city, village or
4 incorporated town, except when an invitee thereon or
5 therein, for the purpose of the display of such weapon or
6 the lawful commerce in weapons, or except when on his or
7 her own land or in his or her own abode, legal dwelling, or
8 fixed place of business, or on the land or in the legal
9 dwelling of another person as an invitee with that
10 person's permission, any pistol, revolver, stun gun or
11 taser or other firearm; and

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

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

16 (A-5) the pistol, revolver, or handgun possessed
17 was uncased, loaded, and immediately accessible at the
18 time of the offense and the person possessing the
19 pistol, revolver, or handgun has not been issued a
20 currently valid license under the Firearm Concealed
21 Carry Act; or

22 (B) the firearm, other than a pistol, revolver, or
23 handgun, possessed was uncased, unloaded, and the
24 ammunition for the weapon was immediately accessible
25 at the time of the offense; or

26 (B-5) the pistol, revolver, or handgun possessed

1 was uncased, unloaded, and the ammunition for the
2 weapon was immediately accessible at the time of the
3 offense and the person possessing the pistol,
4 revolver, or handgun has not been issued a currently
5 valid license under the Firearm Concealed Carry Act;
6 or

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

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

14 (E) the person possessing the weapon was engaged
15 in a misdemeanor violation of the Cannabis Control
16 Act, in a misdemeanor violation of the Illinois
17 Controlled Substances Act, or in a misdemeanor
18 violation of the Methamphetamine Control and Community
19 Protection Act; or

20 (F) (blank); or

21 (G) the person possessing the weapon had an order
22 of protection issued against him or her within the
23 previous 2 years; or

24 (H) the person possessing the weapon was engaged
25 in the commission or attempted commission of a
26 misdemeanor involving the use or threat of violence

1 against the person or property of another; or

2 (I) the person possessing the weapon was under 21
3 years of age and in possession of a handgun, unless the
4 person under 21 is engaged in lawful activities under
5 the Wildlife Code or described in subsection
6 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container by a person
17 is eligible under State and federal law to possess a
18 firearm ~~who has been issued a currently valid Firearm~~
19 ~~Owner's Identification Card.~~

20 (d) Sentence.

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

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

10 (3) Aggravated unlawful use of a weapon by a person
11 who has been previously convicted of a felony in this
12 State or another jurisdiction is a Class 2 felony for
13 which the person shall be sentenced to a term of
14 imprisonment of not less than 3 years and not more than 7
15 years, except as provided for in Section 5-4.5-110 of the
16 Unified Code of Corrections.

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

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

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

1 (720 ILCS 5/24-1.8)

2 Sec. 24-1.8. Unlawful possession of a firearm by a street
3 gang member.

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

6 (1) possesses, carries, or conceals on or about his or
7 her person a firearm and firearm ammunition while on any
8 street, road, alley, gangway, sidewalk, or any other
9 lands, except when inside his or her own abode or inside
10 his or her fixed place of business, ~~and has not been issued~~
11 ~~a currently valid Firearm Owner's Identification Card~~ and
12 is a member of a street gang; or

13 (2) possesses or carries in any vehicle a firearm and
14 firearm ammunition which are both immediately accessible
15 at the time of the offense while on any street, road,
16 alley, or any other lands, except when inside his or her
17 own abode or garage, ~~and has not been issued a currently~~
18 ~~valid Firearm Owner's Identification Card~~ and is a member
19 of a street gang.

20 (b) Unlawful possession of a firearm by a street gang
21 member is a Class 2 felony for which the person, if sentenced
22 to a term of imprisonment, shall be sentenced to no less than 3
23 years and no more than 10 years. A period of probation, a term
24 of periodic imprisonment or conditional discharge shall not be
25 imposed for the offense of unlawful possession of a firearm by

1 a street gang member when the firearm was loaded or contained
2 firearm ammunition and the court shall sentence the offender
3 to not less than the minimum term of imprisonment authorized
4 for the Class 2 felony.

5 (c) For purposes of this Section:

6 "Street gang" or "gang" has the meaning ascribed to it
7 in Section 10 of the Illinois Streetgang Terrorism Omnibus
8 Prevention Act.

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

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

13 (720 ILCS 5/24-2)

14 Sec. 24-2. Exemptions.

15 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
16 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
17 the following:

18 (1) Peace officers, and any person summoned by a peace
19 officer to assist in making arrests or preserving the
20 peace, while actually engaged in assisting such officer.

21 (2) Wardens, superintendents and keepers of prisons,
22 penitentiaries, jails and other institutions for the
23 detention of persons accused or convicted of an offense,
24 while in the performance of their official duty, or while
25 commuting between their homes and places of employment.

1 (3) Members of the Armed Services or Reserve Forces of
2 the United States or the Illinois National Guard or the
3 Reserve Officers Training Corps, while in the performance
4 of their official duty.

5 (4) Special agents employed by a railroad or a public
6 utility to perform police functions, and guards of armored
7 car companies, while actually engaged in the performance
8 of the duties of their employment or commuting between
9 their homes and places of employment; and watchmen while
10 actually engaged in the performance of the duties of their
11 employment.

12 (5) Persons licensed as private security contractors,
13 private detectives, or private alarm contractors, or
14 employed by a private security contractor, private
15 detective, or private alarm contractor agency licensed by
16 the Department of Financial and Professional Regulation,
17 if their duties include the carrying of a weapon under the
18 provisions of the Private Detective, Private Alarm,
19 Private Security, Fingerprint Vendor, and Locksmith Act of
20 2004, while actually engaged in the performance of the
21 duties of their employment or commuting between their
22 homes and places of employment. A person shall be
23 considered eligible for this exemption if he or she has
24 completed the required 20 hours of training for a private
25 security contractor, private detective, or private alarm
26 contractor, or employee of a licensed private security

1 contractor, private detective, or private alarm contractor
2 agency and 20 hours of required firearm training, and has
3 been issued a firearm control card by the Department of
4 Financial and Professional Regulation. Conditions for the
5 renewal of firearm control cards issued under the
6 provisions of this Section shall be the same as for those
7 cards issued under the provisions of the Private
8 Detective, Private Alarm, Private Security, Fingerprint
9 Vendor, and Locksmith Act of 2004. The firearm control
10 card shall be carried by the private security contractor,
11 private detective, or private alarm contractor, or
12 employee of the licensed private security contractor,
13 private detective, or private alarm contractor agency at
14 all times when he or she is in possession of a concealable
15 weapon permitted by his or her firearm control card.

16 (6) Any person regularly employed in a commercial or
17 industrial operation as a security guard for the
18 protection of persons employed and private property
19 related to such commercial or industrial operation, while
20 actually engaged in the performance of his or her duty or
21 traveling between sites or properties belonging to the
22 employer, and who, as a security guard, is a member of a
23 security force registered with the Department of Financial
24 and Professional Regulation; provided that such security
25 guard has successfully completed a course of study,
26 approved by and supervised by the Department of Financial

1 and Professional Regulation, consisting of not less than
2 40 hours of training that includes the theory of law
3 enforcement, liability for acts, and the handling of
4 weapons. A person shall be considered eligible for this
5 exemption if he or she has completed the required 20 hours
6 of training for a security officer and 20 hours of
7 required firearm training, and has been issued a firearm
8 control card by the Department of Financial and
9 Professional Regulation. Conditions for the renewal of
10 firearm control cards issued under the provisions of this
11 Section shall be the same as for those cards issued under
12 the provisions of the Private Detective, Private Alarm,
13 Private Security, Fingerprint Vendor, and Locksmith Act of
14 2004. The firearm control card shall be carried by the
15 security guard at all times when he or she is in possession
16 of a concealable weapon permitted by his or her firearm
17 control card.

18 (7) Agents and investigators of the Illinois
19 Legislative Investigating Commission authorized by the
20 Commission to carry the weapons specified in subsections
21 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
22 any investigation for the Commission.

23 (8) Persons employed by a financial institution as a
24 security guard for the protection of other employees and
25 property related to such financial institution, while
26 actually engaged in the performance of their duties,

1 commuting between their homes and places of employment, or
2 traveling between sites or properties owned or operated by
3 such financial institution, and who, as a security guard,
4 is a member of a security force registered with the
5 Department; provided that any person so employed has
6 successfully completed a course of study, approved by and
7 supervised by the Department of Financial and Professional
8 Regulation, consisting of not less than 40 hours of
9 training which includes theory of law enforcement,
10 liability for acts, and the handling of weapons. A person
11 shall be considered to be eligible for this exemption if
12 he or she has completed the required 20 hours of training
13 for a security officer and 20 hours of required firearm
14 training, and has been issued a firearm control card by
15 the Department of Financial and Professional Regulation.
16 Conditions for renewal of firearm control cards issued
17 under the provisions of this Section shall be the same as
18 for those 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 security guard at all times
22 when he or she is in possession of a concealable weapon
23 permitted by his or her firearm control card. For purposes
24 of this subsection, "financial institution" means a bank,
25 savings and loan association, credit union or company
26 providing armored car services.

1 (9) Any person employed by an armored car company to
2 drive an armored car, while actually engaged in the
3 performance of his duties.

4 (10) Persons who have been classified as peace
5 officers pursuant to the Peace Officer Fire Investigation
6 Act.

7 (11) Investigators of the Office of the State's
8 Attorneys Appellate Prosecutor authorized by the board of
9 governors of the Office of the State's Attorneys Appellate
10 Prosecutor to carry weapons pursuant to Section 7.06 of
11 the State's Attorneys Appellate Prosecutor's Act.

12 (12) Special investigators appointed by a State's
13 Attorney under Section 3-9005 of the Counties Code.

14 (12.5) Probation officers while in the performance of
15 their duties, or while commuting between their homes,
16 places of employment or specific locations that are part
17 of their assigned duties, with the consent of the chief
18 judge of the circuit for which they are employed, if they
19 have received weapons training according to requirements
20 of the Peace Officer and Probation Officer Firearm
21 Training Act.

22 (13) Court Security Officers while in the performance
23 of their official duties, or while commuting between their
24 homes and places of employment, with the consent of the
25 Sheriff.

26 (13.5) A person employed as an armed security guard at

1 a nuclear energy, storage, weapons or development site or
2 facility regulated by the Nuclear Regulatory Commission
3 who has completed the background screening and training
4 mandated by the rules and regulations of the Nuclear
5 Regulatory Commission.

6 (14) Manufacture, transportation, or sale of weapons
7 to persons authorized under subdivisions (1) through
8 (13.5) of this subsection to possess those weapons.

9 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
10 to or affect any person carrying a concealed pistol, revolver,
11 or handgun and the person has been issued a currently valid
12 license under the Firearm Concealed Carry Act at the time of
13 the commission of the offense.

14 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
15 to or affect a qualified current or retired law enforcement
16 officer qualified under the laws of this State or under the
17 federal Law Enforcement Officers Safety Act.

18 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
19 24-1.6 do not apply to or affect any of the following:

20 (1) Members of any club or organization organized for
21 the purpose of practicing shooting at targets upon
22 established target ranges, whether public or private, and
23 patrons of such ranges, while such members or patrons are
24 using their firearms on those target ranges.

25 (2) Duly authorized military or civil organizations
26 while parading, with the special permission of the

1 Governor.

2 (3) Hunters, trappers or fishermen with a license or
3 permit while engaged in hunting, trapping or fishing.

4 (4) Transportation of weapons that are broken down in
5 a non-functioning state or are not immediately accessible.

6 (5) Carrying or possessing any pistol, revolver, stun
7 gun or taser or other firearm on the land or in the legal
8 dwelling of another person as an invitee with that
9 person's permission.

10 (c) Subsection 24-1(a)(7) does not apply to or affect any
11 of the following:

12 (1) Peace officers while in performance of their
13 official duties.

14 (2) Wardens, superintendents and keepers of prisons,
15 penitentiaries, jails and other institutions for the
16 detention of persons accused or convicted of an offense.

17 (3) Members of the Armed Services or Reserve Forces of
18 the United States or the Illinois National Guard, while in
19 the performance of their official duty.

20 (4) Manufacture, transportation, or sale of machine
21 guns to persons authorized under subdivisions (1) through
22 (3) of this subsection to possess machine guns, if the
23 machine guns are broken down in a non-functioning state or
24 are not immediately accessible.

25 (5) Persons licensed under federal law to manufacture
26 any weapon from which 8 or more shots or bullets can be

1 discharged by a single function of the firing device, or
2 ammunition for such weapons, and actually engaged in the
3 business of manufacturing such weapons or ammunition, but
4 only with respect to activities which are within the
5 lawful scope of such business, such as the manufacture,
6 transportation, or testing of such weapons or ammunition.
7 This exemption does not authorize the general private
8 possession of any weapon from which 8 or more shots or
9 bullets can be discharged by a single function of the
10 firing device, but only such possession and activities as
11 are within the lawful scope of a licensed manufacturing
12 business described in this paragraph.

13 During transportation, such weapons shall be broken
14 down in a non-functioning state or not immediately
15 accessible.

16 (6) The manufacture, transport, testing, delivery,
17 transfer or sale, and all lawful commercial or
18 experimental activities necessary thereto, of rifles,
19 shotguns, and weapons made from rifles or shotguns, or
20 ammunition for such rifles, shotguns or weapons, where
21 engaged in by a person operating as a contractor or
22 subcontractor pursuant to a contract or subcontract for
23 the development and supply of such rifles, shotguns,
24 weapons or ammunition to the United States government or
25 any branch of the Armed Forces of the United States, when
26 such activities are necessary and incident to fulfilling

1 the terms of such contract.

2 The exemption granted under this subdivision (c)(6)
3 shall also apply to any authorized agent of any such
4 contractor or subcontractor who is operating within the
5 scope of his employment, where such activities involving
6 such weapon, weapons or ammunition are necessary and
7 incident to fulfilling the terms of such contract.

8 (7) A person possessing a rifle with a barrel or
9 barrels less than 16 inches in length if: (A) the person
10 has been issued a Curios and Relics license from the U.S.
11 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
12 (B) the person is an active member of a bona fide,
13 nationally recognized military re-enacting group and the
14 modification is required and necessary to accurately
15 portray the weapon for historical re-enactment purposes;
16 the re-enactor is in possession of a valid and current
17 re-enacting group membership credential; and the overall
18 length of the weapon as modified is not less than 26
19 inches.

20 (d) Subsection 24-1(a)(1) does not apply to the purchase,
21 possession or carrying of a black-jack or slung-shot by a
22 peace officer.

23 (e) Subsection 24-1(a)(8) does not apply to any owner,
24 manager or authorized employee of any place specified in that
25 subsection nor to any law enforcement officer.

26 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and

1 Section 24-1.6 do not apply to members of any club or
2 organization organized for the purpose of practicing shooting
3 at targets upon established target ranges, whether public or
4 private, while using their firearms on those target ranges.

5 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
6 to:

7 (1) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard, while in
9 the performance of their official duty.

10 (2) Bonafide collectors of antique or surplus military
11 ordnance.

12 (3) Laboratories having a department of forensic
13 ballistics, or specializing in the development of
14 ammunition or explosive ordnance.

15 (4) Commerce, preparation, assembly or possession of
16 explosive bullets by manufacturers of ammunition licensed
17 by the federal government, in connection with the supply
18 of those organizations and persons exempted by subdivision
19 (g)(1) of this Section, or like organizations and persons
20 outside this State, or the transportation of explosive
21 bullets to any organization or person exempted in this
22 Section by a common carrier or by a vehicle owned or leased
23 by an exempted manufacturer.

24 (g-5) Subsection 24-1(a)(6) does not apply to or affect
25 persons licensed under federal law to manufacture any device
26 or attachment of any kind designed, used, or intended for use

1 in silencing the report of any firearm, firearms, or
2 ammunition for those firearms equipped with those devices, and
3 actually engaged in the business of manufacturing those
4 devices, firearms, or ammunition, but only with respect to
5 activities that are within the lawful scope of that business,
6 such as the manufacture, transportation, or testing of those
7 devices, firearms, or ammunition. This exemption does not
8 authorize the general private possession of any device or
9 attachment of any kind designed, used, or intended for use in
10 silencing the report of any firearm, but only such possession
11 and activities as are within the lawful scope of a licensed
12 manufacturing business described in this subsection (g-5).
13 During transportation, these devices shall be detached from
14 any weapon or not immediately accessible.

15 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
16 24-1.6 do not apply to or affect any parole agent or parole
17 supervisor who meets the qualifications and conditions
18 prescribed in Section 3-14-1.5 of the Unified Code of
19 Corrections.

20 (g-7) Subsection 24-1(a)(6) does not apply to a peace
21 officer while serving as a member of a tactical response team
22 or special operations team. A peace officer may not personally
23 own or apply for ownership of a device or attachment of any
24 kind designed, used, or intended for use in silencing the
25 report of any firearm. These devices shall be owned and
26 maintained by lawfully recognized units of government whose

1 duties include the investigation of criminal acts.

2 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
3 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
4 athlete's possession, transport on official Olympic and
5 Paralympic transit systems established for athletes, or use of
6 competition firearms sanctioned by the International Olympic
7 Committee, the International Paralympic Committee, the
8 International Shooting Sport Federation, or USA Shooting in
9 connection with such athlete's training for and participation
10 in shooting competitions at the 2016 Olympic and Paralympic
11 Games and sanctioned test events leading up to the 2016
12 Olympic and Paralympic Games.

13 (h) An information or indictment based upon a violation of
14 any subsection of this Article need not negate any
15 exemptions contained in this Article. The defendant shall have
16 the burden of proving such an exemption.

17 (i) Nothing in this Article shall prohibit, apply to, or
18 affect the transportation, carrying, or possession, of any
19 pistol or revolver, stun gun, taser, or other firearm
20 consigned to a common carrier operating under license of the
21 State of Illinois or the federal government, where such
22 transportation, carrying, or possession is incident to the
23 lawful transportation in which such common carrier is engaged;
24 and nothing in this Article shall prohibit, apply to, or
25 affect the transportation, carrying, or possession of any
26 pistol, revolver, stun gun, taser, or other firearm, not the

1 subject of and regulated by subsection 24-1(a)(7) or
2 subsection 24-2(c) of this Article, which is unloaded and
3 enclosed in a case, firearm carrying box, shipping box, or
4 other container, by a person eligible under State and federal
5 law to possess a firearm ~~the possessor of a valid Firearm~~
6 ~~Owners Identification Card.~~

7 (Source: P.A. 100-201, eff. 8-18-17; 101-80, eff. 7-12-19.)

8 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

10 (A) A person commits the offense of unlawful sale or
11 delivery of firearms when he or she knowingly does any of the
12 following:

13 (a) Sells or gives any firearm of a size which may be
14 concealed upon the person to any person under 18 years of
15 age.

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

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

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

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

1 "Mental institution" means any hospital,
2 institution, clinic, evaluation facility, mental
3 health center, or part thereof, which is used
4 primarily for the care or treatment of persons with
5 mental illness.

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

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

14 (g) Delivers any firearm, incidental to a sale,
15 without withholding delivery of the firearm for at least
16 72 hours after application for its purchase has been made,
17 or delivers a stun gun or taser, incidental to a sale,
18 without withholding delivery of the stun gun or taser for
19 at least 24 hours after application for its purchase has
20 been made. However, this paragraph (g) does not apply to:

21 (1) the sale of a firearm to a law enforcement officer if
22 the seller of the firearm knows that the person to whom he
23 or she is selling the firearm is a law enforcement officer
24 or the sale of a firearm to a person who desires to
25 purchase a firearm for use in promoting the public
26 interest incident to his or her employment as a bank

1 guard, armed truck guard, or other similar employment; (2)
2 a mail order sale of a firearm from a federally licensed
3 firearms dealer to a nonresident of Illinois under which
4 the firearm is mailed to a federally licensed firearms
5 dealer outside the boundaries of Illinois; (3) (blank);
6 (4) the sale of a firearm to a dealer licensed as a federal
7 firearms dealer under Section 923 of the federal Gun
8 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
9 sale of any rifle, shotgun, or other long gun to a resident
10 registered competitor or attendee or non-resident
11 registered competitor or attendee by any dealer licensed
12 as a federal firearms dealer under Section 923 of the
13 federal Gun Control Act of 1968 at competitive shooting
14 events held at the World Shooting Complex sanctioned by a
15 national governing body. For purposes of transfers or
16 sales under subparagraph (5) of this paragraph (g), the
17 Department of Natural Resources shall give notice to the
18 Department of State Police at least 30 calendar days prior
19 to any competitive shooting events at the World Shooting
20 Complex sanctioned by a national governing body. The
21 notification shall be made on a form prescribed by the
22 Department of State Police. The sanctioning body shall
23 provide a list of all registered competitors and attendees
24 at least 24 hours before the events to the Department of
25 State Police. Any changes to the list of registered
26 competitors and attendees shall be forwarded to the

1 Department of State Police as soon as practicable. The
2 Department of State Police must destroy the list of
3 registered competitors and attendees no later than 30 days
4 after the date of the event. Nothing in this paragraph (g)
5 relieves a federally licensed firearm dealer from the
6 requirements of conducting a NICS background check through
7 the Illinois Point of Contact under 18 U.S.C. 922(t). For
8 purposes of this paragraph (g), "application" means when
9 the buyer and seller reach an agreement to purchase a
10 firearm. For purposes of this paragraph (g), "national
11 governing body" means a group of persons who adopt rules
12 and formulate policy on behalf of a national firearm
13 sporting organization.

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

1 (i) Sells or gives a firearm of any size to any person
2 under 18 years of age who is not eligible under State or
3 federal law to possess a firearm ~~does not possess a valid~~
4 ~~Firearm Owner's Identification Card.~~

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

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

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

26 (k) (Blank). ~~Sells or transfers ownership of a firearm~~

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

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

1 ~~Identification Card.~~

2 (2) (Blank). ~~All sellers or transferors who have~~
3 ~~complied with the requirements of subparagraph (1) of~~
4 ~~this paragraph (k) shall not be liable for damages in~~
5 ~~any civil action arising from the use or misuse by the~~
6 ~~transferee of the firearm transferred, except for~~
7 ~~willful or wanton misconduct on the part of the seller~~
8 ~~or transferor.~~

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

15 (B) Paragraph (h) of subsection (A) does not include
16 firearms sold within 6 months after enactment of Public Act
17 78-355 (approved August 21, 1973, effective October 1, 1973),
18 nor is any firearm legally owned or possessed by any citizen or
19 purchased by any citizen within 6 months after the enactment
20 of Public Act 78-355 subject to confiscation or seizure under
21 the provisions of that Public Act. Nothing in Public Act
22 78-355 shall be construed to prohibit the gift or trade of any
23 firearm if that firearm was legally held or acquired within 6
24 months after the enactment of that Public Act.

25 (C) Sentence.

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

1 of firearms in violation of paragraph (c), (e), (f), (g),
2 or (h) of subsection (A) commits a Class 4 felony.

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

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

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

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

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

1 (7) (Blank). ~~Any person convicted of unlawful sale or~~
2 ~~delivery of firearms in violation of paragraph (k) of~~
3 ~~subsection (A) commits a Class 4 felony, except that a~~
4 ~~violation of subparagraph (1) of paragraph (k) of~~
5 ~~subsection (A) shall not be punishable as a crime or petty~~
6 ~~offense. A third or subsequent conviction for a violation~~
7 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

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

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

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

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

1 (D) For purposes of this Section:

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

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

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

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

17 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

18 Sec. 24-3.1. Unlawful possession of firearms and firearm
19 ammunition.

20 (a) A person commits the offense of unlawful possession of
21 firearms or firearm ammunition when:

22 (1) He is under 18 years of age and has in his
23 possession any firearm of a size which may be concealed
24 upon the person; or

25 (2) He is under 21 years of age, has been convicted of

1 a misdemeanor other than a traffic offense or adjudged
2 delinquent and has any firearms or firearm ammunition in
3 his possession; or

4 (3) He is a narcotic addict and has any firearms or
5 firearm ammunition in his possession; or

6 (4) He has been a patient in a mental institution
7 within the past 5 years and has any firearms or firearm
8 ammunition in his possession. For purposes of this
9 paragraph (4):

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

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

21 (5) He is a person with an intellectual disability and
22 has any firearms or firearm ammunition in his possession;
23 or

24 (6) He has in his possession any explosive bullet.

25 For purposes of this paragraph "explosive bullet" means
26 the projectile portion of an ammunition cartridge which

1 contains or carries an explosive charge which will explode
2 upon contact with the flesh of a human or an animal.
3 "Cartridge" means a tubular metal case having a projectile
4 affixed at the front thereof and a cap or primer at the rear
5 end thereof, with the propellant contained in such tube
6 between the projectile and the cap.

