



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2882

Introduced 2/19/2021, by Rep. Adam Niemerg

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2	from Ch. 102, par. 42
5 ILCS 140/7.5	
15 ILCS 305/13.5 rep.	
20 ILCS 2605/2605-300	was 20 ILCS 2605/55a in part
20 ILCS 2605/2605-595	
30 ILCS 105/6z-99	
235 ILCS 5/10-1	from Ch. 43, par. 183
430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/13.1	from Ch. 38, par. 83-13.1
430 ILCS 66/Act rep.	
720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.6	
720 ILCS 5/24-2	
720 ILCS 5/24-3	from Ch. 38, par. 24-3
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1

Repeals the Firearm Concealed Carry Act. Amends the Criminal Code of 2012. Provides that the unlawful use of weapons and aggravated unlawful use of a weapon statutes do not apply to or affect any person carrying a concealed pistol, revolver, or handgun and the person has been issued a currently valid Firearm Owner's Identification Card under the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes.

LRB102 12391 RLC 17728 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

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

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

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

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees, specific individuals who serve as independent
23 contractors in a park, recreational, or educational

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

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

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

24 (4) Evidence or testimony presented in open hearing,
25 or in closed hearing where specifically authorized by law,
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for
2 public inspection a written decision setting forth its
3 determinative reasoning.

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

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

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

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

19 (9) Student disciplinary cases.

20 (10) The placement of individual students in special
21 education programs and other matters relating to
22 individual students.

23 (11) Litigation, when an action against, affecting or
24 on behalf of the particular public body has been filed and
25 is pending before a court or administrative tribunal, or
26 when the public body finds that an action is probable or

1 imminent, in which case the basis for the finding shall be
2 recorded and entered into the minutes of the closed
3 meeting.

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

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

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

23 (15) Professional ethics or performance when
24 considered by an advisory body appointed to advise a
25 licensing or regulatory agency on matters germane to the
26 advisory body's field of competence.

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

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

16 (18) Deliberations for decisions of the Prisoner
17 Review Board.

18 (19) Review or discussion of applications received
19 under the Experimental Organ Transplantation Procedures
20 Act.

21 (20) The classification and discussion of matters
22 classified as confidential or continued confidential by
23 the State Government Suggestion Award Board.

24 (21) Discussion of minutes of meetings lawfully closed
25 under this Act, whether for purposes of approval by the
26 body of the minutes or semi-annual review of the minutes

1 as mandated by Section 2.06.

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

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

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

14 (25) Meetings of an independent team of experts under
15 Brian's Law.

16 (26) Meetings of a mortality review team appointed
17 under the Department of Juvenile Justice Mortality Review
18 Team Act.

19 (27) (Blank).

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

24 (29) Meetings between internal or external auditors
25 and governmental audit committees, finance committees, and
26 their equivalents, when the discussion involves internal

1 control weaknesses, identification of potential fraud risk
2 areas, known or suspected frauds, and fraud interviews
3 conducted in accordance with generally accepted auditing
4 standards of the United States of America.

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

11 (31) (Blank). ~~Meetings and deliberations for decisions~~
12 ~~of the Concealed Carry Licensing Review Board under the~~
13 ~~Firearm Concealed Carry Act.~~

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

20 (33) Those meetings or portions of meetings of the
21 advisory committee and peer review subcommittee created
22 under Section 320 of the Illinois Controlled Substances
23 Act during which specific controlled substance prescriber,
24 dispenser, or patient information is discussed.

25 (34) Meetings of the Tax Increment Financing Reform
26 Task Force under Section 2505-800 of the Department of

1 Revenue Law of the Civil Administrative Code of Illinois.

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

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

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

13 "Employee" means a person employed by a public body whose
14 relationship with the public body constitutes an
15 employer-employee relationship under the usual common law
16 rules, and who is not an independent contractor.

17 "Public office" means a position created by or under the
18 Constitution or laws of this State, the occupant of which is
19 charged with the exercise of some portion of the sovereign
20 power of this State. The term "public office" shall include
21 members of the public body, but it shall not include
22 organizational positions filled by members thereof, whether
23 established by law or by a public body itself, that exist to
24 assist the body in the conduct of its business.

25 "Quasi-adjudicative body" means an administrative body
26 charged by law or ordinance with the responsibility to conduct

1 hearings, receive evidence or testimony and make
2 determinations based thereon, but does not include local
3 electoral boards when such bodies are considering petition
4 challenges.

5 (e) Final action. No final action may be taken at a closed
6 meeting. Final action shall be preceded by a public recital of
7 the nature of the matter being considered and other
8 information that will inform the public of the business being
9 conducted.

10 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
11 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
12 8-23-19; revised 9-27-19.)

13 Section 10. The Freedom of Information Act is amended by
14 changing Section 7.5 as follows:

15 (5 ILCS 140/7.5)

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

19 (a) All information determined to be confidential
20 under Section 4002 of the Technology Advancement and
21 Development Act.

22 (b) Library circulation and order records identifying
23 library users with specific materials under the Library
24 Records Confidentiality Act.

1 (c) Applications, related documents, and medical
2 records received by the Experimental Organ Transplantation
3 Procedures Board and any and all documents or other
4 records prepared by the Experimental Organ Transplantation
5 Procedures Board or its staff relating to applications it
6 has received.

7 (d) Information and records held by the Department of
8 Public Health and its authorized representatives relating
9 to known or suspected cases of sexually transmissible
10 disease or any information the disclosure of which is
11 restricted under the Illinois Sexually Transmissible
12 Disease Control Act.

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

15 (f) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
20 Tuition Act.

21 (h) Information the disclosure of which is exempted
22 under the State Officials and Employees Ethics Act, and
23 records of any lawfully created State or local inspector
24 general's office that would be exempt if created or
25 obtained by an Executive Inspector General's office under
26 that Act.

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

5 (j) Information and data concerning the distribution
6 of surcharge moneys collected and remitted by carriers
7 under the Emergency Telephone System Act.

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

12 (l) Records and information provided to a residential
13 health care facility resident sexual assault and death
14 review team or the Executive Council under the Abuse
15 Prevention Review Team Act.

16 (