7 (a-5) A person prohibited from possessing a firearm under
8 this Section may petition the Director of the Illinois State
9 Police for a hearing and relief from the prohibition, unless
10 the prohibition was based upon a forcible felony, stalking,
11 aggravated stalking, domestic battery, any violation of the
12 Illinois Controlled Substances Act, the Methamphetamine
13 Control and Community Protection Act, or the Cannabis Control
14 Act that is classified as a Class 2 or greater felony, any
15 felony violation of Article 24 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, or any adjudication as a delinquent
17 minor for the commission of an offense that if committed by an
18 adult would be a felony, in which case the person may petition
19 the circuit court in writing in the county of his or her
20 residence for a hearing and relief from the prohibition. The
21 Director or court may grant the relief if it is established by
22 the petitioner to the court's or Director's satisfaction that:

23 (1) when in the circuit court, the State's Attorney
24 has been served with a written copy of the petition at
25 least 30 days before any hearing in the circuit court and
26 at the hearing the State's Attorney was afforded an

1 opportunity to present evidence and object to the
2 petition;

3 (2) the petitioner has not been convicted of a
4 forcible felony under the laws of this State or any other
5 jurisdiction within 20 years of the filing of the
6 petition, or at least 20 years have passed since the end of
7 any period of imprisonment imposed in relation to that
8 conviction;

9 (3) the circumstances regarding a criminal conviction,
10 where applicable, the petitioner's criminal history and
11 his reputation are such that the petitioner will not be
12 likely to act in a manner dangerous to public safety;

13 (4) granting relief would not be contrary to the
14 public interest; and

15 (5) granting relief would not be contrary to federal
16 law.

17 (b) Sentence.

18 Unlawful possession of firearms, other than handguns, and
19 firearm ammunition is a Class A misdemeanor. Unlawful
20 possession of handguns is a Class 4 felony. The possession of
21 each firearm or firearm ammunition in violation of this
22 Section constitutes a single and separate violation.

23 (c) Nothing in paragraph (1) of subsection (a) of this
24 Section prohibits a person under 18 years of age from
25 participating in any lawful recreational activity with a
26 firearm such as, but not limited to, practice shooting at

1 targets upon established public or private target ranges or
2 hunting, trapping, or fishing in accordance with the Wildlife
3 Code or the Fish and Aquatic Life Code.

4 (Source: P.A. 99-143, eff. 7-27-15.)

5 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

6 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

7 (a) A person commits the offense of unlawful discharge of
8 firearm projectiles when he or she knowingly or recklessly
9 uses an armor piercing bullet, dragon's breath shotgun shell,
10 bolo shell, or flechette shell in violation of this Section.

11 For purposes of this Section:

12 "Armor piercing bullet" means any handgun bullet or
13 handgun ammunition with projectiles or projectile cores
14 constructed entirely (excluding the presence of traces of
15 other substances) from tungsten alloys, steel, iron, brass,
16 bronze, beryllium copper or depleted uranium, or fully
17 jacketed bullets larger than 22 caliber whose jacket has a
18 weight of more than 25% of the total weight of the projectile,
19 and excluding those handgun projectiles whose cores are
20 composed of soft materials such as lead or lead alloys, zinc or
21 zinc alloys, frangible projectiles designed primarily for
22 sporting purposes, and any other projectiles or projectile
23 cores that the U. S. Secretary of the Treasury finds to be
24 primarily intended to be used for sporting purposes or
25 industrial purposes or that otherwise does not constitute

1 "armor piercing ammunition" as that term is defined by federal
2 law.

3 "Dragon's breath shotgun shell" means any shotgun shell
4 that contains exothermic pyrophoric mesh metal as the
5 projectile and is designed for the purpose of throwing or
6 spewing a flame or fireball to simulate a flame-thrower.

7 "Bolo shell" means any shell that can be fired in a firearm
8 and expels as projectiles 2 or more metal balls connected by
9 solid metal wire.

10 "Flechette shell" means any shell that can be fired in a
11 firearm and expels 2 or more pieces of fin-stabilized solid
12 metal wire or 2 or more solid dart-type projectiles.

13 (b) A person commits a Class X felony when he or she,
14 knowing that a firearm, ~~as defined in Section 1.1 of the~~
15 ~~Firearm Owners Identification Card Act,~~ is loaded with an
16 armor piercing bullet, dragon's breath shotgun shell, bolo
17 shell, or flechette shell, intentionally or recklessly
18 discharges such firearm and such bullet or shell strikes any
19 other person.

20 (c) Any person who possesses, concealed on or about his or
21 her person, an armor piercing bullet, dragon's breath shotgun
22 shell, bolo shell, or flechette shell and a firearm suitable
23 for the discharge thereof is guilty of a Class 2 felony.

24 (d) This Section does not apply to or affect any of the
25 following:

26 (1) Peace officers;

1 (2) Wardens, superintendents and keepers of prisons,
2 penitentiaries, jails and other institutions for the
3 detention of persons accused or convicted of an offense;

4 (3) Members of the Armed Services or Reserve Forces of
5 the United States or the Illinois National Guard while in
6 the performance of their official duties;

7 (4) Federal officials required to carry firearms,
8 while engaged in the performance of their official duties;

9 (5) United States Marshals, while engaged in the
10 performance of their official duties.

11 (Source: P.A. 92-423, eff. 1-1-02.)

12 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

13 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

14 (a) It shall be unlawful for any person who holds a license
15 to sell at retail any alcoholic liquor issued by the Illinois
16 Liquor Control Commission or local liquor control commissioner
17 under the Liquor Control Act of 1934 or an agent or employee of
18 the licensee to sell or deliver to any other person a firearm
19 in or on the real property of the establishment where the
20 licensee is licensed to sell alcoholic liquors unless the sale
21 or delivery of the firearm is otherwise lawful under this
22 Article ~~and under the Firearm Owners Identification Card Act.~~

23 (b) Sentence. A violation of subsection (a) of this
24 Section is a Class 4 felony.

25 (Source: P.A. 87-591.)

1 (720 ILCS 5/24-3.5)

2 Sec. 24-3.5. Unlawful purchase of a firearm.

3 (a) For purposes of this Section, "firearms transaction
4 record form" means a form:

5 (1) executed by a transferee of a firearm stating: (i)
6 the transferee's name and address (including county or
7 similar political subdivision); (ii) whether the
8 transferee is a citizen of the United States; (iii) the
9 transferee's State of residence; and (iv) the date and
10 place of birth, height, weight, and race of the
11 transferee; and

12 (2) on which the transferee certifies that he or she
13 is not prohibited by federal law from transporting or
14 shipping a firearm in interstate or foreign commerce or
15 receiving a firearm that has been shipped or transported
16 in interstate or foreign commerce or possessing a firearm
17 in or affecting commerce.

18 (b) A person commits the offense of unlawful purchase of a
19 firearm who knowingly purchases or attempts to purchase a
20 firearm with the intent to deliver that firearm to another
21 person who is prohibited by federal or State law from
22 possessing a firearm.

23 (c) A person commits the offense of unlawful purchase of a
24 firearm when he or she, in purchasing or attempting to
25 purchase a firearm, intentionally provides false or misleading

1 information on a United States Department of the Treasury,
2 Bureau of Alcohol, Tobacco and Firearms firearms transaction
3 record form.

4 (d) Exemption. It is not a violation of subsection (b) of
5 this Section for a person to make a gift or loan of a firearm
6 to a person who is not prohibited by federal or State law from
7 possessing a firearm ~~if the transfer of the firearm is made in~~
8 ~~accordance with Section 3 of the Firearm Owners Identification~~
9 ~~Card Act.~~

10 (e) Sentence.

11 (1) A person who commits the offense of unlawful
12 purchase of a firearm:

13 (A) is guilty of a Class 2 felony for purchasing or
14 attempting to purchase one firearm;

15 (B) is guilty of a Class 1 felony for purchasing or
16 attempting to purchase not less than 2 firearms and
17 not more than 5 firearms at the same time or within a
18 one year period;

19 (C) is guilty of a Class X felony for which the
20 offender shall be sentenced to a term of imprisonment
21 of not less than 9 years and not more than 40 years for
22 purchasing or attempting to purchase not less than 6
23 firearms at the same time or within a 2 year period.

24 (2) In addition to any other penalty that may be
25 imposed for a violation of this Section, the court may
26 sentence a person convicted of a violation of subsection

1 (c) of this Section to a fine not to exceed \$250,000 for
2 each violation.

3 (f) A prosecution for unlawful purchase of a firearm may
4 be commenced within 6 years after the commission of the
5 offense.

6 (Source: P.A. 95-882, eff. 1-1-09.)

7 (720 ILCS 5/24-3B)

8 Sec. 24-3B. Firearms trafficking.

9 (a) A person commits firearms trafficking when he or she
10 is prohibited under federal or State law from possessing a
11 firearm ~~has not been issued a currently valid Firearm Owner's~~
12 ~~Identification Card~~ and knowingly:

13 (1) brings, or causes to be brought, into this State,
14 a firearm or firearm ammunition for the purpose of sale,
15 delivery, or transfer to any other person or with the
16 intent to sell, deliver, or transfer the firearm or
17 firearm ammunition to any other person; or

18 (2) brings, or causes to be brought, into this State,
19 a firearm and 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 and
22 firearm ammunition to any other person.

23 (a-5) (Blank). ~~This Section does not apply to:~~

24 ~~(1) a person exempt under Section 2 of the Firearm~~
25 ~~Owners Identification Card Act from the requirement of~~

1 ~~having possession of a Firearm Owner's Identification Card~~
2 ~~previously issued in his or her name by the Department of~~
3 ~~State Police in order to acquire or possess a firearm or~~
4 ~~firearm ammunition;~~

5 ~~(2) a common carrier under subsection (i) of Section~~
6 ~~24-2 of this Code; or~~

7 ~~(3) a non resident who may lawfully possess a firearm~~
8 ~~in his or her resident state.~~

9 (b) Sentence.

10 (1) Firearms trafficking is a Class 1 felony for which
11 the person, if sentenced to a term of imprisonment, shall
12 be sentenced to not less than 4 years and not more than 20
13 years.

14 (2) Firearms trafficking by a person who has been
15 previously convicted of firearms trafficking, gunrunning,
16 or a felony offense for the unlawful sale, delivery, or
17 transfer of a firearm or firearm ammunition in this State
18 or another jurisdiction is a Class X felony.

19 (Source: P.A. 99-885, eff. 8-23-16.)

20 (720 ILCS 5/24-4.1)

21 Sec. 24-4.1. Report of lost or stolen firearms.

22 (a) If a person ~~who possesses a valid Firearm Owner's~~
23 ~~Identification Card and~~ who possesses or acquires a firearm
24 thereafter loses the firearm, or if the firearm is stolen from
25 the person, the person must report the loss or theft to the

1 local law enforcement agency within 72 hours after obtaining
2 knowledge of the loss or theft.

3 (b) A law enforcement agency having jurisdiction shall
4 take a written report and shall, as soon as practical, enter
5 the firearm's serial number as stolen into the Law Enforcement
6 Agencies Data System (LEADS).

7 (c) A person shall not be in violation of this Section if:

8 (1) the failure to report is due to an act of God, act
9 of war, or inability of a law enforcement agency to
10 receive the report;

11 (2) the person is hospitalized, in a coma, or is
12 otherwise seriously physically or mentally impaired as to
13 prevent the person from reporting; or

14 (3) the person's designee makes a report if the person
15 is unable to make the report.

16 (d) Sentence. A person who violates this Section is guilty
17 of a petty offense for a first violation. A second or
18 subsequent violation of this Section is a Class A misdemeanor.

19 (Source: P.A. 98-508, eff. 8-19-13.)

20 (720 ILCS 5/24-4.5 new)

21 Sec. 24-4.5. Dial up system.

22 (a) The Illinois State Police shall provide a dial up
23 telephone system or utilize other existing technology which
24 shall be used by any federally licensed firearm dealer, gun
25 show promoter, or gun show vendor who is to transfer a firearm,

1 stun gun, or taser under the provisions of this Code. The
2 Illinois State Police may utilize existing technology which
3 allows the caller to be charged a fee not to exceed \$2. Fees
4 collected by the Illinois State Police shall be deposited in
5 the State Police Services Fund and used to provide the
6 service.

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

24 (c) If receipt of a firearm would not violate Section 24-3
25 of this Code or federal law, the Illinois State Police shall:

26 (1) assign a unique identification number to the

1 transfer; and

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

4 (d) Approvals issued by the Illinois State Police for the
5 purchase of a firearm are valid for 30 days from the date of
6 issue.

7 (e) (1) The Illinois State Police must act as the Illinois
8 Point of Contact for the National Instant Criminal Background
9 Check System.

10 (2) The Illinois State Police and the Department of Human
11 Services shall, in accordance with State and federal law
12 regarding confidentiality, enter into a memorandum of
13 understanding with the Federal Bureau of Investigation for the
14 purpose of implementing the National Instant Criminal
15 Background Check System in the State. The Illinois State
16 Police shall report the name, date of birth, and physical
17 description of any person prohibited from possessing a firearm
18 under this Code or 18 U.S.C. 922(g) and (n) to the National
19 Instant Criminal Background Check System Index, Denied Persons
20 Files.

21 (f) The Illinois State Police shall adopt rules not
22 inconsistent with this Section to implement this system.

23 (720 ILCS 5/24-9)

24 Sec. 24-9. Firearms; Child Protection.

25 (a) Except as provided in subsection (c), it is unlawful

1 for any person to store or leave, within premises under his or
2 her control, a firearm if the person knows or has reason to
3 believe that a minor under the age of 14 years ~~who does not~~
4 ~~have a Firearm Owners Identification Card~~ is likely to gain
5 access to the firearm without the lawful permission of the
6 person possessing the firearm, minor's parent, guardian, or
7 person having charge of the minor, and the minor causes death
8 or great bodily harm with the firearm, unless the firearm is:

9 (1) secured by a device or mechanism, other than the
10 firearm safety, designed to render a firearm temporarily
11 inoperable; or

12 (2) placed in a securely locked box or container; or

13 (3) placed in some other location that a reasonable
14 person would believe to be secure from a minor under the
15 age of 14 years.

16 (b) Sentence. A person who violates this Section is guilty
17 of a Class C misdemeanor and shall be fined not less than
18 \$1,000. A second or subsequent violation of this Section is a
19 Class A misdemeanor.

20 (c) Subsection (a) does not apply:

21 (1) if the minor under 14 years of age gains access to
22 a firearm and uses it in a lawful act of self-defense or
23 defense of another; or

24 (2) to any firearm obtained by a minor under the age of
25 14 because of an unlawful entry of the premises by the
26 minor or another person.

1 (d) (Blank). ~~For the purposes of this Section, "firearm"~~
2 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~
3 ~~Owners Identification Card Act.~~

4 (Source: P.A. 91-18, eff. 1-1-00.)

5 Section 85. The Methamphetamine Control and Community
6 Protection Act is amended by changing Section 10 as follows:

7 (720 ILCS 646/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Anhydrous ammonia" has the meaning provided in subsection
10 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

11 "Anhydrous ammonia equipment" means all items used to
12 store, hold, contain, handle, transfer, transport, or apply
13 anhydrous ammonia for lawful purposes.

14 "Booby trap" means any device designed to cause physical
15 injury when triggered by an act of a person approaching,
16 entering, or moving through a structure, a vehicle, or any
17 location where methamphetamine has been manufactured, is being
18 manufactured, or is intended to be manufactured.

19 "Deliver" or "delivery" has the meaning provided in
20 subsection (h) of Section 102 of the Illinois Controlled
21 Substances Act.

22 "Director" means the Director of State Police or the
23 Director's designated agents.

24 "Dispose" or "disposal" means to abandon, discharge,

1 release, deposit, inject, dump, spill, leak, or place
2 methamphetamine waste onto or into any land, water, or well of
3 any type so that the waste has the potential to enter the
4 environment, be emitted into the air, or be discharged into
5 the soil or any waters, including groundwater.

6 "Emergency response" means the act of collecting evidence
7 from or securing a methamphetamine laboratory site,
8 methamphetamine waste site or other methamphetamine-related
9 site and cleaning up the site, whether these actions are
10 performed by public entities or private contractors paid by
11 public entities.

12 "Emergency service provider" means a local, State, or
13 federal peace officer, firefighter, emergency medical
14 technician-ambulance, emergency medical
15 technician-intermediate, emergency medical
16 technician-paramedic, ambulance driver, or other medical or
17 first aid personnel rendering aid, or any agent or designee of
18 the foregoing.

19 "Finished methamphetamine" means methamphetamine in a form
20 commonly used for personal consumption.

21 "Firearm" has the meaning provided in Section 2-7.5 of the
22 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
23 ~~Card Act.~~

24 "Manufacture" means to produce, prepare, compound,
25 convert, process, synthesize, concentrate, purify, separate,
26 extract, or package any methamphetamine, methamphetamine

1 precursor, methamphetamine manufacturing catalyst,
2 methamphetamine manufacturing reagent, methamphetamine
3 manufacturing solvent, or any substance containing any of the
4 foregoing.

5 "Methamphetamine" means the chemical methamphetamine (a
6 Schedule II controlled substance under the Illinois Controlled
7 Substances Act) or any salt, optical isomer, salt of optical
8 isomer, or analog thereof, with the exception of
9 3,4-Methylenedioxymethamphetamine (MDMA) or any other
10 scheduled substance with a separate listing under the Illinois
11 Controlled Substances Act.

12 "Methamphetamine manufacturing catalyst" means any
13 substance that has been used, is being used, or is intended to
14 be used to activate, accelerate, extend, or improve a chemical
15 reaction involved in the manufacture of methamphetamine.

16 "Methamphetamine manufacturing environment" means a
17 structure or vehicle in which:

- 18 (1) methamphetamine is being or has been manufactured;
- 19 (2) chemicals that are being used, have been used, or
20 are intended to be used to manufacture methamphetamine are
21 stored;
- 22 (3) methamphetamine manufacturing materials that have
23 been used to manufacture methamphetamine are stored; or
- 24 (4) methamphetamine manufacturing waste is stored.

25 "Methamphetamine manufacturing material" means any
26 methamphetamine precursor, substance containing any

1 methamphetamine precursor, methamphetamine manufacturing
2 catalyst, substance containing any methamphetamine
3 manufacturing catalyst, methamphetamine manufacturing
4 reagent, substance containing any methamphetamine
5 manufacturing reagent, methamphetamine manufacturing solvent,
6 substance containing any methamphetamine manufacturing
7 solvent, or any other chemical, substance, ingredient,
8 equipment, apparatus, or item that is being used, has been
9 used, or is intended to be used in the manufacture of
10 methamphetamine.

11 "Methamphetamine manufacturing reagent" means any
12 substance other than a methamphetamine manufacturing catalyst
13 that has been used, is being used, or is intended to be used to
14 react with and chemically alter any methamphetamine precursor.

15 "Methamphetamine manufacturing solvent" means any
16 substance that has been used, is being used, or is intended to
17 be used as a medium in which any methamphetamine precursor,
18 methamphetamine manufacturing catalyst, methamphetamine
19 manufacturing reagent, or any substance containing any of the
20 foregoing is dissolved, diluted, or washed during any part of
21 the methamphetamine manufacturing process.

22 "Methamphetamine manufacturing waste" means any chemical,
23 substance, ingredient, equipment, apparatus, or item that is
24 left over from, results from, or is produced by the process of
25 manufacturing methamphetamine, other than finished
26 methamphetamine.

1 "Methamphetamine precursor" means ephedrine,
2 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
3 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
4 isomer, or salt of an optical isomer of any of these chemicals.

5 "Multi-unit dwelling" means a unified structure used or
6 intended for use as a habitation, home, or residence that
7 contains 2 or more condominiums, apartments, hotel rooms,
8 motel rooms, or other living units.

9 "Package" means an item marked for retail sale that is not
10 designed to be further broken down or subdivided for the
11 purpose of retail sale.

12 "Participate" or "participation" in the manufacture of
13 methamphetamine means to produce, prepare, compound, convert,
14 process, synthesize, concentrate, purify, separate, extract,
15 or package any methamphetamine, methamphetamine precursor,
16 methamphetamine manufacturing catalyst, methamphetamine
17 manufacturing reagent, methamphetamine manufacturing solvent,
18 or any substance containing any of the foregoing, or to assist
19 in any of these actions, or to attempt to take any of these
20 actions, regardless of whether this action or these actions
21 result in the production of finished methamphetamine.

22 "Person with a disability" means a person who suffers from
23 a permanent physical or mental impairment resulting from
24 disease, injury, functional disorder, or congenital condition
25 which renders the person incapable of adequately providing for
26 his or her own health and personal care.

1 "Procure" means to purchase, steal, gather, or otherwise
2 obtain, by legal or illegal means, or to cause another to take
3 such action.

4 "Second or subsequent offense" means an offense under this
5 Act committed by an offender who previously committed an
6 offense under this Act, the Illinois Controlled Substances
7 Act, the Cannabis Control Act, or another Act of this State,
8 another state, or the United States relating to
9 methamphetamine, cannabis, or any other controlled substance.

10 "Standard dosage form", as used in relation to any
11 methamphetamine precursor, means that the methamphetamine
12 precursor is contained in a pill, tablet, capsule, caplet, gel
13 cap, or liquid cap that has been manufactured by a lawful
14 entity and contains a standard quantity of methamphetamine
15 precursor.

16 "Unauthorized container", as used in relation to anhydrous
17 ammonia, means any container that is not designed for the
18 specific and sole purpose of holding, storing, transporting,
19 or applying anhydrous ammonia. "Unauthorized container"
20 includes, but is not limited to, any propane tank, fire
21 extinguisher, oxygen cylinder, gasoline can, food or beverage
22 cooler, or compressed gas cylinder used in dispensing fountain
23 drinks. "Unauthorized container" does not encompass anhydrous
24 ammonia manufacturing plants, refrigeration systems where
25 anhydrous ammonia is used solely as a refrigerant, anhydrous
26 ammonia transportation pipelines, anhydrous ammonia tankers,

1 or anhydrous ammonia barges.

2 (Source: P.A. 97-434, eff. 1-1-12.)

3 Section 90. The Code of Criminal Procedure of 1963 is
4 amended by changing Sections 102-7.1, 110-10, 112A-11.1,
5 112A-11.2, 112A-14, and 112A-14.7 as follows:

6 (725 ILCS 5/102-7.1)

7 Sec. 102-7.1. "Category A offense". "Category A offense"
8 means a Class 1 felony, Class 2 felony, Class X felony, first
9 degree murder, a violation of Section 11-204 of the Illinois
10 Vehicle Code, a second or subsequent violation of Section
11 11-501 of the Illinois Vehicle Code, a violation of subsection
12 (d) of Section 11-501 of the Illinois Vehicle Code, a
13 violation of Section 11-401 of the Illinois Vehicle Code if
14 the accident results in injury and the person failed to report
15 the accident within 30 minutes, a violation of Section 9-3,
16 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,
17 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,
18 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,
19 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a
20 second or subsequent violation of 12-3.2 or 12-3.4 of the
21 Criminal Code of 2012, a violation of paragraph (5) or (6) of
22 subsection (b) of Section 10-9 of the Criminal Code of 2012, a
23 violation of subsection (b) or (c) or paragraph (1) or (2) of
24 subsection (a) of Section 11-1.50 of the Criminal Code of

1 2012, a violation of Section 12-7 of the Criminal Code of 2012
2 if the defendant inflicts bodily harm on the victim to obtain a
3 confession, statement, or information, a violation of Section
4 12-7.5 of the Criminal Code of 2012 if the action results in
5 bodily harm, a violation of paragraph (3) of subsection (b) of
6 Section 17-2 of the Criminal Code of 2012, a violation of
7 subdivision (a) (7) (ii) of Section 24-1 of the Criminal Code of
8 2012, a violation of paragraph (6) of subsection (a) of
9 Section 24-1 of the Criminal Code of 2012, a first violation of
10 Section 24-1.6 of the Criminal Code of 2012 by a person 18
11 years of age or older where the factors listed in both items
12 (A) and (C) or both items (A-5) and (C) of paragraph (3) of
13 subsection (a) of Section 24-1.6 of the Criminal Code of 2012
14 are present, a Class 3 felony violation of paragraph (1) of
15 subsection (a) of Section 2 of the Firearm Owners
16 Identification Card Act committed before the effective date of
17 this amendatory Act of the 102nd General Assembly, or a
18 violation of Section 10 of the Sex Offender Registration Act.
19 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

20 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

1 (1) Appear to answer the charge in the court having
2 jurisdiction on a day certain and thereafter as ordered by
3 the court until discharged or final order of the court;

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

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

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

9 (5) At a time and place designated by the court,
10 surrender all firearms in his or her possession to a law
11 enforcement officer designated by the court to take
12 custody of and impound the firearms ~~and physically~~
13 ~~surrender his or her Firearm Owner's Identification Card~~
14 ~~to the clerk of the circuit court~~ when the offense the
15 person has been charged with is a forcible felony,
16 stalking, aggravated stalking, domestic battery, any
17 violation of the Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act, or
19 the Cannabis Control Act that is classified as a Class 2 or
20 greater felony, or any felony violation of Article 24 of
21 the Criminal Code of 1961 or the Criminal Code of 2012; the
22 court may, however, forgo the imposition of this condition
23 when the circumstances of the case clearly do not warrant
24 it or when its imposition would be impractical; ~~if the~~
25 ~~Firearm Owner's Identification Card is confiscated, the~~
26 ~~clerk of the circuit court shall mail the confiscated card~~

1 ~~to the Illinois State Police,~~ all legally possessed
2 firearms shall be returned to the person upon the charges
3 being dismissed, or if the person is found not guilty,
4 unless the finding of not guilty is by reason of insanity;
5 and

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

15 Psychological evaluations ordered pursuant to this Section
16 shall be completed promptly and made available to the State,
17 the defendant, and the court. As a further condition of bail
18 under these circumstances, the court shall order the defendant
19 to refrain from entering upon the property of the school,
20 including any conveyance owned, leased, or contracted by a
21 school to transport students to or from school or a
22 school-related activity, or on any public way within 1,000
23 feet of real property comprising any school. Upon receipt of
24 the psychological evaluation, either the State or the
25 defendant may request a change in the conditions of bail,
26 pursuant to Section 110-6 of this Code. The court may change

1 the conditions of bail to include a requirement that the
2 defendant follow the recommendations of the psychological
3 evaluation, including undergoing psychiatric treatment. The
4 conclusions of the psychological evaluation and any statements
5 elicited from the defendant during its administration are not
6 admissible as evidence of guilt during the course of any trial
7 on the charged offense, unless the defendant places his or her
8 mental competency in issue.

9 (b) The court may impose other conditions, such as the
10 following, if the court finds that such conditions are
11 reasonably necessary to assure the defendant's appearance in
12 court, protect the public from the defendant, or prevent the
13 defendant's unlawful interference with the orderly
14 administration of justice:

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

17 (2) Refrain from possessing a firearm or other
18 dangerous weapon;

19 (3) Refrain from approaching or communicating with
20 particular persons or classes of persons;

21 (4) Refrain from going to certain described
22 geographical areas or premises;

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

25 (6) Undergo treatment for drug addiction or
26 alcoholism;

- 1 (7) Undergo medical or psychiatric treatment;
- 2 (8) Work or pursue a course of study or vocational
3 training;
- 4 (9) Attend or reside in a facility designated by the
5 court;
- 6 (10) Support his or her dependents;
- 7 (11) If a minor resides with his or her parents or in a
8 foster home, attend school, attend a non-residential
9 program for youths, and contribute to his or her own
10 support at home or in a foster home;
- 11 (12) Observe any curfew ordered by the court;
- 12 (13) Remain in the custody of such designated person
13 or organization agreeing to supervise his release. Such
14 third party custodian shall be responsible for notifying
15 the court if the defendant fails to observe the conditions
16 of release which the custodian has agreed to monitor, and
17 shall be subject to contempt of court for failure so to
18 notify the court;
- 19 (14) Be placed under direct supervision of the
20 Pretrial Services Agency, Probation Department or Court
21 Services Department in a pretrial bond home supervision
22 capacity with or without the use of an approved electronic
23 monitoring device subject to Article 8A of Chapter V of
24 the Unified Code of Corrections;
- 25 (14.1) The court shall impose upon a defendant who is
26 charged with any alcohol, cannabis, methamphetamine, or

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

19 The Chief Judge of the circuit court of the county may
20 by administrative order establish a program for electronic
21 monitoring of offenders with regard to drug-related and
22 alcohol-related offenses, in which a vendor supplies and
23 monitors the operation of the electronic monitoring
24 device, and collects the fees on behalf of the county. The
25 program shall include provisions for indigent offenders
26 and the collection of unpaid fees. The program shall not

1 unduly burden the offender and shall be subject to review
2 by the Chief Judge.

3 The Chief Judge of the circuit court may suspend any
4 additional charges or fees for late payment, interest, or
5 damage to any device;

6 (14.2) The court shall impose upon all defendants,
7 including those defendants subject to paragraph (14.1)
8 above, placed under direct supervision of the Pretrial
9 Services Agency, Probation Department or Court Services
10 Department in a pretrial bond home supervision capacity
11 with the use of an approved monitoring device, as a
12 condition of such bail bond, a fee which shall represent
13 costs incidental to such electronic monitoring for each
14 day of such bail supervision ordered by the court, unless
15 after determining the inability of the defendant to pay
16 the fee, the court assesses a lesser fee or no fee as the
17 case may be. The fee shall be collected by the clerk of the
18 circuit court, except as provided in an administrative
19 order of the Chief Judge of the circuit court. The clerk of
20 the circuit court shall pay all monies collected from this
21 fee to the county treasurer who shall use the monies
22 collected to defray the costs of corrections. The county
23 treasurer shall deposit the fee collected in the county
24 working cash fund under Section 6-27001 or Section 6-29002
25 of the Counties Code, as the case may be, except as
26 provided in an administrative order of the Chief Judge of

1 the circuit court.

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

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

15 (14.3) The Chief Judge of the Judicial Circuit may
16 establish reasonable fees to be paid by a person receiving
17 pretrial services while under supervision of a pretrial
18 services agency, probation department, or court services
19 department. Reasonable fees may be charged for pretrial
20 services including, but not limited to, pretrial
21 supervision, diversion programs, electronic monitoring,
22 victim impact services, drug and alcohol testing, DNA
23 testing, GPS electronic monitoring, assessments and
24 evaluations related to domestic violence and other
25 victims, and victim mediation services. The person
26 receiving pretrial services may be ordered to pay all

1 costs incidental to pretrial services in accordance with
2 his or her ability to pay those costs;

3 (14.4) For persons charged with violating Section
4 11-501 of the Illinois Vehicle Code, refrain from
5 operating a motor vehicle not equipped with an ignition
6 interlock device, as defined in Section 1-129.1 of the
7 Illinois Vehicle Code, pursuant to the rules promulgated
8 by the Secretary of State for the installation of ignition
9 interlock devices. Under this condition the court may
10 allow a defendant who is not self-employed to operate a
11 vehicle owned by the defendant's employer that is not
12 equipped with an ignition interlock device in the course
13 and scope of the defendant's employment;

14 (15) Comply with the terms and conditions of an order
15 of protection issued by the court under the Illinois
16 Domestic Violence Act of 1986 or an order of protection
17 issued by the court of another state, tribe, or United
18 States territory;

19 (16) Under Section 110-6.5 comply with the conditions
20 of the drug testing program; and

21 (17) Such other reasonable conditions as the court may
22 impose.

23 (c) When a person is charged with an offense under Section
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
25 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, involving a victim who is a minor under

1 18 years of age living in the same household with the defendant
2 at the time of the offense, in granting bail or releasing the
3 defendant on his own recognizance, the judge shall impose
4 conditions to restrict the defendant's access to the victim
5 which may include, but are not limited to conditions that he
6 will:

7 1. Vacate the household.

8 2. Make payment of temporary support to his
9 dependents.

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

12 (d) When a person is charged with a criminal offense and
13 the victim is a family or household member as defined in
14 Article 112A, conditions shall be imposed at the time of the
15 defendant's release on bond that restrict the defendant's
16 access to the victim. Unless provided otherwise by the court,
17 the restrictions shall include requirements that the defendant
18 do the following:

19 (1) refrain from contact or communication with the
20 victim for a minimum period of 72 hours following the
21 defendant's release; and

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

25 (e) Local law enforcement agencies shall develop
26 standardized bond forms for use in cases involving family or

1 household members as defined in Article 112A, including
2 specific conditions of bond as provided in subsection (d).
3 Failure of any law enforcement department to develop or use
4 those forms shall in no way limit the applicability and
5 enforcement of subsections (d) and (f).

6 (f) If the defendant is admitted to bail after conviction
7 the conditions of the bail bond shall be that he will, in
8 addition to the conditions set forth in subsections (a) and
9 (b) hereof:

10 (1) Duly prosecute his appeal;

11 (2) Appear at such time and place as the court may
12 direct;

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

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

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

19 (g) Upon a finding of guilty for any felony offense, the
20 defendant shall physically surrender, at a time and place
21 designated by the court, any and all firearms in his or her
22 possession ~~and his or her Firearm Owner's Identification Card~~
23 as a condition of remaining on bond pending sentencing.

24 (h) In the event the defendant is unable to post bond, the
25 court may impose a no contact provision with the victim or
26 other interested party that shall be enforced while the

1 defendant remains in custody.

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

3 (725 ILCS 5/112A-11.1)

4 Sec. 112A-11.1. Procedure for determining whether certain
5 misdemeanor crimes are crimes of domestic violence for
6 purposes of federal law.

7 (a) When a defendant has been charged with a violation of
8 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, the State
10 may, at arraignment or no later than 45 days after
11 arraignment, for the purpose of notification to the Department
12 of State Police ~~Firearm Owner's Identification Card Office,~~
13 serve on the defendant and file with the court a notice
14 alleging that conviction of the offense would subject the
15 defendant to the prohibitions of 18 U.S.C. 922(g)(9) because
16 of the relationship between the defendant and the alleged
17 victim and the nature of the alleged offense.

18 (b) The notice shall include the name of the person
19 alleged to be the victim of the crime and shall specify the
20 nature of the alleged relationship as set forth in 18 U.S.C.
21 921(a)(33)(A)(ii). It shall also specify the element of the
22 charged offense which requires the use or attempted use of
23 physical force, or the threatened use of a deadly weapon, as
24 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
25 notice that the defendant is entitled to a hearing on the

1 allegation contained in the notice and that if the allegation
2 is sustained, that determination and conviction shall be
3 reported to the Department of State Police ~~Firearm Owner's~~
4 ~~Identification Card Office~~.

5 (c) After having been notified as provided in subsection
6 (b) of this Section, the defendant may stipulate or admit,
7 orally on the record or in writing, that conviction of the
8 offense would subject the defendant to the prohibitions of 18
9 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
10 922(g)(9) shall be deemed established for purposes of Section
11 112A-11.2. If the defendant denies the applicability of 18
12 U.S.C. 922(g)(9) as alleged in the notice served by the State,
13 or stands mute with respect to that allegation, then the State
14 shall bear the burden to prove beyond a reasonable doubt that
15 the offense is one to which the prohibitions of 18 U.S.C.
16 922(g)(9) apply. The court may consider reliable hearsay
17 evidence submitted by either party provided that it is
18 relevant to the determination of the allegation. Facts
19 previously proven at trial or elicited at the time of entry of
20 a plea of guilty shall be deemed established beyond a
21 reasonable doubt and shall not be relitigated. At the
22 conclusion of the hearing, or upon a stipulation or admission,
23 as applicable, the court shall make a specific written
24 determination with respect to the allegation.

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

1 (725 ILCS 5/112A-11.2)

2 Sec. 112A-11.2. Notification to the Department of State
3 Police ~~Firearm Owner's Identification Card Office~~ of
4 determinations in certain misdemeanor cases. Upon judgment of
5 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
6 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
7 Code of 2012 when the defendant has been determined, under
8 Section 112A-11.1, to be subject to the prohibitions of 18
9 U.S.C. 922(g)(9), the circuit court clerk shall include
10 notification and a copy of the written determination in a
11 report of the conviction to the Department of State Police
12 ~~Firearm Owner's Identification Card Office~~ to enable the
13 office to report that determination to the Federal Bureau of
14 Investigation and assist the Bureau in identifying persons
15 prohibited from purchasing and possessing a firearm pursuant
16 to the provisions of 18 U.S.C. 922.

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

18 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

19 Sec. 112A-14. Domestic violence order of protection;
20 remedies.

21 (a) (Blank).

22 (b) The court may order any of the remedies listed in this
23 subsection (b). The remedies listed in this subsection (b)
24 shall be in addition to other civil or criminal remedies
25 available to petitioner.

1 (1) Prohibition of abuse. Prohibit respondent's
2 harassment, interference with personal liberty,
3 intimidation of a dependent, physical abuse, or willful
4 deprivation, as defined in this Article, if such abuse has
5 occurred or otherwise appears likely to occur if not
6 prohibited.

7 (2) Grant of exclusive possession of residence.
8 Prohibit respondent from entering or remaining in any
9 residence, household, or premises of the petitioner,
10 including one owned or leased by respondent, if petitioner
11 has a right to occupancy thereof. The grant of exclusive
12 possession of the residence, household, or premises shall
13 not affect title to real property, nor shall the court be
14 limited by the standard set forth in subsection (c-2) of
15 Section 501 of the Illinois Marriage and Dissolution of
16 Marriage Act.

17 (A) Right to occupancy. A party has a right to
18 occupancy of a residence or household if it is solely
19 or jointly owned or leased by that party, that party's
20 spouse, a person with a legal duty to support that
21 party or a minor child in that party's care, or by any
22 person or entity other than the opposing party that
23 authorizes that party's occupancy (e.g., a domestic
24 violence shelter). Standards set forth in subparagraph
25 (B) shall not preclude equitable relief.

26 (B) Presumption of hardships. If petitioner and

1 respondent each has the right to occupancy of a
2 residence or household, the court shall balance (i)
3 the hardships to respondent and any minor child or
4 dependent adult in respondent's care resulting from
5 entry of this remedy with (ii) the hardships to
6 petitioner and any minor child or dependent adult in
7 petitioner's care resulting from continued exposure to
8 the risk of abuse (should petitioner remain at the
9 residence or household) or from loss of possession of
10 the residence or household (should petitioner leave to
11 avoid the risk of abuse). When determining the balance
12 of hardships, the court shall also take into account
13 the accessibility of the residence or household.
14 Hardships need not be balanced if respondent does not
15 have a right to occupancy.

16 The balance of hardships is presumed to favor
17 possession by petitioner unless the presumption is
18 rebutted by a preponderance of the evidence, showing
19 that the hardships to respondent substantially
20 outweigh the hardships to petitioner and any minor
21 child or dependent adult in petitioner's care. The
22 court, on the request of petitioner or on its own
23 motion, may order respondent to provide suitable,
24 accessible, alternate housing for petitioner instead
25 of excluding respondent from a mutual residence or
26 household.

1 (3) Stay away order and additional prohibitions. Order
2 respondent to stay away from petitioner or any other
3 person protected by the domestic violence order of
4 protection, or prohibit respondent from entering or
5 remaining present at petitioner's school, place of
6 employment, or other specified places at times when
7 petitioner is present, or both, if reasonable, given the
8 balance of hardships. Hardships need not be balanced for
9 the court to enter a stay away order or prohibit entry if
10 respondent has no right to enter the premises.

11 (A) If a domestic violence order of protection
12 grants petitioner exclusive possession of the
13 residence, prohibits respondent from entering the
14 residence, or orders respondent to stay away from
15 petitioner or other protected persons, then the court
16 may allow respondent access to the residence to remove
17 items of clothing and personal adornment used
18 exclusively by respondent, medications, and other
19 items as the court directs. The right to access shall
20 be exercised on only one occasion as the court directs
21 and in the presence of an agreed-upon adult third
22 party or law enforcement officer.

23 (B) When the petitioner and the respondent attend
24 the same public, private, or non-public elementary,
25 middle, or high school, the court when issuing a
26 domestic violence order of protection and providing

1 relief shall consider the severity of the act, any
2 continuing physical danger or emotional distress to
3 the petitioner, the educational rights guaranteed to
4 the petitioner and respondent under federal and State
5 law, the availability of a transfer of the respondent
6 to another school, a change of placement or a change of
7 program of the respondent, the expense, difficulty,
8 and educational disruption that would be caused by a
9 transfer of the respondent to another school, and any
10 other relevant facts of the case. The court may order
11 that the respondent not attend the public, private, or
12 non-public elementary, middle, or high school attended
13 by the petitioner, order that the respondent accept a
14 change of placement or change of program, as
15 determined by the school district or private or
16 non-public school, or place restrictions on the
17 respondent's movements within the school attended by
18 the petitioner. The respondent bears the burden of
19 proving by a preponderance of the evidence that a
20 transfer, change of placement, or change of program of
21 the respondent is not available. The respondent also
22 bears the burden of production with respect to the
23 expense, difficulty, and educational disruption that
24 would be caused by a transfer of the respondent to
25 another school. A transfer, change of placement, or
26 change of program is not unavailable to the respondent

1 solely on the ground that the respondent does not
2 agree with the school district's or private or
3 non-public school's transfer, change of placement, or
4 change of program or solely on the ground that the
5 respondent fails or refuses to consent or otherwise
6 does not take an action required to effectuate a
7 transfer, change of placement, or change of program.
8 When a court orders a respondent to stay away from the
9 public, private, or non-public school attended by the
10 petitioner and the respondent requests a transfer to
11 another attendance center within the respondent's
12 school district or private or non-public school, the
13 school district or private or non-public school shall
14 have sole discretion to determine the attendance
15 center to which the respondent is transferred. If the
16 court order results in a transfer of the minor
17 respondent to another attendance center, a change in
18 the respondent's placement, or a change of the
19 respondent's program, the parents, guardian, or legal
20 custodian of the respondent is responsible for
21 transportation and other costs associated with the
22 transfer or change.

23 (C) The court may order the parents, guardian, or
24 legal custodian of a minor respondent to take certain
25 actions or to refrain from taking certain actions to
26 ensure that the respondent complies with the order. If

1 the court orders a transfer of the respondent to
2 another school, the parents, guardian, or legal
3 custodian of the respondent is responsible for
4 transportation and other costs associated with the
5 change of school by the respondent.

6 (4) Counseling. Require or recommend the respondent to
7 undergo counseling for a specified duration with a social
8 worker, psychologist, clinical psychologist,
9 psychiatrist, family service agency, alcohol or substance
10 abuse program, mental health center guidance counselor,
11 agency providing services to elders, program designed for
12 domestic violence abusers, or any other guidance service
13 the court deems appropriate. The court may order the
14 respondent in any intimate partner relationship to report
15 to an Illinois Department of Human Services protocol
16 approved partner abuse intervention program for an
17 assessment and to follow all recommended treatment.

18 (5) Physical care and possession of the minor child.
19 In order to protect the minor child from abuse, neglect,
20 or unwarranted separation from the person who has been the
21 minor child's primary caretaker, or to otherwise protect
22 the well-being of the minor child, the court may do either
23 or both of the following: (i) grant petitioner physical
24 care or possession of the minor child, or both, or (ii)
25 order respondent to return a minor child to, or not remove
26 a minor child from, the physical care of a parent or person

1 in loco parentis.

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

7 (6) Temporary allocation of parental responsibilities
8 and significant decision-making responsibilities. Award
9 temporary significant decision-making responsibility to
10 petitioner in accordance with this Section, the Illinois
11 Marriage and Dissolution of Marriage Act, the Illinois
12 Parentage Act of 2015, and this State's Uniform
13 Child-Custody Jurisdiction and Enforcement Act.

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 temporary
17 significant decision-making responsibility to respondent
18 would not be in the child's best interest.

19 (7) Parenting time. Determine the parenting time, if
20 any, of respondent in any case in which the court awards
21 physical care or temporary significant decision-making
22 responsibility of a minor child to petitioner. The court
23 shall restrict or deny respondent's parenting time with a
24 minor child if the court finds that respondent has done or
25 is likely to do any of the following:

26 (i) abuse or endanger the minor child during

1 parenting time;

2 (ii) use the parenting time as an opportunity to
3 abuse or harass petitioner or petitioner's family or
4 household members;

5 (iii) improperly conceal or detain the minor
6 child; or

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

9 The court shall not be limited by the standards set
10 forth in Section 603.10 of the Illinois Marriage and
11 Dissolution of Marriage Act. If the court grants parenting
12 time, the order shall specify dates and times for the
13 parenting time to take place or other specific parameters
14 or conditions that are appropriate. No order for parenting
15 time shall refer merely to the term "reasonable parenting
16 time". Petitioner may deny respondent access to the minor
17 child if, when respondent arrives for parenting time,
18 respondent is under the influence of drugs or alcohol and
19 constitutes a threat to the safety and well-being of
20 petitioner or petitioner's minor children or is behaving
21 in a violent or abusive manner. If necessary to protect
22 any member of petitioner's family or household from future
23 abuse, respondent shall be prohibited from coming to
24 petitioner's residence to meet the minor child for
25 parenting time, and the petitioner and respondent shall
26 submit to the court their recommendations for reasonable

1 alternative arrangements for parenting time. A person may
2 be approved to supervise parenting time only after filing
3 an affidavit accepting that responsibility and
4 acknowledging accountability to the court.

5 (8) Removal or concealment of minor child. Prohibit
6 respondent from removing a minor child from the State or
7 concealing the child within the State.

8 (9) Order to appear. Order the respondent to appear in
9 court, alone or with a minor child, to prevent abuse,
10 neglect, removal or concealment of the child, to return
11 the child to the custody or care of the petitioner, or to
12 permit any court-ordered interview or examination of the
13 child or the respondent.

14 (10) Possession of personal property. Grant petitioner
15 exclusive possession of personal property and, if
16 respondent has possession or control, direct respondent to
17 promptly make it available to petitioner, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the petitioner and respondent own the
21 property jointly; sharing it would risk abuse of
22 petitioner by respondent or is impracticable; and the
23 balance of hardships favors temporary possession by
24 petitioner.

25 If petitioner's sole claim to ownership of the
26 property is that it is marital property, the court may

1 award petitioner temporary possession thereof under the
2 standards of subparagraph (ii) of this paragraph only if a
3 proper proceeding has been filed under the Illinois
4 Marriage and Dissolution of Marriage Act, as now or
5 hereafter amended.

6 No order under this provision shall affect title to
7 property.

8 (11) Protection of property. Forbid the respondent
9 from taking, transferring, encumbering, concealing,
10 damaging, or otherwise disposing of any real or personal
11 property, except as explicitly authorized by the court,
12 if:

13 (i) petitioner, but not respondent, owns the
14 property; or

15 (ii) the petitioner and respondent own the
16 property jointly, and the balance of hardships favors
17 granting this remedy.

18 If petitioner's sole claim to ownership of the
19 property is that it is marital property, the court may
20 grant petitioner relief under subparagraph (ii) of this
21 paragraph only if a proper proceeding has been filed under
22 the Illinois Marriage and Dissolution of Marriage Act, as
23 now or hereafter amended.

24 The court may further prohibit respondent from
25 improperly using the financial or other resources of an
26 aged member of the family or household for the profit or

1 advantage of respondent or of any other person.

2 (11.5) Protection of animals. Grant the petitioner the
3 exclusive care, custody, or control of any animal owned,
4 possessed, leased, kept, or held by either the petitioner
5 or the respondent or a minor child residing in the
6 residence or household of either the petitioner or the
7 respondent and order the respondent to stay away from the
8 animal and forbid the respondent from taking,
9 transferring, encumbering, concealing, harming, or
10 otherwise disposing of the animal.

11 (12) Order for payment of support. Order respondent to
12 pay temporary support for the petitioner or any child in
13 the petitioner's care or over whom the petitioner has been
14 allocated parental responsibility, when the respondent has
15 a legal obligation to support that person, in accordance
16 with the Illinois Marriage and Dissolution of Marriage
17 Act, which shall govern, among other matters, the amount
18 of support, payment through the clerk and withholding of
19 income to secure payment. An order for child support may
20 be granted to a petitioner with lawful physical care of a
21 child, or an order or agreement for physical care of a
22 child, prior to entry of an order allocating significant
23 decision-making responsibility. Such a support order shall
24 expire upon entry of a valid order allocating parental
25 responsibility differently and vacating petitioner's
26 significant decision-making responsibility unless

1 otherwise provided in the order.

2 (13) Order for payment of losses. Order respondent to
3 pay petitioner for losses suffered as a direct result of
4 the abuse. Such losses shall include, but not be limited
5 to, medical expenses, lost earnings or other support,
6 repair or replacement of property damaged or taken,
7 reasonable attorney's fees, court costs, and moving or
8 other travel expenses, including additional reasonable
9 expenses for temporary shelter and restaurant meals.

10 (i) Losses affecting family needs. If a party is
11 entitled to seek maintenance, child support, or
12 property distribution from the other party under the
13 Illinois Marriage and Dissolution of Marriage Act, as
14 now or hereafter amended, the court may order
15 respondent to reimburse petitioner's actual losses, to
16 the extent that such reimbursement would be
17 "appropriate temporary relief", as authorized by
18 subsection (a) (3) of Section 501 of that Act.

19 (ii) Recovery of expenses. In the case of an
20 improper concealment or removal of a minor child, the
21 court may order respondent to pay the reasonable
22 expenses incurred or to be incurred in the search for
23 and recovery of the minor child, including, but not
24 limited to, legal fees, court costs, private
25 investigator fees, and travel costs.

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household
2 while the respondent is under the influence of alcohol or
3 drugs and constitutes a threat to the safety and
4 well-being of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm possession.

6 (A) A person who is subject to an existing
7 domestic violence order of protection issued under
8 this Code may not lawfully possess firearms, stun
9 guns, or tasers ~~weapons under Section 8.2 of the~~
10 ~~Firearm Owners Identification Card Act.~~

11 (B) Any firearms in the possession of the
12 respondent, except as provided in subparagraph (C) of
13 this paragraph (14.5), shall be ordered by the court
14 to be turned over to a person who is not prohibited
15 under State or federal law from possessing firearms
16 ~~with a valid Firearm Owner's Identification Card for~~
17 ~~safekeeping. The court shall issue an order that the~~
18 ~~respondent's Firearm Owner's Identification Card be~~
19 ~~turned over to the local law enforcement agency, which~~
20 ~~in turn shall immediately mail the card to the~~
21 ~~Department of State Police Firearm Owner's~~
22 ~~Identification Card Office for safekeeping.~~ The period
23 of safekeeping shall be for the duration of the
24 domestic violence order of protection. The firearm ~~or~~
25 ~~firearms and Firearm Owner's Identification Card, if~~
26 ~~unexpired,~~ shall at the respondent's request be

1 returned to the respondent at expiration of the
2 domestic violence order of protection.

3 (C) If the respondent is a peace officer as
4 defined in Section 2-13 of the Criminal Code of 2012,
5 the court shall order that any firearms used by the
6 respondent in the performance of his or her duties as a
7 peace officer be surrendered to the chief law
8 enforcement executive of the agency in which the
9 respondent is employed, who shall retain the firearms
10 for safekeeping for the duration of the domestic
11 violence order of protection.

12 (D) Upon expiration of the period of safekeeping,
13 if the firearms ~~or Firearm Owner's Identification Card~~
14 cannot be returned to respondent because respondent
15 cannot be located, fails to respond to requests to
16 retrieve the firearms, or is not lawfully eligible to
17 possess a firearm, upon petition from the local law
18 enforcement agency, the court may order the local law
19 enforcement agency to destroy the firearms, use the
20 firearms for training purposes, or for any other
21 application as deemed appropriate by the local law
22 enforcement agency; or that the firearms be turned
23 over to a third party who is lawfully eligible to
24 possess firearms, and who does not reside with
25 respondent.

26 (15) Prohibition of access to records. If a domestic

1 violence order of protection prohibits respondent from
2 having contact with the minor child, or if petitioner's
3 address is omitted under subsection (b) of Section 112A-5
4 of this Code, or if necessary to prevent abuse or wrongful
5 removal or concealment of a minor child, the order shall
6 deny respondent access to, and prohibit respondent from
7 inspecting, obtaining, or attempting to inspect or obtain,
8 school or any other records of the minor child who is in
9 the care of petitioner.

10 (16) Order for payment of shelter services. Order
11 respondent to reimburse a shelter providing temporary
12 housing and counseling services to the petitioner for the
13 cost of the services, as certified by the shelter and
14 deemed reasonable by the court.

15 (17) Order for injunctive relief. Enter injunctive
16 relief necessary or appropriate to prevent further abuse
17 of a family or household member or to effectuate one of the
18 granted remedies, if supported by the balance of
19 hardships. If the harm to be prevented by the injunction
20 is abuse or any other harm that one of the remedies listed
21 in paragraphs (1) through (16) of this subsection is
22 designed to prevent, no further evidence is necessary to
23 establish that the harm is an irreparable injury.

24 (18) Telephone services.

25 (A) Unless a condition described in subparagraph

26 (B) of this paragraph exists, the court may, upon

1 request by the petitioner, order a wireless telephone
2 service provider to transfer to the petitioner the
3 right to continue to use a telephone number or numbers
4 indicated by the petitioner and the financial
5 responsibility associated with the number or numbers,
6 as set forth in subparagraph (C) of this paragraph. In
7 this paragraph (18), the term "wireless telephone
8 service provider" means a provider of commercial
9 mobile service as defined in 47 U.S.C. 332. The
10 petitioner may request the transfer of each telephone
11 number that the petitioner, or a minor child in his or
12 her custody, uses. The clerk of the court shall serve
13 the order on the wireless telephone service provider's
14 agent for service of process provided to the Illinois
15 Commerce Commission. The order shall contain all of
16 the following:

17 (i) The name and billing telephone number of
18 the account holder including the name of the
19 wireless telephone service provider that serves
20 the account.

21 (ii) Each telephone number that will be
22 transferred.

23 (iii) A statement that the provider transfers
24 to the petitioner all financial responsibility for
25 and right to the use of any telephone number
26 transferred under this paragraph.

1 (B) A wireless telephone service provider shall
2 terminate the respondent's use of, and shall transfer
3 to the petitioner use of, the telephone number or
4 numbers indicated in subparagraph (A) of this
5 paragraph unless it notifies the petitioner, within 72
6 hours after it receives the order, that one of the
7 following applies:

8 (i) The account holder named in the order has
9 terminated the account.

10 (ii) A difference in network technology would
11 prevent or impair the functionality of a device on
12 a network if the transfer occurs.

13 (iii) The transfer would cause a geographic or
14 other limitation on network or service provision
15 to the petitioner.

16 (iv) Another technological or operational
17 issue would prevent or impair the use of the
18 telephone number if the transfer occurs.

19 (C) The petitioner assumes all financial
20 responsibility for and right to the use of any
21 telephone number transferred under this paragraph. In
22 this paragraph, "financial responsibility" includes
23 monthly service costs and costs associated with any
24 mobile device associated with the number.

25 (D) A wireless telephone service provider may
26 apply to the petitioner its routine and customary

1 requirements for establishing an account or
2 transferring a number, including requiring the
3 petitioner to provide proof of identification,
4 financial information, and customer preferences.

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

9 (F) All wireless service providers that provide
10 services to residential customers shall provide to the
11 Illinois Commerce Commission the name and address of
12 an agent for service of orders entered under this
13 paragraph (18). Any change in status of the registered
14 agent must be reported to the Illinois Commerce
15 Commission within 30 days of such change.

16 (G) The Illinois Commerce Commission shall
17 maintain the list of registered agents for service for
18 each wireless telephone service provider on the
19 Commission's website. The Commission may consult with
20 wireless telephone service providers and the Circuit
21 Court Clerks on the manner in which this information
22 is provided and displayed.

23 (c) Relevant factors; findings.

24 (1) In determining whether to grant a specific remedy,
25 other than payment of support, the court shall consider
26 relevant factors, including, but not limited to, the

1 following:

2 (i) the nature, frequency, severity, pattern, and
3 consequences of the respondent's past abuse of the
4 petitioner or any family or household member,
5 including the concealment of his or her location in
6 order to evade service of process or notice, and the
7 likelihood of danger of future abuse to petitioner or
8 any member of petitioner's or respondent's family or
9 household; and

10 (ii) the danger that any minor child will be
11 abused or neglected or improperly relocated from the
12 jurisdiction, improperly concealed within the State,
13 or improperly separated from the child's primary
14 caretaker.

15 (2) In comparing relative hardships resulting to the
16 parties from loss of possession of the family home, the
17 court shall consider relevant factors, including, but not
18 limited to, the following:

19 (i) availability, accessibility, cost, safety,
20 adequacy, location, and other characteristics of
21 alternate housing for each party and any minor child
22 or dependent adult in the party's care;

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

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

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

5 (i) That the court has considered the applicable
6 relevant factors described in paragraphs (1) and (2)
7 of this subsection (c).

8 (ii) Whether the conduct or actions of respondent,
9 unless prohibited, will likely cause irreparable harm
10 or continued abuse.

11 (iii) Whether it is necessary to grant the
12 requested relief in order to protect petitioner or
13 other alleged abused persons.

14 (4) (Blank).

15 (5) Never married parties. No rights or
16 responsibilities for a minor child born outside of
17 marriage attach to a putative father until a father and
18 child relationship has been established under the Illinois
19 Parentage Act of 1984, the Illinois Parentage Act of 2015,
20 the Illinois Public Aid Code, Section 12 of the Vital
21 Records Act, the Juvenile Court Act of 1987, the Probate
22 Act of 1975, the Uniform Interstate Family Support Act,
23 the Expedited Child Support Act of 1990, any judicial,
24 administrative, or other act of another state or
25 territory, any other statute of this State, or by any
26 foreign nation establishing the father and child

1 relationship, any other proceeding substantially in
2 conformity with the federal Personal Responsibility and
3 Work Opportunity Reconciliation Act of 1996, or when both
4 parties appeared in open court or at an administrative
5 hearing acknowledging under oath or admitting by
6 affirmation the existence of a father and child
7 relationship. Absent such an adjudication, no putative
8 father shall be granted temporary allocation of parental
9 responsibilities, including parenting time with the minor
10 child, or physical care and possession of the minor child,
11 nor shall an order of payment for support of the minor
12 child be entered.

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

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

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

1 (2) respondent was voluntarily intoxicated;

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

6 (4) petitioner did not act in self-defense or defense
7 of another;

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

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

12 (7) conduct by any family or household member excused
13 the abuse by respondent, unless that same conduct would
14 have excused such abuse if the parties had not been family
15 or household members.

16 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
17 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
18 1-1-19; 101-81, eff. 7-12-19.)

19 (725 ILCS 5/112A-14.7)

20 Sec. 112A-14.7. Stalking no contact order; remedies.

21 (a) The court may order any of the remedies listed in this
22 Section. The remedies listed in this Section shall be in
23 addition to other civil or criminal remedies available to
24 petitioner. A stalking no contact order shall order one or
25 more of the following:

1 (1) prohibit the respondent from threatening to commit
2 or committing stalking;

3 (2) order the respondent not to have any contact with
4 the petitioner or a third person specifically named by the
5 court;

6 (3) prohibit the respondent from knowingly coming
7 within, or knowingly remaining within a specified distance
8 of the petitioner or the petitioner's residence, school,
9 daycare, or place of employment, or any specified place
10 frequented by the petitioner; however, the court may order
11 the respondent to stay away from the respondent's own
12 residence, school, or place of employment only if the
13 respondent has been provided actual notice of the
14 opportunity to appear and be heard on the petition;

15 (4) prohibit the respondent from ~~possessing a Firearm~~
16 ~~Owners Identification Card, or~~ possessing or buying
17 firearms; and

18 (5) order other injunctive relief the court determines
19 to be necessary to protect the petitioner or third party
20 specifically named by the court.

21 (b) When the petitioner and the respondent attend the same
22 public, private, or non-public elementary, middle, or high
23 school, the court when issuing a stalking no contact order and
24 providing relief shall consider the severity of the act, any
25 continuing physical danger or emotional distress to the
26 petitioner, the educational rights guaranteed to the

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

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

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

22 (d) The court shall not hold a school district or private
23 or non-public school or any of its employees in civil or
24 criminal contempt unless the school district or private or
25 non-public school has been allowed to intervene.

26 (e) The court may hold the parents, guardian, or legal

1 custodian of a minor respondent in civil or criminal contempt
2 for a violation of any provision of any order entered under
3 this Article for conduct of the minor respondent in violation
4 of this Article if the parents, guardian, or legal custodian
5 directed, encouraged, or assisted the respondent minor in the
6 conduct.

7 (f) Monetary damages are not recoverable as a remedy.

8 (g) If the stalking no contact order prohibits the
9 respondent from ~~possessing a Firearm Owner's Identification~~
10 ~~Card, or~~ possessing or buying firearms; the court shall
11 confiscate the respondent's firearms ~~Firearm Owner's~~
12 ~~Identification Card and immediately return the card to the~~
13 ~~Department of State Police Firearm Owner's Identification Card~~
14 ~~Office.~~

15 (Source: P.A. 100-199, eff. 1-1-18.)

16 Section 95. The Unified Code of Corrections is amended by
17 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as
18 follows:

19 (730 ILCS 5/5-4.5-110)

20 (Section scheduled to be repealed on January 1, 2023)

21 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
22 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

23 (a) DEFINITIONS. For the purposes of this Section:

24 "Firearm" has the meaning ascribed to it in Section

1 2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~
2 ~~Firearm Owners Identification Card Act.~~

3 "Qualifying predicate offense" means the following
4 offenses under the Criminal Code of 2012:

5 (A) aggravated unlawful use of a weapon under
6 Section 24-1.6 or similar offense under the Criminal
7 Code of 1961, when the weapon is a firearm;

8 (B) unlawful use or possession of a weapon by a
9 felon under Section 24-1.1 or similar offense under
10 the Criminal Code of 1961, when the weapon is a
11 firearm;

12 (C) first degree murder under Section 9-1 or
13 similar offense under the Criminal Code of 1961;

14 (D) attempted first degree murder with a firearm
15 or similar offense under the Criminal Code of 1961;

16 (E) aggravated kidnapping with a firearm under
17 paragraph (6) or (7) of subsection (a) of Section 10-2
18 or similar offense under the Criminal Code of 1961;

19 (F) aggravated battery with a firearm under
20 subsection (e) of Section 12-3.05 or similar offense
21 under the Criminal Code of 1961;

22 (G) aggravated criminal sexual assault under
23 Section 11-1.30 or similar offense under the Criminal
24 Code of 1961;

25 (H) predatory criminal sexual assault of a child
26 under Section 11-1.40 or similar offense under the

1 Criminal Code of 1961;

2 (I) armed robbery under Section 18-2 or similar
3 offense under the Criminal Code of 1961;

4 (J) vehicular hijacking under Section 18-3 or
5 similar offense under the Criminal Code of 1961;

6 (K) aggravated vehicular hijacking under Section
7 18-4 or similar offense under the Criminal Code of
8 1961;

9 (L) home invasion with a firearm under paragraph
10 (3), (4), or (5) of subsection (a) of Section 19-6 or
11 similar offense under the Criminal Code of 1961;

12 (M) aggravated discharge of a firearm under
13 Section 24-1.2 or similar offense under the Criminal
14 Code of 1961;

15 (N) aggravated discharge of a machine gun or a
16 firearm equipped with a device designed or used for
17 silencing the report of a firearm under Section
18 24-1.2-5 or similar offense under the Criminal Code of
19 1961;

20 (O) unlawful use of firearm projectiles under
21 Section 24-2.1 or similar offense under the Criminal
22 Code of 1961;

23 (P) manufacture, sale, or transfer of bullets or
24 shells represented to be armor piercing bullets,
25 dragon's breath shotgun shells, bolo shells, or
26 flechette shells under Section 24-2.2 or similar

1 offense under the Criminal Code of 1961;

2 (Q) unlawful sale or delivery of firearms under
3 Section 24-3 or similar offense under the Criminal
4 Code of 1961;

5 (R) unlawful discharge of firearm projectiles
6 under Section 24-3.2 or similar offense under the
7 Criminal Code of 1961;

8 (S) unlawful sale or delivery of firearms on
9 school premises of any school under Section 24-3.3 or
10 similar offense under the Criminal Code of 1961;

11 (T) unlawful purchase of a firearm under Section
12 24-3.5 or similar offense under the Criminal Code of
13 1961;

14 (U) use of a stolen firearm in the commission of an
15 offense under Section 24-3.7 or similar offense under
16 the Criminal Code of 1961;

17 (V) possession of a stolen firearm under Section
18 24-3.8 or similar offense under the Criminal Code of
19 1961;

20 (W) aggravated possession of a stolen firearm
21 under Section 24-3.9 or similar offense under the
22 Criminal Code of 1961;

23 (X) gunrunning under Section 24-3A or similar
24 offense under the Criminal Code of 1961;

25 (Y) defacing identification marks of firearms
26 under Section 24-5 or similar offense under the

1 Criminal Code of 1961; and

2 (Z) armed violence under Section 33A-2 or similar
3 offense under the Criminal Code of 1961.

4 (b) APPLICABILITY. For an offense committed on or after
5 January 1, 2018 (the effective date Public Act 100-3) ~~of this~~
6 ~~amendatory Act of the 100th General Assembly~~ and before
7 January 1, 2023, when a person is convicted of unlawful use or
8 possession of a weapon by a felon, when the weapon is a
9 firearm, or aggravated unlawful use of a weapon, when the
10 weapon is a firearm, after being previously convicted of a
11 qualifying predicate offense the person shall be subject to
12 the sentencing guidelines under this Section.

13 (c) SENTENCING GUIDELINES.

14 (1) When a person is convicted of unlawful use or
15 possession of a weapon by a felon, when the weapon is a
16 firearm, and that person has been previously convicted of
17 a qualifying predicate offense, the person shall be
18 sentenced to a term of imprisonment within the sentencing
19 range of not less than 7 years and not more than 14 years,
20 unless the court finds that a departure from the
21 sentencing guidelines under this paragraph is warranted
22 under subsection (d) of this Section.

23 (2) When a person is convicted of aggravated unlawful
24 use of a weapon, when the weapon is a firearm, and that
25 person has been previously convicted of a qualifying
26 predicate offense, the person shall be sentenced to a term

1 of imprisonment within the sentencing range of not less
2 than 6 years and not more than 7 years, unless the court
3 finds that a departure from the sentencing guidelines
4 under this paragraph is warranted under subsection (d) of
5 this Section.

6 (3) The sentencing guidelines in paragraphs (1) and
7 (2) of this subsection (c) apply only to offenses
8 committed on and after January 1, 2018 (the effective date
9 of Public Act 100-3) ~~this amendatory Act of the 100th~~
10 ~~General Assembly~~ and before January 1, 2023.

11 (d) DEPARTURE FROM SENTENCING GUIDELINES.

12 (1) At the sentencing hearing conducted under Section
13 5-4-1 of this Code, the court may depart from the
14 sentencing guidelines provided in subsection (c) of this
15 Section and impose a sentence otherwise authorized by law
16 for the offense if the court, after considering any factor
17 under paragraph (2) of this subsection (d) relevant to the
18 nature and circumstances of the crime and to the history
19 and character of the defendant, finds on the record
20 substantial and compelling justification that the sentence
21 within the sentencing guidelines would be unduly harsh and
22 that a sentence otherwise authorized by law would be
23 consistent with public safety and does not deprecate the
24 seriousness of the offense.

25 (2) In deciding whether to depart from the sentencing
26 guidelines under this paragraph, the court shall consider:

1 (A) the age, immaturity, or limited mental
2 capacity of the defendant at the time of commission of
3 the qualifying predicate or current offense, including
4 whether the defendant was suffering from a mental or
5 physical condition insufficient to constitute a
6 defense but significantly reduced the defendant's
7 culpability;

8 (B) the nature and circumstances of the qualifying
9 predicate offense;

10 (C) the time elapsed since the qualifying
11 predicate offense;

12 (D) the nature and circumstances of the current
13 offense;

14 (E) the defendant's prior criminal history;

15 (F) whether the defendant committed the qualifying
16 predicate or current offense under specific and
17 credible duress, coercion, threat, or compulsion;

18 (G) whether the defendant aided in the
19 apprehension of another felon or testified truthfully
20 on behalf of another prosecution of a felony; and

21 (H) whether departure is in the interest of the
22 person's rehabilitation, including employment or
23 educational or vocational training, after taking into
24 account any past rehabilitation efforts or
25 dispositions of probation or supervision, and the
26 defendant's cooperation or response to rehabilitation.

1 (3) When departing from the sentencing guidelines
2 under this Section, the court shall specify on the record,
3 the particular evidence, information, factor or factors,
4 or other reasons which led to the departure from the
5 sentencing guidelines. When departing from the sentencing
6 range in accordance with this subsection (d), the court
7 shall indicate on the sentencing order which departure
8 factor or factors outlined in paragraph (2) of this
9 subsection (d) led to the sentence imposed. The sentencing
10 order shall be filed with the clerk of the court and shall
11 be a public record.

12 (e) This Section is repealed on January 1, 2023.

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

14 (730 ILCS 5/5-5-3)

15 Sec. 5-5-3. Disposition.

16 (a) (Blank).

17 (b) (Blank).

18 (c) (1) (Blank).

19 (2) A period of probation, a term of periodic imprisonment
20 or conditional discharge shall not be imposed for the
21 following offenses. The court shall sentence the offender to
22 not less than the minimum term of imprisonment set forth in
23 this Code for the following offenses, and may order a fine or
24 restitution or both in conjunction with such term of
25 imprisonment:

1 (A) First degree murder where the death penalty is not
2 imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

5 (D) A violation of Section 401.1 or 407 of the
6 Illinois Controlled Substances Act, or a violation of
7 subdivision (c)(1.5) of Section 401 of that Act which
8 relates to more than 5 grams of a substance containing
9 fentanyl or an analog thereof.

10 (D-5) A violation of subdivision (c)(1) of Section 401
11 of the Illinois Controlled Substances Act which relates to
12 3 or more grams of a substance containing heroin or an
13 analog thereof.

14 (E) (Blank).

15 (F) A Class 1 or greater felony if the offender had
16 been convicted of a Class 1 or greater felony, including
17 any state or federal conviction for an offense that
18 contained, at the time it was committed, the same elements
19 as an offense now (the date of the offense committed after
20 the prior Class 1 or greater felony) classified as a Class
21 1 or greater felony, within 10 years of the date on which
22 the offender committed the offense for which he or she is
23 being sentenced, except as otherwise provided in Section
24 40-10 of the Substance Use Disorder Act.

25 (F-3) A Class 2 or greater felony sex offense or
26 felony firearm offense if the offender had been convicted

1 of a Class 2 or greater felony, including any state or
2 federal conviction for an offense that contained, at the
3 time it was committed, the same elements as an offense now
4 (the date of the offense committed after the prior Class 2
5 or greater felony) classified as a Class 2 or greater
6 felony, within 10 years of the date on which the offender
7 committed the offense for which he or she is being
8 sentenced, except as otherwise provided in Section 40-10
9 of the Substance Use Disorder Act.

10 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
11 of the Criminal Code of 1961 or the Criminal Code of 2012
12 for which imprisonment is prescribed in those Sections.

13 (G) Residential burglary, except as otherwise provided
14 in Section 40-10 of the Substance Use Disorder Act.

15 (H) Criminal sexual assault.

16 (I) Aggravated battery of a senior citizen as
17 described in Section 12-4.6 or subdivision (a)(4) of
18 Section 12-3.05 of the Criminal Code of 1961 or the
19 Criminal Code of 2012.

20 (J) A forcible felony if the offense was related to
21 the activities of an organized gang.

22 Before July 1, 1994, for the purposes of this
23 paragraph, "organized gang" means an association of 5 or
24 more persons, with an established hierarchy, that
25 encourages members of the association to perpetrate crimes
26 or provides support to the members of the association who

1 do commit crimes.

2 Beginning July 1, 1994, for the purposes of this
3 paragraph, "organized gang" has the meaning ascribed to it
4 in Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the offense
8 of hate crime when the underlying offense upon which the
9 hate crime is based is felony aggravated assault or felony
10 mob action.

11 (M) A second or subsequent conviction for the offense
12 of institutional vandalism if the damage to the property
13 exceeds \$300.

14 (N) A Class 3 felony violation of paragraph (1) of
15 subsection (a) of Section 2 of the Firearm Owners
16 Identification Card Act committed before the effective
17 date of this amendatory Act of the 102nd General Assembly.

18 (O) A violation of Section 12-6.1 or 12-6.5 of the
19 Criminal Code of 1961 or the Criminal Code of 2012.

20 (P) A violation of paragraph (1), (2), (3), (4), (5),
21 or (7) of subsection (a) of Section 11-20.1 of the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (Q) A violation of subsection (b) or (b-5) of Section
24 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (R) A violation of Section 24-3A of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (S) (Blank).

3 (T) (Blank).

4 (U) A second or subsequent violation of Section 6-303
5 of the Illinois Vehicle Code committed while his or her
6 driver's license, permit, or privilege was revoked because
7 of a violation of Section 9-3 of the Criminal Code of 1961
8 or the Criminal Code of 2012, relating to the offense of
9 reckless homicide, or a similar provision of a law of
10 another state.

11 (V) A violation of paragraph (4) of subsection (c) of
12 Section 11-20.1B or paragraph (4) of subsection (c) of
13 Section 11-20.3 of the Criminal Code of 1961, or paragraph
14 (6) of subsection (a) of Section 11-20.1 of the Criminal
15 Code of 2012 when the victim is under 13 years of age and
16 the defendant has previously been convicted under the laws
17 of this State or any other state of the offense of child
18 pornography, aggravated child pornography, aggravated
19 criminal sexual abuse, aggravated criminal sexual assault,
20 predatory criminal sexual assault of a child, or any of
21 the offenses formerly known as rape, deviate sexual
22 assault, indecent liberties with a child, or aggravated
23 indecent liberties with a child where the victim was under
24 the age of 18 years or an offense that is substantially
25 equivalent to those offenses.

26 (W) A violation of Section 24-3.5 of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (X) A violation of subsection (a) of Section 31-1a of
3 the Criminal Code of 1961 or the Criminal Code of 2012.

4 (Y) A conviction for unlawful possession of a firearm
5 by a street gang member when the firearm was loaded or
6 contained firearm ammunition.

7 (Z) A Class 1 felony committed while he or she was
8 serving a term of probation or conditional discharge for a
9 felony.

10 (AA) Theft of property exceeding \$500,000 and not
11 exceeding \$1,000,000 in value.

12 (BB) Laundering of criminally derived property of a
13 value exceeding \$500,000.

14 (CC) Knowingly selling, offering for sale, holding for
15 sale, or using 2,000 or more counterfeit items or
16 counterfeit items having a retail value in the aggregate
17 of \$500,000 or more.

18 (DD) A conviction for aggravated assault under
19 paragraph (6) of subsection (c) of Section 12-2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 if the
21 firearm is aimed toward the person against whom the
22 firearm is being used.

23 (EE) A conviction for a violation of paragraph (2) of
24 subsection (a) of Section 24-3B of the Criminal Code of
25 2012.

26 (3) (Blank).

1 (4) A minimum term of imprisonment of not less than 10
2 consecutive days or 30 days of community service shall be
3 imposed for a violation of paragraph (c) of Section 6-303 of
4 the Illinois Vehicle Code.

5 (4.1) (Blank).

6 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
7 this subsection (c), a minimum of 100 hours of community
8 service shall be imposed for a second violation of Section
9 6-303 of the Illinois Vehicle Code.

10 (4.3) A minimum term of imprisonment of 30 days or 300
11 hours of community service, as determined by the court, shall
12 be imposed for a second violation of subsection (c) of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.4) Except as provided in paragraphs (4.5), (4.6), and
15 (4.9) of this subsection (c), a minimum term of imprisonment
16 of 30 days or 300 hours of community service, as determined by
17 the court, shall be imposed for a third or subsequent
18 violation of Section 6-303 of the Illinois Vehicle Code. The
19 court may give credit toward the fulfillment of community
20 service hours for participation in activities and treatment as
21 determined by court services.

22 (4.5) A minimum term of imprisonment of 30 days shall be
23 imposed for a third violation of subsection (c) of Section
24 6-303 of the Illinois Vehicle Code.

25 (4.6) Except as provided in paragraph (4.10) of this
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of
2 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

3 (4.7) A minimum term of imprisonment of not less than 30
4 consecutive days, or 300 hours of community service, shall be
5 imposed for a violation of subsection (a-5) of Section 6-303
6 of the Illinois Vehicle Code, as provided in subsection (b-5)
7 of that Section.

8 (4.8) A mandatory prison sentence shall be imposed for a
9 second violation of subsection (a-5) of Section 6-303 of the
10 Illinois Vehicle Code, as provided in subsection (c-5) of that
11 Section. The person's driving privileges shall be revoked for
12 a period of not less than 5 years from the date of his or her
13 release from prison.

14 (4.9) A mandatory prison sentence of not less than 4 and
15 not more than 15 years shall be imposed for a third violation
16 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
17 Code, as provided in subsection (d-2.5) of that Section. The
18 person's driving privileges shall be revoked for the remainder
19 of his or her life.

20 (4.10) A mandatory prison sentence for a Class 1 felony
21 shall be imposed, and the person shall be eligible for an
22 extended term sentence, for a fourth or subsequent violation
23 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
24 Code, as provided in subsection (d-3.5) of that Section. The
25 person's driving privileges shall be revoked for the remainder
26 of his or her life.

1 (5) The court may sentence a corporation or unincorporated
2 association convicted of any offense to:

3 (A) a period of conditional discharge;

4 (B) a fine;

5 (C) make restitution to the victim under Section 5-5-6
6 of this Code.

7 (5.1) In addition to any other penalties imposed, and
8 except as provided in paragraph (5.2) or (5.3), a person
9 convicted of violating subsection (c) of Section 11-907 of the
10 Illinois Vehicle Code shall have his or her driver's license,
11 permit, or privileges suspended for at least 90 days but not
12 more than one year, if the violation resulted in damage to the
13 property of another person.

14 (5.2) In addition to any other penalties imposed, and
15 except as provided in paragraph (5.3), a person convicted of
16 violating subsection (c) of Section 11-907 of the Illinois
17 Vehicle Code shall have his or her driver's license, permit,
18 or privileges suspended for at least 180 days but not more than
19 2 years, if the violation resulted in injury to another
20 person.

21 (5.3) In addition to any other penalties imposed, a person
22 convicted of violating subsection (c) of Section 11-907 of the
23 Illinois Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for 2 years, if the violation
25 resulted in the death of another person.

26 (5.4) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle
2 Code shall have his or her driver's license, permit, or
3 privileges suspended for 3 months and until he or she has paid
4 a reinstatement fee of \$100.

5 (5.5) In addition to any other penalties imposed, a person
6 convicted of violating Section 3-707 of the Illinois Vehicle
7 Code during a period in which his or her driver's license,
8 permit, or privileges were suspended for a previous violation
9 of that Section shall have his or her driver's license,
10 permit, or privileges suspended for an additional 6 months
11 after the expiration of the original 3-month suspension and
12 until he or she has paid a reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

16 (9) A defendant convicted of a second or subsequent
17 offense of ritualized abuse of a child may be sentenced to a
18 term of natural life imprisonment.

19 (10) (Blank).

20 (11) The court shall impose a minimum fine of \$1,000 for a
21 first offense and \$2,000 for a second or subsequent offense
22 upon a person convicted of or placed on supervision for
23 battery when the individual harmed was a sports official or
24 coach at any level of competition and the act causing harm to
25 the sports official or coach occurred within an athletic
26 facility or within the immediate vicinity of the athletic

1 facility at which the sports official or coach was an active
2 participant of the athletic contest held at the athletic
3 facility. For the purposes of this paragraph (11), "sports
4 official" means a person at an athletic contest who enforces
5 the rules of the contest, such as an umpire or referee;
6 "athletic facility" means an indoor or outdoor playing field
7 or recreational area where sports activities are conducted;
8 and "coach" means a person recognized as a coach by the
9 sanctioning authority that conducted the sporting event.

10 (12) A person may not receive a disposition of court
11 supervision for a violation of Section 5-16 of the Boat
12 Registration and Safety Act if that person has previously
13 received a disposition of court supervision for a violation of
14 that Section.

15 (13) A person convicted of or placed on court supervision
16 for an assault or aggravated assault when the victim and the
17 offender are family or household members as defined in Section
18 103 of the Illinois Domestic Violence Act of 1986 or convicted
19 of domestic battery or aggravated domestic battery may be
20 required to attend a Partner Abuse Intervention Program under
21 protocols set forth by the Illinois Department of Human
22 Services under such terms and conditions imposed by the court.
23 The costs of such classes shall be paid by the offender.

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of this

1 Code which may include evidence of the defendant's life, moral
2 character and occupation during the time since the original
3 sentence was passed. The trial court shall then impose
4 sentence upon the defendant. The trial court may impose any
5 sentence which could have been imposed at the original trial
6 subject to Section 5-5-4 of this Code. If a sentence is vacated
7 on appeal or on collateral attack due to the failure of the
8 trier of fact at trial to determine beyond a reasonable doubt
9 the existence of a fact (other than a prior conviction)
10 necessary to increase the punishment for the offense beyond
11 the statutory maximum otherwise applicable, either the
12 defendant may be re-sentenced to a term within the range
13 otherwise provided or, if the State files notice of its
14 intention to again seek the extended sentence, the defendant
15 shall be afforded a new trial.

16 (e) In cases where prosecution for aggravated criminal
17 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
18 Code of 1961 or the Criminal Code of 2012 results in conviction
19 of a defendant who was a family member of the victim at the
20 time of the commission of the offense, the court shall
21 consider the safety and welfare of the victim and may impose a
22 sentence of probation only where:

23 (1) the court finds (A) or (B) or both are
24 appropriate:

25 (A) the defendant is willing to undergo a court
26 approved counseling program for a minimum duration of

1 2 years; or

2 (B) the defendant is willing to participate in a
3 court approved plan including but not limited to the
4 defendant's:

5 (i) removal from the household;

6 (ii) restricted contact with the victim;

7 (iii) continued financial support of the
8 family;

9 (iv) restitution for harm done to the victim;

10 and

11 (v) compliance with any other measures that
12 the court may deem appropriate; and

13 (2) the court orders the defendant to pay for the
14 victim's counseling services, to the extent that the court
15 finds, after considering the defendant's income and
16 assets, that the defendant is financially capable of
17 paying for such services, if the victim was under 18 years
18 of age at the time the offense was committed and requires
19 counseling as a result of the offense.

20 Probation may be revoked or modified pursuant to Section
21 5-6-4; except where the court determines at the hearing that
22 the defendant violated a condition of his or her probation
23 restricting contact with the victim or other family members or
24 commits another offense with the victim or other family
25 members, the court shall revoke the defendant's probation and
26 impose a term of imprisonment.

1 For the purposes of this Section, "family member" and
2 "victim" shall have the meanings ascribed to them in Section
3 11-0.1 of the Criminal Code of 2012.

4 (f) (Blank).

5 (g) Whenever a defendant is convicted of an offense under
6 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
7 11-14.3, 11-14.4 except for an offense that involves keeping a
8 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
9 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
10 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, the defendant shall undergo medical
12 testing to determine whether the defendant has any sexually
13 transmissible disease, including a test for infection with
14 human immunodeficiency virus (HIV) or any other identified
15 causative agent of acquired immunodeficiency syndrome (AIDS).
16 Any such medical test shall be performed only by appropriately
17 licensed medical practitioners and may include an analysis of
18 any bodily fluids as well as an examination of the defendant's
19 person. Except as otherwise provided by law, the results of
20 such test shall be kept strictly confidential by all medical
21 personnel involved in the testing and must be personally
22 delivered in a sealed envelope to the judge of the court in
23 which the conviction was entered for the judge's inspection in
24 camera. Acting in accordance with the best interests of the
25 victim and the public, the judge shall have the discretion to
26 determine to whom, if anyone, the results of the testing may be

1 revealed. The court shall notify the defendant of the test
2 results. The court shall also notify the victim if requested
3 by the victim, and if the victim is under the age of 15 and if
4 requested by the victim's parents or legal guardian, the court
5 shall notify the victim's parents or legal guardian of the
6 test results. The court shall provide information on the
7 availability of HIV testing and counseling at Department of
8 Public Health facilities to all parties to whom the results of
9 the testing are revealed and shall direct the State's Attorney
10 to provide the information to the victim when possible. A
11 State's Attorney may petition the court to obtain the results
12 of any HIV test administered under this Section, and the court
13 shall grant the disclosure if the State's Attorney shows it is
14 relevant in order to prosecute a charge of criminal
15 transmission of HIV under Section 12-5.01 or 12-16.2 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 against the
17 defendant. The court shall order that the cost of any such test
18 shall be paid by the county and may be taxed as costs against
19 the convicted defendant.

20 (g-5) When an inmate is tested for an airborne
21 communicable disease, as determined by the Illinois Department
22 of Public Health including but not limited to tuberculosis,
23 the results of the test shall be personally delivered by the
24 warden or his or her designee in a sealed envelope to the judge
25 of the court in which the inmate must appear for the judge's
26 inspection in camera if requested by the judge. Acting in

1 accordance with the best interests of those in the courtroom,
2 the judge shall have the discretion to determine what if any
3 precautions need to be taken to prevent transmission of the
4 disease in the courtroom.

5 (h) Whenever a defendant is convicted of an offense under
6 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
7 defendant shall undergo medical testing to determine whether
8 the defendant has been exposed to human immunodeficiency virus
9 (HIV) or any other identified causative agent of acquired
10 immunodeficiency syndrome (AIDS). Except as otherwise provided
11 by law, the results of such test shall be kept strictly
12 confidential by all medical personnel involved in the testing
13 and must be personally delivered in a sealed envelope to the
14 judge of the court in which the conviction was entered for the
15 judge's inspection in camera. Acting in accordance with the
16 best interests of the public, the judge shall have the
17 discretion to determine to whom, if anyone, the results of the
18 testing may be revealed. The court shall notify the defendant
19 of a positive test showing an infection with the human
20 immunodeficiency virus (HIV). The court shall provide
21 information on the availability of HIV testing and counseling
22 at Department of Public Health facilities to all parties to
23 whom the results of the testing are revealed and shall direct
24 the State's Attorney to provide the information to the victim
25 when possible. A State's Attorney may petition the court to
26 obtain the results of any HIV test administered under this

1 Section, and the court shall grant the disclosure if the
2 State's Attorney shows it is relevant in order to prosecute a
3 charge of criminal transmission of HIV under Section 12-5.01
4 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
5 2012 against the defendant. The court shall order that the
6 cost of any such test shall be paid by the county and may be
7 taxed as costs against the convicted defendant.

8 (i) All fines and penalties imposed under this Section for
9 any violation of Chapters 3, 4, 6, and 11 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, and
11 any violation of the Child Passenger Protection Act, or a
12 similar provision of a local ordinance, shall be collected and
13 disbursed by the circuit clerk as provided under the Criminal
14 and Traffic Assessment Act.

15 (j) In cases when prosecution for any violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
17 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
18 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
19 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
20 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
21 Code of 2012, any violation of the Illinois Controlled
22 Substances Act, any violation of the Cannabis Control Act, or
23 any violation of the Methamphetamine Control and Community
24 Protection Act results in conviction, a disposition of court
25 supervision, or an order of probation granted under Section 10
26 of the Cannabis Control Act, Section 410 of the Illinois

1 Controlled Substances Act, or Section 70 of the
2 Methamphetamine Control and Community Protection Act of a
3 defendant, the court shall determine whether the defendant is
4 employed by a facility or center as defined under the Child
5 Care Act of 1969, a public or private elementary or secondary
6 school, or otherwise works with children under 18 years of age
7 on a daily basis. When a defendant is so employed, the court
8 shall order the Clerk of the Court to send a copy of the
9 judgment of conviction or order of supervision or probation to
10 the defendant's employer by certified mail. If the employer of
11 the defendant is a school, the Clerk of the Court shall direct
12 the mailing of a copy of the judgment of conviction or order of
13 supervision or probation to the appropriate regional
14 superintendent of schools. The regional superintendent of
15 schools shall notify the State Board of Education of any
16 notification under this subsection.

17 (j-5) A defendant at least 17 years of age who is convicted
18 of a felony and who has not been previously convicted of a
19 misdemeanor or felony and who is sentenced to a term of
20 imprisonment in the Illinois Department of Corrections shall
21 as a condition of his or her sentence be required by the court
22 to attend educational courses designed to prepare the
23 defendant for a high school diploma and to work toward a high
24 school diploma or to work toward passing high school
25 equivalency testing or to work toward completing a vocational
26 training program offered by the Department of Corrections. If

1 a defendant fails to complete the educational training
2 required by his or her sentence during the term of
3 incarceration, the Prisoner Review Board shall, as a condition
4 of mandatory supervised release, require the defendant, at his
5 or her own expense, to pursue a course of study toward a high
6 school diploma or passage of high school equivalency testing.
7 The Prisoner Review Board shall revoke the mandatory
8 supervised release of a defendant who wilfully fails to comply
9 with this subsection (j-5) upon his or her release from
10 confinement in a penal institution while serving a mandatory
11 supervised release term; however, the inability of the
12 defendant after making a good faith effort to obtain financial
13 aid or pay for the educational training shall not be deemed a
14 wilful failure to comply. The Prisoner Review Board shall
15 recommit the defendant whose mandatory supervised release term
16 has been revoked under this subsection (j-5) as provided in
17 Section 3-3-9. This subsection (j-5) does not apply to a
18 defendant who has a high school diploma or has successfully
19 passed high school equivalency testing. This subsection (j-5)
20 does not apply to a defendant who is determined by the court to
21 be a person with a developmental disability or otherwise
22 mentally incapable of completing the educational or vocational
23 program.

24 (k) (Blank).

25 (l) (A) Except as provided in paragraph (C) of subsection
26 (l), whenever a defendant, who is an alien as defined by the

1 Immigration and Nationality Act, is convicted of any felony or
2 misdemeanor offense, the court after sentencing the defendant
3 may, upon motion of the State's Attorney, hold sentence in
4 abeyance and remand the defendant to the custody of the
5 Attorney General of the United States or his or her designated
6 agent to be deported when:

7 (1) a final order of deportation has been issued
8 against the defendant pursuant to proceedings under the
9 Immigration and Nationality Act, and

10 (2) the deportation of the defendant would not
11 deprecate the seriousness of the defendant's conduct and
12 would not be inconsistent with the ends of justice.

13 Otherwise, the defendant shall be sentenced as provided in
14 this Chapter V.

15 (B) If the defendant has already been sentenced for a
16 felony or misdemeanor offense, or has been placed on probation
17 under Section 10 of the Cannabis Control Act, Section 410 of
18 the Illinois Controlled Substances Act, or Section 70 of the
19 Methamphetamine Control and Community Protection Act, the
20 court may, upon motion of the State's Attorney to suspend the
21 sentence imposed, commit the defendant to the custody of the
22 Attorney General of the United States or his or her designated
23 agent when:

24 (1) a final order of deportation has been issued
25 against the defendant pursuant to proceedings under the
26 Immigration and Nationality Act, and

1 (2) the deportation of the defendant would not
2 deprecate the seriousness of the defendant's conduct and
3 would not be inconsistent with the ends of justice.

4 (C) This subsection (1) does not apply to offenders who
5 are subject to the provisions of paragraph (2) of subsection
6 (a) of Section 3-6-3.

7 (D) Upon motion of the State's Attorney, if a defendant
8 sentenced under this Section returns to the jurisdiction of
9 the United States, the defendant shall be recommitted to the
10 custody of the county from which he or she was sentenced.
11 Thereafter, the defendant shall be brought before the
12 sentencing court, which may impose any sentence that was
13 available under Section 5-5-3 at the time of initial
14 sentencing. In addition, the defendant shall not be eligible
15 for additional earned sentence credit as provided under
16 Section 3-6-3.

17 (m) A person convicted of criminal defacement of property
18 under Section 21-1.3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, in which the property damage exceeds
20 \$300 and the property damaged is a school building, shall be
21 ordered to perform community service that may include cleanup,
22 removal, or painting over the defacement.

23 (n) The court may sentence a person convicted of a
24 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
25 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
26 of 1961 or the Criminal Code of 2012 (i) to an impact

1 incarceration program if the person is otherwise eligible for
2 that program under Section 5-8-1.1, (ii) to community service,
3 or (iii) if the person has a substance use disorder, as defined
4 in the Substance Use Disorder Act, to a treatment program
5 licensed under that Act.

6 (o) Whenever a person is convicted of a sex offense as
7 defined in Section 2 of the Sex Offender Registration Act, the
8 defendant's driver's license or permit shall be subject to
9 renewal on an annual basis in accordance with the provisions
10 of license renewal established by the Secretary of State.

11 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;
12 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

13 (730 ILCS 5/5-5-3.2)

14 Sec. 5-5-3.2. Factors in aggravation and extended-term
15 sentencing.

16 (a) The following factors shall be accorded weight in
17 favor of imposing a term of imprisonment or may be considered
18 by the court as reasons to impose a more severe sentence under
19 Section 5-8-1 or Article 4.5 of Chapter V:

20 (1) the defendant's conduct caused or threatened
21 serious harm;

22 (2) the defendant received compensation for committing
23 the offense;

24 (3) the defendant has a history of prior delinquency
25 or criminal activity;

1 (4) the defendant, by the duties of his office or by
2 his position, was obliged to prevent the particular
3 offense committed or to bring the offenders committing it
4 to justice;

5 (5) the defendant held public office at the time of
6 the offense, and the offense related to the conduct of
7 that office;

8 (6) the defendant utilized his professional reputation
9 or position in the community to commit the offense, or to
10 afford him an easier means of committing it;

11 (7) the sentence is necessary to deter others from
12 committing the same crime;

13 (8) the defendant committed the offense against a
14 person 60 years of age or older or such person's property;

15 (9) the defendant committed the offense against a
16 person who has a physical disability or such person's
17 property;

18 (10) by reason of another individual's actual or
19 perceived race, color, creed, religion, ancestry, gender,
20 sexual orientation, physical or mental disability, or
21 national origin, the defendant committed the offense
22 against (i) the person or property of that individual;
23 (ii) the person or property of a person who has an
24 association with, is married to, or has a friendship with
25 the other individual; or (iii) the person or property of a
26 relative (by blood or marriage) of a person described in

1 clause (i) or (ii). For the purposes of this Section,
2 "sexual orientation" has the meaning ascribed to it in
3 paragraph (O-1) of Section 1-103 of the Illinois Human
4 Rights Act;

5 (11) the offense took place in a place of worship or on
6 the grounds of a place of worship, immediately prior to,
7 during or immediately following worship services. For
8 purposes of this subparagraph, "place of worship" shall
9 mean any church, synagogue or other building, structure or
10 place used primarily for religious worship;

11 (12) the defendant was convicted of a felony committed
12 while he was released on bail or his own recognizance
13 pending trial for a prior felony and was convicted of such
14 prior felony, or the defendant was convicted of a felony
15 committed while he was serving a period of probation,
16 conditional discharge, or mandatory supervised release
17 under subsection (d) of Section 5-8-1 for a prior felony;

18 (13) the defendant committed or attempted to commit a
19 felony while he was wearing a bulletproof vest. For the
20 purposes of this paragraph (13), a bulletproof vest is any
21 device which is designed for the purpose of protecting the
22 wearer from bullets, shot or other lethal projectiles;

23 (14) the defendant held a position of trust or
24 supervision such as, but not limited to, family member as
25 defined in Section 11-0.1 of the Criminal Code of 2012,
26 teacher, scout leader, baby sitter, or day care worker, in

1 relation to a victim under 18 years of age, and the
2 defendant committed an offense in violation of Section
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
4 11-14.4 except for an offense that involves keeping a
5 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
6 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
7 or 12-16 of the Criminal Code of 1961 or the Criminal Code
8 of 2012 against that victim;

9 (15) the defendant committed an offense related to the
10 activities of an organized gang. For the purposes of this
11 factor, "organized gang" has the meaning ascribed to it in
12 Section 10 of the Streetgang Terrorism Omnibus Prevention
13 Act;

14 (16) the defendant committed an offense in violation
15 of one of the following Sections while in a school,
16 regardless of the time of day or time of year; on any
17 conveyance owned, leased, or contracted by a school to
18 transport students to or from school or a school related
19 activity; on the real property of a school; or on a public
20 way within 1,000 feet of the real property comprising any
21 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
22 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
23 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
24 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
25 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
26 for subdivision (a)(4) or (g)(1), of the Criminal Code of

1 1961 or the Criminal Code of 2012;

2 (16.5) the defendant committed an offense in violation
3 of one of the following Sections while in a day care
4 center, regardless of the time of day or time of year; on
5 the real property of a day care center, regardless of the
6 time of day or time of year; or on a public way within
7 1,000 feet of the real property comprising any day care
8 center, regardless of the time of day or time of year:
9 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
10 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
12 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
13 18-2, or 33A-2, or Section 12-3.05 except for subdivision
14 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
15 Criminal Code of 2012;

16 (17) the defendant committed the offense by reason of
17 any person's activity as a community policing volunteer or
18 to prevent any person from engaging in activity as a
19 community policing volunteer. For the purpose of this
20 Section, "community policing volunteer" has the meaning
21 ascribed to it in Section 2-3.5 of the Criminal Code of
22 2012;

23 (18) the defendant committed the offense in a nursing
24 home or on the real property comprising a nursing home.
25 For the purposes of this paragraph (18), "nursing home"
26 means a skilled nursing or intermediate long term care

1 facility that is subject to license by the Illinois
2 Department of Public Health under the Nursing Home Care
3 Act, the Specialized Mental Health Rehabilitation Act of
4 2013, the ID/DD Community Care Act, or the MC/DD Act;

5 (19) the defendant was a federally licensed firearm
6 dealer and was previously convicted of a violation of
7 subsection (a) of Section 3 of the Firearm Owners
8 Identification Card Act before its repeal by this
9 amendatory Act of the 102nd General Assembly and has now
10 committed ~~either a felony violation of the Firearm Owners~~
11 ~~Identification Card Act or~~ an act of armed violence while
12 armed with a firearm;

13 (20) the defendant (i) committed the offense of
14 reckless homicide under Section 9-3 of the Criminal Code
15 of 1961 or the Criminal Code of 2012 or the offense of
16 driving under the influence of alcohol, other drug or
17 drugs, intoxicating compound or compounds or any
18 combination thereof under Section 11-501 of the Illinois
19 Vehicle Code or a similar provision of a local ordinance
20 and (ii) was operating a motor vehicle in excess of 20
21 miles per hour over the posted speed limit as provided in
22 Article VI of Chapter 11 of the Illinois Vehicle Code;

23 (21) the defendant (i) committed the offense of
24 reckless driving or aggravated reckless driving under
25 Section 11-503 of the Illinois Vehicle Code and (ii) was
26 operating a motor vehicle in excess of 20 miles per hour

1 over the posted speed limit as provided in Article VI of
2 Chapter 11 of the Illinois Vehicle Code;

3 (22) the defendant committed the offense against a
4 person that the defendant knew, or reasonably should have
5 known, was a member of the Armed Forces of the United
6 States serving on active duty. For purposes of this clause
7 (22), the term "Armed Forces" means any of the Armed
8 Forces of the United States, including a member of any
9 reserve component thereof or National Guard unit called to
10 active duty;

11 (23) the defendant committed the offense against a
12 person who was elderly or infirm or who was a person with a
13 disability by taking advantage of a family or fiduciary
14 relationship with the elderly or infirm person or person
15 with a disability;

16 (24) the defendant committed any offense under Section
17 11-20.1 of the Criminal Code of 1961 or the Criminal Code
18 of 2012 and possessed 100 or more images;

19 (25) the defendant committed the offense while the
20 defendant or the victim was in a train, bus, or other
21 vehicle used for public transportation;

22 (26) the defendant committed the offense of child
23 pornography or aggravated child pornography, specifically
24 including paragraph (1), (2), (3), (4), (5), or (7) of
25 subsection (a) of Section 11-20.1 of the Criminal Code of
26 1961 or the Criminal Code of 2012 where a child engaged in,

1 solicited for, depicted in, or posed in any act of sexual
2 penetration or bound, fettered, or subject to sadistic,
3 masochistic, or sadomasochistic abuse in a sexual context
4 and specifically including paragraph (1), (2), (3), (4),
5 (5), or (7) of subsection (a) of Section 11-20.1B or
6 Section 11-20.3 of the Criminal Code of 1961 where a child
7 engaged in, solicited for, depicted in, or posed in any
8 act of sexual penetration or bound, fettered, or subject
9 to sadistic, masochistic, or sadomasochistic abuse in a
10 sexual context;

11 (27) the defendant committed the offense of first
12 degree murder, assault, aggravated assault, battery,
13 aggravated battery, robbery, armed robbery, or aggravated
14 robbery against a person who was a veteran and the
15 defendant knew, or reasonably should have known, that the
16 person was a veteran performing duties as a representative
17 of a veterans' organization. For the purposes of this
18 paragraph (27), "veteran" means an Illinois resident who
19 has served as a member of the United States Armed Forces, a
20 member of the Illinois National Guard, or a member of the
21 United States Reserve Forces; and "veterans' organization"
22 means an organization comprised of members of which
23 substantially all are individuals who are veterans or
24 spouses, widows, or widowers of veterans, the primary
25 purpose of which is to promote the welfare of its members
26 and to provide assistance to the general public in such a

1 way as to confer a public benefit;

2 (28) the defendant committed the offense of assault,
3 aggravated assault, battery, aggravated battery, robbery,
4 armed robbery, or aggravated robbery against a person that
5 the defendant knew or reasonably should have known was a
6 letter carrier or postal worker while that person was
7 performing his or her duties delivering mail for the
8 United States Postal Service;

9 (29) the defendant committed the offense of criminal
10 sexual assault, aggravated criminal sexual assault,
11 criminal sexual abuse, or aggravated criminal sexual abuse
12 against a victim with an intellectual disability, and the
13 defendant holds a position of trust, authority, or
14 supervision in relation to the victim;

15 (30) the defendant committed the offense of promoting
16 juvenile prostitution, patronizing a prostitute, or
17 patronizing a minor engaged in prostitution and at the
18 time of the commission of the offense knew that the
19 prostitute or minor engaged in prostitution was in the
20 custody or guardianship of the Department of Children and
21 Family Services;

22 (31) the defendant (i) committed the offense of
23 driving while under the influence of alcohol, other drug
24 or drugs, intoxicating compound or compounds or any
25 combination thereof in violation of Section 11-501 of the
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance and (ii) the defendant during the commission of
2 the offense was driving his or her vehicle upon a roadway
3 designated for one-way traffic in the opposite direction
4 of the direction indicated by official traffic control
5 devices; ~~or~~

6 (32) the defendant committed the offense of reckless
7 homicide while committing a violation of Section 11-907 of
8 the Illinois Vehicle Code; ~~or~~

9 (33) ~~(32)~~ the defendant was found guilty of an
10 administrative infraction related to an act or acts of
11 public indecency or sexual misconduct in the penal
12 institution. In this paragraph (33) ~~(32)~~, "penal
13 institution" has the same meaning as in Section 2-14 of
14 the Criminal Code of 2012; ~~or~~

15 (34) ~~(32)~~ the defendant committed the offense of
16 leaving the scene of an accident in violation of
17 subsection (b) of Section 11-401 of the Illinois Vehicle
18 Code and the accident resulted in the death of a person and
19 at the time of the offense, the defendant was: (i) driving
20 under the influence of alcohol, other drug or drugs,
21 intoxicating compound or compounds or any combination
22 thereof as defined by Section 11-501 of the Illinois
23 Vehicle Code; or (ii) operating the motor vehicle while
24 using an electronic communication device as defined in
25 Section 12-610.2 of the Illinois Vehicle Code.

26 For the purposes of this Section:

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

3 "Day care center" means a public or private State
4 certified and licensed day care center as defined in Section
5 2.09 of the Child Care Act of 1969 that displays a sign in
6 plain view stating that the property is a day care center.

7 "Intellectual disability" means significantly subaverage
8 intellectual functioning which exists concurrently with
9 impairment in adaptive behavior.

10 "Public transportation" means the transportation or
11 conveyance of persons by means available to the general
12 public, and includes paratransit services.

13 "Traffic control devices" means all signs, signals,
14 markings, and devices that conform to the Illinois Manual on
15 Uniform Traffic Control Devices, placed or erected by
16 authority of a public body or official having jurisdiction,
17 for the purpose of regulating, warning, or guiding traffic.

18 (b) The following factors, related to all felonies, may be
19 considered by the court as reasons to impose an extended term
20 sentence under Section 5-8-2 upon any offender:

21 (1) When a defendant is convicted of any felony, after
22 having been previously convicted in Illinois or any other
23 jurisdiction of the same or similar class felony or
24 greater class felony, when such conviction has occurred
25 within 10 years after the previous conviction, excluding
26 time spent in custody, and such charges are separately

1 brought and tried and arise out of different series of
2 acts; or

3 (2) When a defendant is convicted of any felony and
4 the court finds that the offense was accompanied by
5 exceptionally brutal or heinous behavior indicative of
6 wanton cruelty; or

7 (3) When a defendant is convicted of any felony
8 committed against:

9 (i) a person under 12 years of age at the time of
10 the offense or such person's property;

11 (ii) a person 60 years of age or older at the time
12 of the offense or such person's property; or

13 (iii) a person who had a physical disability at
14 the time of the offense or such person's property; or

15 (4) When a defendant is convicted of any felony and
16 the offense involved any of the following types of
17 specific misconduct committed as part of a ceremony, rite,
18 initiation, observance, performance, practice or activity
19 of any actual or ostensible religious, fraternal, or
20 social group:

21 (i) the brutalizing or torturing of humans or
22 animals;

23 (ii) the theft of human corpses;

24 (iii) the kidnapping of humans;

25 (iv) the desecration of any cemetery, religious,
26 fraternal, business, governmental, educational, or

1 other building or property; or

2 (v) ritualized abuse of a child; or

3 (5) When a defendant is convicted of a felony other
4 than conspiracy and the court finds that the felony was
5 committed under an agreement with 2 or more other persons
6 to commit that offense and the defendant, with respect to
7 the other individuals, occupied a position of organizer,
8 supervisor, financier, or any other position of management
9 or leadership, and the court further finds that the felony
10 committed was related to or in furtherance of the criminal
11 activities of an organized gang or was motivated by the
12 defendant's leadership in an organized gang; or

13 (6) When a defendant is convicted of an offense
14 committed while using a firearm with a laser sight
15 attached to it. For purposes of this paragraph, "laser
16 sight" has the meaning ascribed to it in Section 26-7 of
17 the Criminal Code of 2012; or

18 (7) When a defendant who was at least 17 years of age
19 at the time of the commission of the offense is convicted
20 of a felony and has been previously adjudicated a
21 delinquent minor under the Juvenile Court Act of 1987 for
22 an act that if committed by an adult would be a Class X or
23 Class 1 felony when the conviction has occurred within 10
24 years after the previous adjudication, excluding time
25 spent in custody; or

26 (8) When a defendant commits any felony and the

1 defendant used, possessed, exercised control over, or
2 otherwise directed an animal to assault a law enforcement
3 officer engaged in the execution of his or her official
4 duties or in furtherance of the criminal activities of an
5 organized gang in which the defendant is engaged; or

6 (9) When a defendant commits any felony and the
7 defendant knowingly video or audio records the offense
8 with the intent to disseminate the recording.

9 (c) The following factors may be considered by the court
10 as reasons to impose an extended term sentence under Section
11 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
12 offenses:

13 (1) When a defendant is convicted of first degree
14 murder, after having been previously convicted in Illinois
15 of any offense listed under paragraph (c)(2) of Section
16 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
17 occurred within 10 years after the previous conviction,
18 excluding time spent in custody, and the charges are
19 separately brought and tried and arise out of different
20 series of acts.

21 (1.5) When a defendant is convicted of first degree
22 murder, after having been previously convicted of domestic
23 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
24 (720 ILCS 5/12-3.3) committed on the same victim or after
25 having been previously convicted of violation of an order
26 of protection (720 ILCS 5/12-30) in which the same victim

1 was the protected person.

2 (2) When a defendant is convicted of voluntary
3 manslaughter, second degree murder, involuntary
4 manslaughter, or reckless homicide in which the defendant
5 has been convicted of causing the death of more than one
6 individual.

7 (3) When a defendant is convicted of aggravated
8 criminal sexual assault or criminal sexual assault, when
9 there is a finding that aggravated criminal sexual assault
10 or criminal sexual assault was also committed on the same
11 victim by one or more other individuals, and the defendant
12 voluntarily participated in the crime with the knowledge
13 of the participation of the others in the crime, and the
14 commission of the crime was part of a single course of
15 conduct during which there was no substantial change in
16 the nature of the criminal objective.

17 (4) If the victim was under 18 years of age at the time
18 of the commission of the offense, when a defendant is
19 convicted of aggravated criminal sexual assault or
20 predatory criminal sexual assault of a child under
21 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
22 of Section 12-14.1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

24 (5) When a defendant is convicted of a felony
25 violation of Section 24-1 of the Criminal Code of 1961 or
26 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a

1 finding that the defendant is a member of an organized
2 gang.

3 (6) When a defendant was convicted of unlawful use of
4 weapons under Section 24-1 of the Criminal Code of 1961 or
5 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
6 a weapon that is not readily distinguishable as one of the
7 weapons enumerated in Section 24-1 of the Criminal Code of
8 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

9 (7) When a defendant is convicted of an offense
10 involving the illegal manufacture of a controlled
11 substance under Section 401 of the Illinois Controlled
12 Substances Act (720 ILCS 570/401), the illegal manufacture
13 of methamphetamine under Section 25 of the Methamphetamine
14 Control and Community Protection Act (720 ILCS 646/25), or
15 the illegal possession of explosives and an emergency
16 response officer in the performance of his or her duties
17 is killed or injured at the scene of the offense while
18 responding to the emergency caused by the commission of
19 the offense. In this paragraph, "emergency" means a
20 situation in which a person's life, health, or safety is
21 in jeopardy; and "emergency response officer" means a
22 peace officer, community policing volunteer, fireman,
23 emergency medical technician-ambulance, emergency medical
24 technician-intermediate, emergency medical
25 technician-paramedic, ambulance driver, other medical
26 assistance or first aid personnel, or hospital emergency

1 room personnel.

2 (8) When the defendant is convicted of attempted mob
3 action, solicitation to commit mob action, or conspiracy
4 to commit mob action under Section 8-1, 8-2, or 8-4 of the
5 Criminal Code of 2012, where the criminal object is a
6 violation of Section 25-1 of the Criminal Code of 2012,
7 and an electronic communication is used in the commission
8 of the offense. For the purposes of this paragraph (8),
9 "electronic communication" shall have the meaning provided
10 in Section 26.5-0.1 of the Criminal Code of 2012.

11 (d) For the purposes of this Section, "organized gang" has
12 the meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (e) The court may impose an extended term sentence under
15 Article 4.5 of Chapter V upon an offender who has been
16 convicted of a felony violation of Section 11-1.20, 11-1.30,
17 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
18 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
19 when the victim of the offense is under 18 years of age at the
20 time of the commission of the offense and, during the
21 commission of the offense, the victim was under the influence
22 of alcohol, regardless of whether or not the alcohol was
23 supplied by the offender; and the offender, at the time of the
24 commission of the offense, knew or should have known that the
25 victim had consumed alcohol.

26 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;

1 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

2 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

3 Sec. 5-6-3. Conditions of probation and of conditional
4 discharge.

5 (a) The conditions of probation and of conditional
6 discharge shall be that the person:

7 (1) not violate any criminal statute of any
8 jurisdiction;

9 (2) report to or appear in person before such person
10 or agency as directed by the court;

11 (3) refrain from possessing a firearm or other
12 dangerous weapon where the offense is a felony or, if a
13 misdemeanor, the offense involved the intentional or
14 knowing infliction of bodily harm or threat of bodily
15 harm;

16 (4) not leave the State without the consent of the
17 court or, in circumstances in which the reason for the
18 absence is of such an emergency nature that prior consent
19 by the court is not possible, without the prior
20 notification and approval of the person's probation
21 officer. Transfer of a person's probation or conditional
22 discharge supervision to another state is subject to
23 acceptance by the other state pursuant to the Interstate
24 Compact for Adult Offender Supervision;

25 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his
2 duties;

3 (6) perform no less than 30 hours of community service
4 and not more than 120 hours of community service, if
5 community service is available in the jurisdiction and is
6 funded and approved by the county board where the offense
7 was committed, where the offense was related to or in
8 furtherance of the criminal activities of an organized
9 gang and was motivated by the offender's membership in or
10 allegiance to an organized gang. The community service
11 shall include, but not be limited to, the cleanup and
12 repair of any damage caused by a violation of Section
13 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
14 2012 and similar damage to property located within the
15 municipality or county in which the violation occurred.
16 When possible and reasonable, the community service should
17 be performed in the offender's neighborhood. For purposes
18 of this Section, "organized gang" has the meaning ascribed
19 to it in Section 10 of the Illinois Streetgang Terrorism
20 Omnibus Prevention Act. The court may give credit toward
21 the fulfillment of community service hours for
22 participation in activities and treatment as determined by
23 court services;

24 (7) if he or she is at least 17 years of age and has
25 been sentenced to probation or conditional discharge for a
26 misdemeanor or felony in a county of 3,000,000 or more

1 inhabitants and has not been previously convicted of a
2 misdemeanor or felony, may be required by the sentencing
3 court to attend educational courses designed to prepare
4 the defendant for a high school diploma and to work toward
5 a high school diploma or to work toward passing high
6 school equivalency testing or to work toward completing a
7 vocational training program approved by the court. The
8 person on probation or conditional discharge must attend a
9 public institution of education to obtain the educational
10 or vocational training required by this paragraph (7). The
11 court shall revoke the probation or conditional discharge
12 of a person who wilfully fails to comply with this
13 paragraph (7). The person on probation or conditional
14 discharge shall be required to pay for the cost of the
15 educational courses or high school equivalency testing if
16 a fee is charged for those courses or testing. The court
17 shall resentence the offender whose probation or
18 conditional discharge has been revoked as provided in
19 Section 5-6-4. This paragraph (7) does not apply to a
20 person who has a high school diploma or has successfully
21 passed high school equivalency testing. This paragraph (7)
22 does not apply to a person who is determined by the court
23 to be a person with a developmental disability or
24 otherwise mentally incapable of completing the educational
25 or vocational program;

26 (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control
3 and Community Protection Act after a previous conviction
4 or disposition of supervision for possession of a
5 substance prohibited by the Cannabis Control Act or
6 Illinois Controlled Substances Act or after a sentence of
7 probation under Section 10 of the Cannabis Control Act,
8 Section 410 of the Illinois Controlled Substances Act, or
9 Section 70 of the Methamphetamine Control and Community
10 Protection Act and upon a finding by the court that the
11 person is addicted, undergo treatment at a substance abuse
12 program approved by the court;

13 (8.5) if convicted of a felony sex offense as defined
14 in the Sex Offender Management Board Act, the person shall
15 undergo and successfully complete sex offender treatment
16 by a treatment provider approved by the Board and
17 conducted in conformance with the standards developed
18 under the Sex Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing
21 at the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders;

4 (8.7) if convicted for an offense committed on or
5 after June 1, 2008 (the effective date of Public Act
6 95-464) that would qualify the accused as a child sex
7 offender as defined in Section 11-9.3 or 11-9.4 of the
8 Criminal Code of 1961 or the Criminal Code of 2012,
9 refrain from communicating with or contacting, by means of
10 the Internet, a person who is not related to the accused
11 and whom the accused reasonably believes to be under 18
12 years of age; for purposes of this paragraph (8.7),
13 "Internet" has the meaning ascribed to it in Section
14 16-0.1 of the Criminal Code of 2012; and a person is not
15 related to the accused if the person is not: (i) the
16 spouse, brother, or sister of the accused; (ii) a
17 descendant of the accused; (iii) a first or second cousin
18 of the accused; or (iv) a step-child or adopted child of
19 the accused;

20 (8.8) if convicted for an offense under Section 11-6,
21 11-9.1, 11-14.4 that involves soliciting for a juvenile
22 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
23 of the Criminal Code of 1961 or the Criminal Code of 2012,
24 or any attempt to commit any of these offenses, committed
25 on or after June 1, 2009 (the effective date of Public Act
26 95-983):

1 (i) not access or use a computer or any other
2 device with Internet capability without the prior
3 written approval of the offender's probation officer,
4 except in connection with the offender's employment or
5 search for employment with the prior approval of the
6 offender's probation officer;

7 (ii) submit to periodic unannounced examinations
8 of the offender's computer or any other device with
9 Internet capability by the offender's probation
10 officer, a law enforcement officer, or assigned
11 computer or information technology specialist,
12 including the retrieval and copying of all data from
13 the computer or device and any internal or external
14 peripherals and removal of such information,
15 equipment, or device to conduct a more thorough
16 inspection;

17 (iii) submit to the installation on the offender's
18 computer or device with Internet capability, at the
19 offender's expense, of one or more hardware or
20 software systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions
22 concerning the offender's use of or access to a
23 computer or any other device with Internet capability
24 imposed by the offender's probation officer;

25 (8.9) if convicted of a sex offense as defined in the
26 Sex Offender Registration Act committed on or after

1 January 1, 2010 (the effective date of Public Act 96-262),
2 refrain from accessing or using a social networking
3 website as defined in Section 17-0.5 of the Criminal Code
4 of 2012;

5 (9) if convicted of a felony or of any misdemeanor
6 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
7 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
8 2012 that was determined, pursuant to Section 112A-11.1 of
9 the Code of Criminal Procedure of 1963, to trigger the
10 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
11 at a time and place designated by the court, ~~his or her~~
12 ~~Firearm Owner's Identification Card~~ and any and all
13 firearms in his or her possession. ~~The Court shall return~~
14 ~~to the Department of State Police Firearm Owner's~~
15 ~~Identification Card Office the person's Firearm Owner's~~
16 ~~Identification Card;~~

17 (10) if convicted of a sex offense as defined in
18 subsection (a-5) of Section 3-1-2 of this Code, unless the
19 offender is a parent or guardian of the person under 18
20 years of age present in the home and no non-familial
21 minors are present, not participate in a holiday event
22 involving children under 18 years of age, such as
23 distributing candy or other items to children on
24 Halloween, wearing a Santa Claus costume on or preceding
25 Christmas, being employed as a department store Santa
26 Claus, or wearing an Easter Bunny costume on or preceding

1 Easter;

2 (11) if convicted of a sex offense as defined in
3 Section 2 of the Sex Offender Registration Act committed
4 on or after January 1, 2010 (the effective date of Public
5 Act 96-362) that requires the person to register as a sex
6 offender under that Act, may not knowingly use any
7 computer scrub software on any computer that the sex
8 offender uses;

9 (12) if convicted of a violation of the
10 Methamphetamine Control and Community Protection Act, the
11 Methamphetamine Precursor Control Act, or a
12 methamphetamine related offense:

13 (A) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 pseudoephedrine unless prescribed by a physician; and

16 (B) prohibited from purchasing, possessing, or
17 having under his or her control any product containing
18 ammonium nitrate; and

19 (13) if convicted of a hate crime involving the
20 protected class identified in subsection (a) of Section
21 12-7.1 of the Criminal Code of 2012 that gave rise to the
22 offense the offender committed, perform public or
23 community service of no less than 200 hours and enroll in
24 an educational program discouraging hate crimes that
25 includes racial, ethnic, and cultural sensitivity training
26 ordered by the court.

1 (b) The Court may in addition to other reasonable
2 conditions relating to the nature of the offense or the
3 rehabilitation of the defendant as determined for each
4 defendant in the proper discretion of the Court require that
5 the person:

6 (1) serve a term of periodic imprisonment under
7 Article 7 for a period not to exceed that specified in
8 paragraph (d) of Section 5-7-1;

9 (2) pay a fine and costs;

10 (3) work or pursue a course of study or vocational
11 training;

12 (4) undergo medical, psychological or psychiatric
13 treatment; or treatment for drug addiction or alcoholism;

14 (5) attend or reside in a facility established for the
15 instruction or residence of defendants on probation;

16 (6) support his dependents;

17 (7) and in addition, if a minor:

18 (i) reside with his parents or in a foster home;

19 (ii) attend school;

20 (iii) attend a non-residential program for youth;

21 (iv) contribute to his own support at home or in a
22 foster home;

23 (v) with the consent of the superintendent of the
24 facility, attend an educational program at a facility
25 other than the school in which the offense was
26 committed if he or she is convicted of a crime of

1 violence as defined in Section 2 of the Crime Victims
2 Compensation Act committed in a school, on the real
3 property comprising a school, or within 1,000 feet of
4 the real property comprising a school;

5 (8) make restitution as provided in Section 5-5-6 of
6 this Code;

7 (9) perform some reasonable public or community
8 service;

9 (10) serve a term of home confinement. In addition to
10 any other applicable condition of probation or conditional
11 discharge, the conditions of home confinement shall be
12 that the offender:

13 (i) remain within the interior premises of the
14 place designated for his confinement during the hours
15 designated by the court;

16 (ii) admit any person or agent designated by the
17 court into the offender's place of confinement at any
18 time for purposes of verifying the offender's
19 compliance with the conditions of his confinement; and

20 (iii) if further deemed necessary by the court or
21 the Probation or Court Services Department, be placed
22 on an approved electronic monitoring device, subject
23 to Article 8A of Chapter V;

24 (iv) for persons convicted of any alcohol,
25 cannabis or controlled substance violation who are
26 placed on an approved monitoring device as a condition

1 of probation or conditional discharge, the court shall
2 impose a reasonable fee for each day of the use of the
3 device, as established by the county board in
4 subsection (g) of this Section, unless after
5 determining the inability of the offender to pay the
6 fee, the court assesses a lesser fee or no fee as the
7 case may be. This fee shall be imposed in addition to
8 the fees imposed under subsections (g) and (i) of this
9 Section. The fee shall be collected by the clerk of the
10 circuit court, except as provided in an administrative
11 order of the Chief Judge of the circuit court. The
12 clerk of the circuit court shall pay all monies
13 collected from this fee to the county treasurer for
14 deposit in the substance abuse services fund under
15 Section 5-1086.1 of the Counties Code, except as
16 provided in an administrative order of the Chief Judge
17 of the circuit court.

18 The Chief Judge of the circuit court of the county
19 may by administrative order establish a program for
20 electronic monitoring of offenders, in which a vendor
21 supplies and monitors the operation of the electronic
22 monitoring device, and collects the fees on behalf of
23 the county. The program shall include provisions for
24 indigent offenders and the collection of unpaid fees.
25 The program shall not unduly burden the offender and
26 shall be subject to review by the Chief Judge.

1 The Chief Judge of the circuit court may suspend
2 any additional charges or fees for late payment,
3 interest, or damage to any device; and

4 (v) for persons convicted of offenses other than
5 those referenced in clause (iv) above and who are
6 placed on an approved monitoring device as a condition
7 of probation or conditional discharge, the court shall
8 impose a reasonable fee for each day of the use of the
9 device, as established by the county board in
10 subsection (g) of this Section, unless after
11 determining the inability of the defendant to pay the
12 fee, the court assesses a lesser fee or no fee as the
13 case may be. This fee shall be imposed in addition to
14 the fees imposed under subsections (g) and (i) of this
15 Section. The fee shall be collected by the clerk of the
16 circuit court, except as provided in an administrative
17 order of the Chief Judge of the circuit court. The
18 clerk of the circuit court shall pay all monies
19 collected from this fee to the county treasurer who
20 shall use the monies collected to defray the costs of
21 corrections. The county treasurer shall deposit the
22 fee collected in the probation and court services
23 fund. The Chief Judge of the circuit court of the
24 county may by administrative order establish a program
25 for electronic monitoring of offenders, in which a
26 vendor supplies and monitors the operation of the

1 electronic monitoring device, and collects the fees on
2 behalf of the county. The program shall include
3 provisions for indigent offenders and the collection
4 of unpaid fees. The program shall not unduly burden
5 the offender and shall be subject to review by the
6 Chief Judge.

7 The Chief Judge of the circuit court may suspend
8 any additional charges or fees for late payment,
9 interest, or damage to any device.

10 (11) comply with the terms and conditions of an order
11 of protection issued by the court pursuant to the Illinois
12 Domestic Violence Act of 1986, as now or hereafter
13 amended, or an order of protection issued by the court of
14 another state, tribe, or United States territory. A copy
15 of the order of protection shall be transmitted to the
16 probation officer or agency having responsibility for the
17 case;

18 (12) reimburse any "local anti-crime program" as
19 defined in Section 7 of the Anti-Crime Advisory Council
20 Act for any reasonable expenses incurred by the program on
21 the offender's case, not to exceed the maximum amount of
22 the fine authorized for the offense for which the
23 defendant was sentenced;

24 (13) contribute a reasonable sum of money, not to
25 exceed the maximum amount of the fine authorized for the
26 offense for which the defendant was sentenced, (i) to a

1 "local anti-crime program", as defined in Section 7 of the
2 Anti-Crime Advisory Council Act, or (ii) for offenses
3 under the jurisdiction of the Department of Natural
4 Resources, to the fund established by the Department of
5 Natural Resources for the purchase of evidence for
6 investigation purposes and to conduct investigations as
7 outlined in Section 805-105 of the Department of Natural
8 Resources (Conservation) Law;

9 (14) refrain from entering into a designated
10 geographic area except upon such terms as the court finds
11 appropriate. Such terms may include consideration of the
12 purpose of the entry, the time of day, other persons
13 accompanying the defendant, and advance approval by a
14 probation officer, if the defendant has been placed on
15 probation or advance approval by the court, if the
16 defendant was placed on conditional discharge;

17 (15) refrain from having any contact, directly or
18 indirectly, with certain specified persons or particular
19 types of persons, including but not limited to members of
20 street gangs and drug users or dealers;

21 (16) refrain from having in his or her body the
22 presence of any illicit drug prohibited by the Cannabis
23 Control Act, the Illinois Controlled Substances Act, or
24 the Methamphetamine Control and Community Protection Act,
25 unless prescribed by a physician, and submit samples of
26 his or her blood or urine or both for tests to determine

1 the presence of any illicit drug;

2 (17) if convicted for an offense committed on or after
3 June 1, 2008 (the effective date of Public Act 95-464)
4 that would qualify the accused as a child sex offender as
5 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
6 of 1961 or the Criminal Code of 2012, refrain from
7 communicating with or contacting, by means of the
8 Internet, a person who is related to the accused and whom
9 the accused reasonably believes to be under 18 years of
10 age; for purposes of this paragraph (17), "Internet" has
11 the meaning ascribed to it in Section 16-0.1 of the
12 Criminal Code of 2012; and a person is related to the
13 accused if the person is: (i) the spouse, brother, or
14 sister of the accused; (ii) a descendant of the accused;
15 (iii) a first or second cousin of the accused; or (iv) a
16 step-child or adopted child of the accused;

17 (18) if convicted for an offense committed on or after
18 June 1, 2009 (the effective date of Public Act 95-983)
19 that would qualify as a sex offense as defined in the Sex
20 Offender Registration Act:

21 (i) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the offender's probation officer,
24 except in connection with the offender's employment or
25 search for employment with the prior approval of the
26 offender's probation officer;

1 (ii) submit to periodic unannounced examinations
2 of the offender's computer or any other device with
3 Internet capability by the offender's probation
4 officer, a law enforcement officer, or assigned
5 computer or information technology specialist,
6 including the retrieval and copying of all data from
7 the computer or device and any internal or external
8 peripherals and removal of such information,
9 equipment, or device to conduct a more thorough
10 inspection;

11 (iii) submit to the installation on the offender's
12 computer or device with Internet capability, at the
13 subject's expense, of one or more hardware or software
14 systems to monitor the Internet use; and

15 (iv) submit to any other appropriate restrictions
16 concerning the offender's use of or access to a
17 computer or any other device with Internet capability
18 imposed by the offender's probation officer; and

19 (19) refrain from possessing a firearm or other
20 dangerous weapon where the offense is a misdemeanor that
21 did not involve the intentional or knowing infliction of
22 bodily harm or threat of bodily harm.

23 (c) The court may as a condition of probation or of
24 conditional discharge require that a person under 18 years of
25 age found guilty of any alcohol, cannabis or controlled
26 substance violation, refrain from acquiring a driver's license

1 during the period of probation or conditional discharge. If
2 such person is in possession of a permit or license, the court
3 may require that the minor refrain from driving or operating
4 any motor vehicle during the period of probation or
5 conditional discharge, except as may be necessary in the
6 course of the minor's lawful employment.

7 (d) An offender sentenced to probation or to conditional
8 discharge shall be given a certificate setting forth the
9 conditions thereof.

10 (e) Except where the offender has committed a fourth or
11 subsequent violation of subsection (c) of Section 6-303 of the
12 Illinois Vehicle Code, the court shall not require as a
13 condition of the sentence of probation or conditional
14 discharge that the offender be committed to a period of
15 imprisonment in excess of 6 months. This 6-month limit shall
16 not include periods of confinement given pursuant to a
17 sentence of county impact incarceration under Section 5-8-1.2.

18 Persons committed to imprisonment as a condition of
19 probation or conditional discharge shall not be committed to
20 the Department of Corrections.

21 (f) The court may combine a sentence of periodic
22 imprisonment under Article 7 or a sentence to a county impact
23 incarceration program under Article 8 with a sentence of
24 probation or conditional discharge.

25 (g) An offender sentenced to probation or to conditional
26 discharge and who during the term of either undergoes

1 mandatory drug or alcohol testing, or both, or is assigned to
2 be placed on an approved electronic monitoring device, shall
3 be ordered to pay all costs incidental to such mandatory drug
4 or alcohol testing, or both, and all costs incidental to such
5 approved electronic monitoring in accordance with the
6 defendant's ability to pay those costs. The county board with
7 the concurrence of the Chief Judge of the judicial circuit in
8 which the county is located shall establish reasonable fees
9 for the cost of maintenance, testing, and incidental expenses
10 related to the mandatory drug or alcohol testing, or both, and
11 all costs incidental to approved electronic monitoring,
12 involved in a successful probation program for the county. The
13 concurrence of the Chief Judge shall be in the form of an
14 administrative order. The fees shall be collected by the clerk
15 of the circuit court, except as provided in an administrative
16 order of the Chief Judge of the circuit court. The clerk of the
17 circuit court shall pay all moneys collected from these fees
18 to the county treasurer who shall use the moneys collected to
19 defray the costs of drug testing, alcohol testing, and
20 electronic monitoring. The county treasurer shall deposit the
21 fees collected in the county working cash fund under Section
22 6-27001 or Section 6-29002 of the Counties Code, as the case
23 may be. The Chief Judge of the circuit court of the county may
24 by administrative order establish a program for electronic
25 monitoring of offenders, in which a vendor supplies and
26 monitors the operation of the electronic monitoring device,

1 and collects the fees on behalf of the county. The program
2 shall include provisions for indigent offenders and the
3 collection of unpaid fees. The program shall not unduly burden
4 the offender and shall be subject to review by the Chief Judge.

5 The Chief Judge of the circuit court may suspend any
6 additional charges or fees for late payment, interest, or
7 damage to any device.

8 (h) Jurisdiction over an offender may be transferred from
9 the sentencing court to the court of another circuit with the
10 concurrence of both courts. Further transfers or retransfers
11 of jurisdiction are also authorized in the same manner. The
12 court to which jurisdiction has been transferred shall have
13 the same powers as the sentencing court. The probation
14 department within the circuit to which jurisdiction has been
15 transferred, or which has agreed to provide supervision, may
16 impose probation fees upon receiving the transferred offender,
17 as provided in subsection (i). For all transfer cases, as
18 defined in Section 9b of the Probation and Probation Officers
19 Act, the probation department from the original sentencing
20 court shall retain all probation fees collected prior to the
21 transfer. After the transfer, all probation fees shall be paid
22 to the probation department within the circuit to which
23 jurisdiction has been transferred.

24 (i) The court shall impose upon an offender sentenced to
25 probation after January 1, 1989 or to conditional discharge
26 after January 1, 1992 or to community service under the

1 supervision of a probation or court services department after
2 January 1, 2004, as a condition of such probation or
3 conditional discharge or supervised community service, a fee
4 of \$50 for each month of probation or conditional discharge
5 supervision or supervised community service ordered by the
6 court, unless after determining the inability of the person
7 sentenced to probation or conditional discharge or supervised
8 community service to pay the fee, the court assesses a lesser
9 fee. The court may not impose the fee on a minor who is placed
10 in the guardianship or custody of the Department of Children
11 and Family Services under the Juvenile Court Act of 1987 while
12 the minor is in placement. The fee shall be imposed only upon
13 an offender who is actively supervised by the probation and
14 court services department. The fee shall be collected by the
15 clerk of the circuit court. The clerk of the circuit court
16 shall pay all monies collected from this fee to the county
17 treasurer for deposit in the probation and court services fund
18 under Section 15.1 of the Probation and Probation Officers
19 Act.

20 A circuit court may not impose a probation fee under this
21 subsection (i) in excess of \$25 per month unless the circuit
22 court has adopted, by administrative order issued by the chief
23 judge, a standard probation fee guide determining an
24 offender's ability to pay. Of the amount collected as a
25 probation fee, up to \$5 of that fee collected per month may be
26 used to provide services to crime victims and their families.

1 The Court may only waive probation fees based on an
2 offender's ability to pay. The probation department may
3 re-evaluate an offender's ability to pay every 6 months, and,
4 with the approval of the Director of Court Services or the
5 Chief Probation Officer, adjust the monthly fee amount. An
6 offender may elect to pay probation fees due in a lump sum. Any
7 offender that has been assigned to the supervision of a
8 probation department, or has been transferred either under
9 subsection (h) of this Section or under any interstate
10 compact, shall be required to pay probation fees to the
11 department supervising the offender, based on the offender's
12 ability to pay.

13 Public Act 93-970 deletes the \$10 increase in the fee
14 under this subsection that was imposed by Public Act 93-616.
15 This deletion is intended to control over any other Act of the
16 93rd General Assembly that retains or incorporates that fee
17 increase.

18 (i-5) In addition to the fees imposed under subsection (i)
19 of this Section, in the case of an offender convicted of a
20 felony sex offense (as defined in the Sex Offender Management
21 Board Act) or an offense that the court or probation
22 department has determined to be sexually motivated (as defined
23 in the Sex Offender Management Board Act), the court or the
24 probation department shall assess additional fees to pay for
25 all costs of treatment, assessment, evaluation for risk and
26 treatment, and monitoring the offender, based on that

1 offender's ability to pay those costs either as they occur or
2 under a payment plan.

3 (j) All fines and costs imposed under this Section for any
4 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
5 Code, or a similar provision of a local ordinance, and any
6 violation of the Child Passenger Protection Act, or a similar
7 provision of a local ordinance, shall be collected and
8 disbursed by the circuit clerk as provided under the Criminal
9 and Traffic Assessment Act.

10 (k) Any offender who is sentenced to probation or
11 conditional discharge for a felony sex offense as defined in
12 the Sex Offender Management Board Act or any offense that the
13 court or probation department has determined to be sexually
14 motivated as defined in the Sex Offender Management Board Act
15 shall be required to refrain from any contact, directly or
16 indirectly, with any persons specified by the court and shall
17 be available for all evaluations and treatment programs
18 required by the court or the probation department.

19 (l) The court may order an offender who is sentenced to
20 probation or conditional discharge for a violation of an order
21 of protection be placed under electronic surveillance as
22 provided in Section 5-8A-7 of this Code.

23 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
24 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
25 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

1 Section 100. The Stalking No Contact Order Act is amended
2 by changing Section 80 as follows:

3 (740 ILCS 21/80)

4 Sec. 80. Stalking no contact orders; remedies.

5 (a) If the court finds that the petitioner has been a
6 victim of stalking, a stalking no contact order shall issue;
7 provided that the petitioner must also satisfy the
8 requirements of Section 95 on emergency orders or Section 100
9 on plenary orders. The petitioner shall not be denied a
10 stalking no contact order because the petitioner or the
11 respondent is a minor. The court, when determining whether or
12 not to issue a stalking no contact order, may not require
13 physical injury on the person of the petitioner. Modification
14 and extension of prior stalking no contact orders shall be in
15 accordance with this Act.

16 (b) A stalking no contact order shall order one or more of
17 the following:

18 (1) prohibit the respondent from threatening to commit
19 or committing stalking;

20 (2) order the respondent not to have any contact with
21 the petitioner or a third person specifically named by the
22 court;

23 (3) prohibit the respondent from knowingly coming
24 within, or knowingly remaining within a specified distance
25 of the petitioner or the petitioner's residence, school,

1 daycare, or place of employment, or any specified place
2 frequented by the petitioner; however, the court may order
3 the respondent to stay away from the respondent's own
4 residence, school, or place of employment only if the
5 respondent has been provided actual notice of the
6 opportunity to appear and be heard on the petition;

7 (4) prohibit the respondent from ~~possessing a Firearm~~
8 ~~Owners Identification Card,~~ or possessing or buying
9 firearms; and

10 (5) order other injunctive relief the court determines
11 to be necessary to protect the petitioner or third party
12 specifically named by the court.

13 (b-5) When the petitioner and the respondent attend the
14 same public, private, or non-public elementary, middle, or
15 high school, the court when issuing a stalking no contact
16 order and providing relief shall consider the severity of the
17 act, any continuing physical danger or emotional distress to
18 the petitioner, the educational rights guaranteed to the
19 petitioner and respondent under federal and State law, the
20 availability of a transfer of the respondent to another
21 school, a change of placement or a change of program of the
22 respondent, the expense, difficulty, and educational
23 disruption that would be caused by a transfer of the
24 respondent to another school, and any other relevant facts of
25 the case. The court may order that the respondent not attend
26 the public, private, or non-public elementary, middle, or high

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

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

6 (b-6) The court may order the parents, guardian, or legal
7 custodian of a minor respondent to take certain actions or to
8 refrain from taking certain actions to ensure that the
9 respondent complies with the order. In the event the court
10 orders a transfer of the respondent to another school, the
11 parents, guardian, or legal custodian of the respondent are
12 responsible for transportation and other costs associated with
13 the change of school by the respondent.

14 (b-7) The court shall not hold a school district or
15 private or non-public school or any of its employees in civil
16 or criminal contempt unless the school district or private or
17 non-public school has been allowed to intervene.

18 (b-8) The court may hold the parents, guardian, or legal
19 custodian of a minor respondent in civil or criminal contempt
20 for a violation of any provision of any order entered under
21 this Act for conduct of the minor respondent in violation of
22 this Act if the parents, guardian, or legal custodian
23 directed, encouraged, or assisted the respondent minor in such
24 conduct.

25 (c) The court may award the petitioner costs and attorneys
26 fees if a stalking no contact order is granted.

1 (d) Monetary damages are not recoverable as a remedy.

2 (e) If the stalking no contact order prohibits the
3 respondent from ~~possessing a Firearm Owner's Identification~~
4 ~~Card, or~~ possessing or buying firearms; the court shall
5 confiscate the respondent's firearms ~~Firearm Owner's~~
6 ~~Identification Card and immediately return the card to the~~
7 ~~Department of State Police Firearm Owner's Identification Card~~
8 ~~Office.~~

9 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
10 97-1131, eff. 1-1-13.)

11 Section 105. The Mental Health and Developmental
12 Disabilities Confidentiality Act is amended by changing
13 Section 12 as follows:

14 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

15 Sec. 12. (a) If the United States Secret Service or the
16 Department of State Police requests information from a mental
17 health or developmental disability facility, as defined in
18 Section 1-107 and 1-114 of the Mental Health and Developmental
19 Disabilities Code, relating to a specific recipient and the
20 facility director determines that disclosure of such
21 information may be necessary to protect the life of, or to
22 prevent the infliction of great bodily harm to, a public
23 official, or a person under the protection of the United
24 States Secret Service, only the following information may be

1 disclosed: the recipient's name, address, and age and the date
2 of any admission to or discharge from a facility; and any
3 information which would indicate whether or not the recipient
4 has a history of violence or presents a danger of violence to
5 the person under protection. Any information so disclosed
6 shall be used for investigative purposes only and shall not be
7 publicly disseminated. Any person participating in good faith
8 in the disclosure of such information in accordance with this
9 provision shall have immunity from any liability, civil,
10 criminal or otherwise, if such information is disclosed
11 relying upon the representation of an officer of the United
12 States Secret Service or the Department of State Police that a
13 person is under the protection of the United States Secret
14 Service or is a public official.

15 For the purpose of this subsection (a), the term "public
16 official" means the Governor, Lieutenant Governor, Attorney
17 General, Secretary of State, State Comptroller, State
18 Treasurer, member of the General Assembly, member of the
19 United States Congress, Judge of the United States as defined
20 in 28 U.S.C. 451, Justice of the United States as defined in 28
21 U.S.C. 451, United States Magistrate Judge as defined in 28
22 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
23 Supreme, Appellate, Circuit, or Associate Judge of the State
24 of Illinois. The term shall also include the spouse, child or
25 children of a public official.

26 (b) The Department of Human Services (acting as successor

1 to the Department of Mental Health and Developmental
2 Disabilities) and all public or private hospitals and mental
3 health facilities are required, as hereafter described in this
4 subsection, to furnish the Department of State Police only
5 such information as may be required for the sole purpose of
6 determining whether an individual who may be or may have been a
7 patient is disqualified because of that status from receiving
8 or retaining a firearm under paragraph (4) of subsection (a)
9 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
10 ~~Identification Card or falls within the federal prohibitors~~
11 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~
12 ~~of the Firearm Owners Identification Card Act~~, or falls within
13 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
14 physicians, clinical psychologists, or qualified examiners at
15 public or private mental health facilities or parts thereof as
16 defined in this subsection shall, in the form and manner
17 required by the Department, provide notice directly to the
18 Department of Human Services, or to his or her employer who
19 shall then report to the Department, within 24 hours after
20 determining that a person poses a clear and present danger to
21 himself, herself, or others, or within 7 days after a person 14
22 years or older is determined to be a person with a
23 developmental disability by a physician, clinical
24 psychologist, or qualified examiner as described in this
25 subsection (b) Section 1.1 of the Firearm Owners
26 ~~Identification Card Act~~. If a person is a patient as described

1 in clause (2)(A) ~~(1)~~ of the definition of "patient" in (2)(A)
2 ~~Section 1.1 of the Firearm Owners Identification Card Act,~~
3 this information shall be furnished within 7 days after
4 admission to a public or private hospital or mental health
5 facility or the provision of services. Any such information
6 disclosed under this subsection shall remain privileged and
7 confidential, and shall not be redisclosed, except as required
8 by clause (e)(2) of Section 24-4.5 of the Criminal Code of 2012
9 ~~subsection (e) of Section 3.1 of the Firearm Owners~~
10 ~~Identification Card Act,~~ nor utilized for any other purpose.
11 The method of requiring the providing of such information
12 shall guarantee that no information is released beyond what is
13 necessary for this purpose. In addition, the information
14 disclosed shall be provided by the Department within the time
15 period established by Section 24-3 of the Criminal Code of
16 2012 regarding the delivery of firearms. The method used shall
17 be sufficient to provide the necessary information within the
18 prescribed time period, which may include periodically
19 providing lists to the Department of Human Services or any
20 public or private hospital or mental health facility of
21 ~~Firearm Owner's Identification Card~~ applicants for firearm
22 purchases on which the Department or hospital shall indicate
23 the identities of those individuals who are to its knowledge
24 disqualified from having a firearm ~~Firearm Owner's~~
25 ~~Identification Card~~ for reasons described herein. The
26 Department may provide for a centralized source of information

1 for the State on this subject under its jurisdiction. The
2 identity of the person reporting under this subsection shall
3 not be disclosed to the subject of the report. For the purposes
4 of this subsection, the physician, clinical psychologist, or
5 qualified examiner making the determination and his or her
6 employer shall not be held criminally, civilly, or
7 professionally liable for making or not making the
8 notification required under this subsection, except for
9 willful or wanton misconduct.

10 Any person, institution, or agency, under this Act,
11 participating in good faith in the reporting or disclosure of
12 records and communications otherwise in accordance with this
13 provision or with rules, regulations or guidelines issued by
14 the Department shall have immunity from any liability, civil,
15 criminal or otherwise, that might result by reason of the
16 action. For the purpose of any proceeding, civil or criminal,
17 arising out of a report or disclosure in accordance with this
18 provision, the good faith of any person, institution, or
19 agency so reporting or disclosing shall be presumed. The full
20 extent of the immunity provided in this subsection (b) shall
21 apply to any person, institution or agency that fails to make a
22 report or disclosure in the good faith belief that the report
23 or disclosure would violate federal regulations governing the
24 confidentiality of alcohol and drug abuse patient records
25 implementing 42 U.S.C. 290dd-3 and 290ee-3.

26 For purposes of this subsection (b) only, the following

1 terms shall have the meaning prescribed:

2 (1) (Blank).

3 (1.3) "Clear and present danger" has the meaning as
4 defined in Section 6-103.3 of the Mental Health and
5 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
6 ~~Identification Card Act.~~

7 (1.5) "Person with a developmental disability" has the
8 meaning as defined in Section 6-103.3 of the Mental Health
9 and Developmental Disabilities Code ~~1.1 of the Firearm~~
10 ~~Owners Identification Card Act.~~

11 (2) "Patient" means (A) a person who voluntarily
12 receives mental health treatment as an in-patient or
13 resident of any public or private mental health facility,
14 unless the treatment was solely for an alcohol abuse
15 disorder and no other secondary substance abuse disorder
16 or mental illness; or (B) a person who voluntarily
17 receives mental health treatment as an out-patient or is
18 provided services by a public or private mental health
19 facility, and who poses a clear and present danger to
20 himself, herself, or to others ~~has the meaning as defined~~
21 ~~in Section 1.1 of the Firearm Owners Identification Card~~
22 ~~Act.~~

23 (3) "Mental health facility" means any licensed
24 private hospital or hospital affiliate, institution, or
25 facility, or part thereof, and any facility, or part
26 thereof, operated by the State or a political subdivision

1 thereof which provide treatment of persons with mental
2 illness and includes all hospitals, institutions, clinics,
3 evaluation facilities, mental health centers, colleges,
4 universities, long-term care facilities, and nursing
5 homes, or parts thereof, which provide treatment of
6 persons with mental illness whether or not the primary
7 purpose is to provide treatment of persons with mental
8 illness ~~has the meaning as defined in Section 1.1 of the~~
9 ~~Firearm Owners Identification Card Act.~~

10 (c) Upon the request of a peace officer who takes a person
11 into custody and transports such person to a mental health or
12 developmental disability facility pursuant to Section 3-606 or
13 4-404 of the Mental Health and Developmental Disabilities Code
14 or who transports a person from such facility, a facility
15 director shall furnish said peace officer the name, address,
16 age and name of the nearest relative of the person transported
17 to or from the mental health or developmental disability
18 facility. In no case shall the facility director disclose to
19 the peace officer any information relating to the diagnosis,
20 treatment or evaluation of the person's mental or physical
21 health.

22 For the purposes of this subsection (c), the terms "mental
23 health or developmental disability facility", "peace officer"
24 and "facility director" shall have the meanings ascribed to
25 them in the Mental Health and Developmental Disabilities Code.

26 (d) Upon the request of a peace officer or prosecuting

1 authority who is conducting a bona fide investigation of a
2 criminal offense, or attempting to apprehend a fugitive from
3 justice, a facility director may disclose whether a person is
4 present at the facility. Upon request of a peace officer or
5 prosecuting authority who has a valid forcible felony warrant
6 issued, a facility director shall disclose: (1) whether the
7 person who is the subject of the warrant is present at the
8 facility and (2) the date of that person's discharge or future
9 discharge from the facility. The requesting peace officer or
10 prosecuting authority must furnish a case number and the
11 purpose of the investigation or an outstanding arrest warrant
12 at the time of the request. Any person, institution, or agency
13 participating in good faith in disclosing such information in
14 accordance with this subsection (d) is immune from any
15 liability, civil, criminal or otherwise, that might result by
16 reason of the action.

17 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
18 eff. 7-27-15; 99-642, eff. 7-28-16.)

19 Section 110. The Illinois Domestic Violence Act of 1986 is
20 amended by changing Sections 210 and 214 as follows:

21 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

22 Sec. 210. Process.

23 (a) Summons. Any action for an order of protection,
24 whether commenced alone or in conjunction with another

1 proceeding, is a distinct cause of action and requires that a
2 separate summons be issued and served, except that in pending
3 cases the following methods may be used:

4 (1) By delivery of the summons to respondent
5 personally in open court in pending civil or criminal
6 cases.

7 (2) By notice in accordance with Section 210.1 in
8 civil cases in which the defendant has filed a general
9 appearance.

10 The summons shall be in the form prescribed by Supreme
11 Court Rule 101(d), except that it shall require respondent to
12 answer or appear within 7 days. Attachments to the summons or
13 notice shall include the petition for order of protection and
14 supporting affidavits, if any, and any emergency order of
15 protection that has been issued. The enforcement of an order
16 of protection under Section 223 shall not be affected by the
17 lack of service, delivery, or notice, provided the
18 requirements of subsection (d) of that Section are otherwise
19 met.

20 (b) Blank.

21 (c) Expedited service. The summons shall be served by the
22 sheriff or other law enforcement officer at the earliest time
23 and shall take precedence over other summonses except those of
24 a similar emergency nature. Special process servers may be
25 appointed at any time, and their designation shall not affect
26 the responsibilities and authority of the sheriff or other

1 official process servers. In counties with a population over
2 3,000,000, a special process server may not be appointed if
3 the order of protection grants the surrender of a child, the
4 surrender of a firearm ~~or firearm owners identification card,~~
5 or the exclusive possession of a shared residence.

6 (d) Remedies requiring actual notice. The counseling,
7 payment of support, payment of shelter services, and payment
8 of losses remedies provided by paragraphs 4, 12, 13, and 16 of
9 subsection (b) of Section 214 may be granted only if
10 respondent has been personally served with process, has
11 answered or has made a general appearance.

12 (e) Remedies upon constructive notice. Service of process
13 on a member of respondent's household or by publication shall
14 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
15 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
16 214, but only if: (i) petitioner has made all reasonable
17 efforts to accomplish actual service of process personally
18 upon respondent, but respondent cannot be found to effect such
19 service and (ii) petitioner files an affidavit or presents
20 sworn testimony as to those efforts.

21 (f) Default. A plenary order of protection may be entered
22 by default as follows:

23 (1) For any of the remedies sought in the petition, if
24 respondent has been served or given notice in accordance
25 with subsection (a) and if respondent then fails to appear
26 as directed or fails to appear on any subsequent

1 appearance or hearing date agreed to by the parties or set
2 by the court; or

3 (2) For any of the remedies provided in accordance
4 with subsection (e), if respondent fails to answer or
5 appear in accordance with the date set in the publication
6 notice or the return date indicated on the service of a
7 household member.

8 (g) Emergency orders. If an order is granted under
9 subsection (c) of Section 217, the court shall immediately
10 file a certified copy of the order with the sheriff or other
11 law enforcement official charged with maintaining Department
12 of State Police records.

13 (Source: P.A. 101-508, eff. 1-1-20.)

14 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

15 Sec. 214. Order of protection; remedies.

16 (a) Issuance of order. If the court finds that petitioner
17 has been abused by a family or household member or that
18 petitioner is a high-risk adult who has been abused,
19 neglected, or exploited, as defined in this Act, an order of
20 protection prohibiting the abuse, neglect, or exploitation
21 shall issue; provided that petitioner must also satisfy the
22 requirements of one of the following Sections, as appropriate:
23 Section 217 on emergency orders, Section 218 on interim
24 orders, or Section 219 on plenary orders. Petitioner shall not
25 be denied an order of protection because petitioner or

1 respondent is a minor. The court, when determining whether or
2 not to issue an order of protection, shall not require
3 physical manifestations of abuse on the person of the victim.
4 Modification and extension of prior orders of protection shall
5 be in accordance with this Act.

6 (b) Remedies and standards. The remedies to be included in
7 an order of protection shall be determined in accordance with
8 this Section and one of the following Sections, as
9 appropriate: Section 217 on emergency orders, Section 218 on
10 interim orders, and Section 219 on plenary orders. The
11 remedies listed in this subsection shall be in addition to
12 other civil or criminal remedies available to petitioner.

13 (1) Prohibition of abuse, neglect, or exploitation.
14 Prohibit respondent's harassment, interference with
15 personal liberty, intimidation of a dependent, physical
16 abuse, or willful deprivation, neglect or exploitation, as
17 defined in this Act, or stalking of the petitioner, as
18 defined in Section 12-7.3 of the Criminal Code of 2012, if
19 such abuse, neglect, exploitation, or stalking has
20 occurred or otherwise appears likely to occur if not
21 prohibited.

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

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

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

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

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

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

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

26 (A) If an order of protection grants petitioner

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

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

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

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

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

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

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

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

17 If a court finds, after a hearing, that respondent has
18 committed abuse (as defined in Section 103) of a minor
19 child, there shall be a rebuttable presumption that
20 awarding physical care to respondent would not be in the
21 minor child's best interest.

22 (6) Temporary allocation of parental responsibilities:
23 significant decision-making. Award temporary
24 decision-making responsibility to petitioner in accordance
25 with this Section, the Illinois Marriage and Dissolution
26 of Marriage Act, the Illinois Parentage Act of 2015, and

1 this State's Uniform Child-Custody Jurisdiction and
2 Enforcement Act.

3 If a court finds, after a hearing, that respondent has
4 committed abuse (as defined in Section 103) of a minor
5 child, there shall be a rebuttable presumption that
6 awarding temporary significant decision-making
7 responsibility to respondent would not be in the child's
8 best interest.

9 (7) Parenting time. Determine the parenting time, if
10 any, of respondent in any case in which the court awards
11 physical care or allocates temporary significant
12 decision-making responsibility of a minor child to
13 petitioner. The court shall restrict or deny respondent's
14 parenting time with a minor child if the court finds that
15 respondent has done or is likely to do any of the
16 following: (i) abuse or endanger the minor child during
17 parenting time; (ii) use the parenting time as an
18 opportunity to abuse or harass petitioner or petitioner's
19 family or household members; (iii) improperly conceal or
20 detain the minor child; or (iv) otherwise act in a manner
21 that is not in the best interests of the minor child. The
22 court shall not be limited by the standards set forth in
23 Section 603.10 of the Illinois Marriage and Dissolution of
24 Marriage Act. If the court grants parenting time, the
25 order shall specify dates and times for the parenting time
26 to take place or other specific parameters or conditions

1 that are appropriate. No order for parenting time shall
2 refer merely to the term "reasonable parenting time".

3 Petitioner may deny respondent access to the minor
4 child if, when respondent arrives for parenting time,
5 respondent is under the influence of drugs or alcohol and
6 constitutes a threat to the safety and well-being of
7 petitioner or petitioner's minor children or is behaving
8 in a violent or abusive manner.

9 If necessary to protect any member of petitioner's
10 family or household from future abuse, respondent shall be
11 prohibited from coming to petitioner's residence to meet
12 the minor child for parenting time, and the parties shall
13 submit to the court their recommendations for reasonable
14 alternative arrangements for parenting time. A person may
15 be approved to supervise parenting time only after filing
16 an affidavit accepting that responsibility and
17 acknowledging accountability to the court.

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

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

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

5 (i) petitioner, but not respondent, owns the
6 property; or

7 (ii) the parties own the property jointly; sharing
8 it would risk abuse of petitioner by respondent or is
9 impracticable; and the balance of hardships favors
10 temporary possession by 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 parties own the property jointly, and the
2 balance of hardships favors granting this remedy.

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

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

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

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

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

13 (13) Order for payment of losses. Order respondent to
14 pay petitioner for losses suffered as a direct result of
15 the abuse, neglect, or exploitation. Such losses shall
16 include, but not be limited to, medical expenses, lost
17 earnings or other support, repair or replacement of
18 property damaged or taken, reasonable attorney's fees,
19 court costs and moving or other travel expenses, including
20 additional reasonable expenses for temporary shelter and
21 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) Prohibit a respondent against whom an order of
19 protection was issued from possessing any firearms
20 during the duration of the order if the order:

21 (1) was issued after a hearing of which such
22 person received actual notice, and at which such
23 person had an opportunity to participate;

24 (2) restrains such person from harassing,
25 stalking, or threatening an intimate partner of
26 such person or child of such intimate partner or

1 person, or engaging in other conduct that would
2 place an intimate partner in reasonable fear of
3 bodily injury to the partner or child; and

4 (3)(i) includes a finding that such person
5 represents a credible threat to the physical
6 safety of such intimate partner or child; or (ii)
7 by its terms explicitly prohibits the use,
8 attempted use, or threatened use of physical force
9 against such intimate partner or child that would
10 reasonably be expected to cause bodily injury.

11 ~~Any Firearm Owner's Identification Card in the~~
12 ~~possession of the respondent, except as provided in~~
13 ~~subsection (b), shall be ordered by the court to be~~
14 ~~turned over to the local law enforcement agency. The~~
15 ~~local law enforcement agency shall immediately mail~~
16 ~~the card to the Department of State Police Firearm~~
17 ~~Owner's Identification Card Office for safekeeping.~~

18 The court shall issue a warrant for seizure of any
19 firearm in the possession of the respondent, to be
20 kept by the local law enforcement agency for
21 safekeeping, except as provided in subsection (b). The
22 period of safekeeping shall be for the duration of the
23 order of protection. The firearm or firearms ~~and~~
24 ~~Firearm Owner's Identification Card, if unexpired,~~
25 shall at the respondent's request, be returned to the
26 respondent at the end of the order of protection. It is

1 the respondent's responsibility to notify the
2 Department of State Police ~~Firearm Owner's~~
3 ~~Identification Card Office.~~

4 (b) If the respondent is a peace officer as
5 defined in Section 2-13 of the Criminal Code of 2012,
6 the court shall order that any firearms used by the
7 respondent in the performance of his or her duties as a
8 peace officer be surrendered to the chief law
9 enforcement executive of the agency in which the
10 respondent is employed, who shall retain the firearms
11 for safekeeping for the duration of the order of
12 protection.

13 (c) Upon expiration of the period of safekeeping,
14 if the firearms ~~or Firearm Owner's Identification Card~~
15 cannot be returned to respondent because respondent
16 cannot be located, fails to respond to requests to
17 retrieve the firearms, or is not lawfully eligible to
18 possess a firearm, upon petition from the local law
19 enforcement agency, the court may order the local law
20 enforcement agency to destroy the firearms, use the
21 firearms for training purposes, or for any other
22 application as deemed appropriate by the local law
23 enforcement agency; or that the firearms be turned
24 over to a third party who is lawfully eligible to
25 possess firearms, and who does not reside with
26 respondent.

1 (15) Prohibition of access to records. If an order of
2 protection prohibits respondent from having contact with
3 the minor child, or if petitioner's address is omitted
4 under subsection (b) of Section 203, or if necessary to
5 prevent abuse or wrongful removal or concealment of a
6 minor child, the order shall deny respondent access to,
7 and prohibit respondent from inspecting, obtaining, or
8 attempting to inspect or obtain, school or any other
9 records of the minor child who is in the care of
10 petitioner.

11 (16) Order for payment of shelter services. Order
12 respondent to reimburse a shelter providing temporary
13 housing and counseling services to the petitioner for the
14 cost of the services, as certified by the shelter and
15 deemed reasonable by the court.

16 (17) Order for injunctive relief. Enter injunctive
17 relief necessary or appropriate to prevent further abuse
18 of a family or household member or further abuse, neglect,
19 or exploitation of a high-risk adult with disabilities or
20 to effectuate one of the granted remedies, if supported by
21 the balance of hardships. If the harm to be prevented by
22 the injunction is abuse or any other harm that one of the
23 remedies listed in paragraphs (1) through (16) of this
24 subsection is designed to prevent, no further evidence is
25 necessary that the harm is an irreparable injury.

26 (18) Telephone services.

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

19 (i) The name and billing telephone number of
20 the account holder including the name of the
21 wireless telephone service provider that serves
22 the account.

23 (ii) Each telephone number that will be
24 transferred.

25 (iii) A statement that the provider transfers
26 to the petitioner all financial responsibility for

1 and right to the use of any telephone number
2 transferred under this paragraph.

3 (B) A wireless telephone service provider shall
4 terminate the respondent's use of, and shall transfer
5 to the petitioner use of, the telephone number or
6 numbers indicated in subparagraph (A) of this
7 paragraph unless it notifies the petitioner, within 72
8 hours after it receives the order, that one of the
9 following applies:

10 (i) The account holder named in the order has
11 terminated the account.

12 (ii) A difference in network technology would
13 prevent or impair the functionality of a device on
14 a network if the transfer occurs.

15 (iii) The transfer would cause a geographic or
16 other limitation on network or service provision
17 to the petitioner.

18 (iv) Another technological or operational
19 issue would prevent or impair the use of the
20 telephone number if the transfer occurs.

21 (C) The petitioner assumes all financial
22 responsibility for and right to the use of any
23 telephone number transferred under this paragraph. In
24 this paragraph, "financial responsibility" includes
25 monthly service costs and costs associated with any
26 mobile device associated with the number.

1 (D) A wireless telephone service provider may
2 apply to the petitioner its routine and customary
3 requirements for establishing an account or
4 transferring a number, including requiring the
5 petitioner to provide proof of identification,
6 financial information, and customer preferences.

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

11 (F) All wireless service providers that provide
12 services to residential customers shall provide to the
13 Illinois Commerce Commission the name and address of
14 an agent for service of orders entered under this
15 paragraph (18). Any change in status of the registered
16 agent must be reported to the Illinois Commerce
17 Commission within 30 days of such change.

18 (G) The Illinois Commerce Commission shall
19 maintain the list of registered agents for service for
20 each wireless telephone service provider on the
21 Commission's website. The Commission may consult with
22 wireless telephone service providers and the Circuit
23 Court Clerks on the manner in which this information
24 is provided and displayed.

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider
2 relevant factors, including but not limited to the
3 following:

4 (i) the nature, frequency, severity, pattern and
5 consequences of the respondent's past abuse, neglect
6 or exploitation of the petitioner or any family or
7 household member, including the concealment of his or
8 her location in order to evade service of process or
9 notice, and the likelihood of danger of future abuse,
10 neglect, or exploitation to petitioner or any member
11 of petitioner's or respondent's family or household;
12 and

13 (ii) the danger that any minor child will be
14 abused or neglected or improperly relocated from the
15 jurisdiction, improperly concealed within the State or
16 improperly separated from the child's primary
17 caretaker.

18 (2) In comparing relative hardships resulting to the
19 parties from loss of possession of the family home, the
20 court shall consider relevant factors, including but not
21 limited to the following:

22 (i) availability, accessibility, cost, safety,
23 adequacy, location and other characteristics of
24 alternate housing for each party and any minor child
25 or dependent adult in the party's care;

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

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

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

8 (i) That the court has considered the applicable
9 relevant factors described in paragraphs (1) and (2)
10 of this subsection.

11 (ii) Whether the conduct or actions of respondent,
12 unless prohibited, will likely cause irreparable harm
13 or continued abuse.

14 (iii) Whether it is necessary to grant the
15 requested relief in order to protect petitioner or
16 other alleged abused persons.

17 (4) For purposes of issuing an ex parte emergency
18 order of protection, the court, as an alternative to or as
19 a supplement to making the findings described in
20 paragraphs (c)(3)(i) through (c)(3)(iii) of this
21 subsection, may use the following procedure:

22 When a verified petition for an emergency order of
23 protection in accordance with the requirements of Sections
24 203 and 217 is presented to the court, the court shall
25 examine petitioner on oath or affirmation. An emergency
26 order of protection shall be issued by the court if it

1 appears from the contents of the petition and the
2 examination of petitioner that the averments are
3 sufficient to indicate abuse by respondent and to support
4 the granting of relief under the issuance of the emergency
5 order of protection.

6 (5) Never married parties. No rights or
7 responsibilities for a minor child born outside of
8 marriage attach to a putative father until a father and
9 child relationship has been established under the Illinois
10 Parentage Act of 1984, the Illinois Parentage Act of 2015,
11 the Illinois Public Aid Code, Section 12 of the Vital
12 Records Act, the Juvenile Court Act of 1987, the Probate
13 Act of 1975, the Revised Uniform Reciprocal Enforcement of
14 Support Act, the Uniform Interstate Family Support Act,
15 the Expedited Child Support Act of 1990, any judicial,
16 administrative, or other act of another state or
17 territory, any other Illinois statute, or by any foreign
18 nation establishing the father and child relationship, any
19 other proceeding substantially in conformity with the
20 Personal Responsibility and Work Opportunity
21 Reconciliation Act of 1996 (Pub. L. 104-193), or where
22 both parties appeared in open court or at an
23 administrative hearing acknowledging under oath or
24 admitting by affirmation the existence of a father and
25 child relationship. Absent such an adjudication, finding,
26 or acknowledgment, no putative father shall be granted

1 temporary allocation of parental responsibilities,
2 including parenting time with the minor child, or physical
3 care and possession of the minor child, nor shall an order
4 of payment for support of the minor child be entered.

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

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

16 (1) Respondent has cause for any use of force, unless
17 that cause satisfies the standards for justifiable use of
18 force provided by Article 7 of the Criminal Code of 2012;

19 (2) Respondent was voluntarily intoxicated;

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

24 (4) Petitioner did not act in self-defense or defense
25 of another;

26 (5) Petitioner left the residence or household to

1 avoid further abuse, neglect, or exploitation by
2 respondent;

3 (6) Petitioner did not leave the residence or
4 household to avoid further abuse, neglect, or exploitation
5 by respondent;

6 (7) Conduct by any family or household member excused
7 the abuse, neglect, or exploitation by respondent, unless
8 that same conduct would have excused such abuse, neglect,
9 or exploitation if the parties had not been family or
10 household members.

11 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
12 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;
13 100-923, eff. 1-1-19.)

14 Section 115. The Uniform Disposition of Unclaimed Property
15 Act is amended by changing Section 1 as follows:

16 (765 ILCS 1025/1) (from Ch. 141, par. 101)

17 Sec. 1. As used in this Act, unless the context otherwise
18 requires:

19 (a) "Banking organization" means any bank, trust company,
20 savings bank, industrial bank, land bank, safe deposit
21 company, or a private banker.

22 (b) "Business association" means any corporation, joint
23 stock company, business trust, partnership, or any
24 association, limited liability company, or other business

1 entity consisting of one or more persons, whether or not for
2 profit.

3 (c) "Financial organization" means any savings and loan
4 association, building and loan association, credit union,
5 currency exchange, co-operative bank, mutual funds, or
6 investment company.

7 (d) "Holder" means any person in possession of property
8 subject to this Act belonging to another, or who is trustee in
9 case of a trust, or is indebted to another on an obligation
10 subject to this Act.

11 (e) "Life insurance corporation" means any association or
12 corporation transacting the business of insurance on the lives
13 of persons or insurance appertaining thereto, including, but
14 not by way of limitation, endowments and annuities.

15 (f) "Owner" means a depositor in case of a deposit, a
16 beneficiary in case of a trust, a creditor, claimant, or payee
17 in case of other property, or any person having a legal or
18 equitable interest in property subject to this Act, or his
19 legal representative.

20 (g) "Person" means any individual, business association,
21 financial organization, government or political subdivision or
22 agency, public authority, estate, trust, or any other legal or
23 commercial entity.

24 (h) "Utility" means any person who owns or operates, for
25 public use, any plant, equipment, property, franchise, or
26 license for the transmission of communications or the

1 production, storage, transmission, sale, delivery, or
2 furnishing of electricity, water, steam, oil or gas.

3 (i) (Blank).

4 (j) "Insurance company" means any person transacting the
5 kinds of business enumerated in Section 4 of the Illinois
6 Insurance Code other than life insurance.

7 (k) "Economic loss", as used in Sections 2a and 9 of this
8 Act includes, but is not limited to, delivery charges,
9 mark-downs and write-offs, carrying costs, restocking charges,
10 lay-aways, special orders, issuance of credit memos, and the
11 costs of special services or goods provided that reduce the
12 property value or that result in lost sales opportunity.

13 (l) "Reportable property" means property, tangible or
14 intangible, presumed abandoned under this Act that must be
15 appropriately and timely reported and remitted to the Office
16 of the State Treasurer under this Act. Interest, dividends,
17 stock splits, warrants, or other rights that become reportable
18 property under this Act include the underlying security or
19 commodity giving rise to the interest, dividend, split,
20 warrant, or other right to which the owner would be entitled.

21 (m) "Firearm" has the meaning ascribed to that term in
22 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~
23 ~~Identification Card Act.~~

24 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99;
25 91-748, eff. 6-2-00.)

1 Section 120. The Revised Uniform Unclaimed Property Act is
2 amended by changing Section 15-705 as follows:

3 (765 ILCS 1026/15-705)

4 Sec. 15-705. Exceptions to the sale of tangible property.
5 The administrator shall dispose of tangible property
6 identified by this Section in accordance with this Section.

7 (a) Military medals or decorations. The administrator may
8 not sell a medal or decoration awarded for military service in
9 the armed forces of the United States. Instead, the
10 administrator, with the consent of the respective organization
11 under paragraph (1), agency under paragraph (2), or entity
12 under paragraph (3), may deliver a medal or decoration to be
13 held in custody for the owner, to:

14 (1) a military veterans organization qualified under
15 Section 501(c)(19) of the Internal Revenue Code;

16 (2) the agency that awarded the medal or decoration;
17 or

18 (3) a governmental entity.

19 After delivery, the administrator is not responsible for
20 the safekeeping of the medal or decoration.

21 (b) Property with historical value. Property that the
22 administrator reasonably believes may have historical value
23 may be, at his or her discretion, loaned to an accredited
24 museum in the United States where it will be kept until such
25 time as the administrator orders it to be returned to his or

1 her custody.

2 (c) Human remains. If human remains are delivered to the
3 administrator under this Act, the administrator shall deliver
4 those human remains to the coroner of the county in which the
5 human remains were abandoned for disposition under Section
6 3-3034 of the Counties Code. The only human remains that may be
7 delivered to the administrator under this Act and that the
8 administrator may receive are those that are reported and
9 delivered as contents of a safe deposit box.

10 (d) Evidence in a criminal investigation. Property that
11 may have been used in the commission of a crime or that may
12 assist in the investigation of a crime, as determined after
13 consulting with the Department of State Police, shall be
14 delivered to the Department of State Police or other
15 appropriate law enforcement authority to allow law enforcement
16 to determine whether a criminal investigation should take
17 place. Any such property delivered to a law enforcement
18 authority shall be held in accordance with existing statutes
19 and rules related to the gathering, retention, and release of
20 evidence.

21 (e) Firearms.

22 (1) The administrator, in cooperation with the
23 Department of State Police, shall develop a procedure to
24 determine whether a firearm delivered to the administrator
25 under this Act has been stolen or used in the commission of
26 a crime. The Department of State Police shall determine

1 the appropriate disposition of a firearm that has been
2 stolen or used in the commission of a crime. The
3 administrator shall attempt to return a firearm that has
4 not been stolen or used in the commission of a crime to the
5 rightful owner if the Department of State Police
6 determines that the owner may lawfully possess the
7 firearm.

8 (2) If the administrator is unable to return a firearm
9 to its owner, the administrator shall transfer custody of
10 the firearm to the Department of State Police. Legal title
11 to a firearm transferred to the Department of State Police
12 under this subsection (e) is vested in the Department of
13 State Police by operation of law if:

14 (i) the administrator cannot locate the owner of
15 the firearm;

16 (ii) the owner of the firearm may not lawfully
17 possess the firearm;

18 (iii) the apparent owner does not respond to
19 notice published under Section 15-503 of this Act; or

20 (iv) the apparent owner responds to notice
21 published under Section 15-502 and states that he or
22 she no longer claims an interest in the firearm.

23 (3) With respect to a firearm whose title is
24 transferred to the Department of State Police under this
25 subsection (e), the Department of State Police may:

26 (i) retain the firearm for use by the crime

1 laboratory system, for training purposes, or for any
2 other application as deemed appropriate by the
3 Department;

4 (ii) transfer the firearm to the Illinois State
5 Museum if the firearm has historical value; or

6 (iii) destroy the firearm if it is not retained
7 pursuant to subparagraph (i) or transferred pursuant
8 to subparagraph (ii).

9 As used in this subsection, "firearm" has the meaning
10 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
11 ~~Firearm Owners Identification Card Act.~~

12 (Source: P.A. 100-22, eff. 1-1-18.)

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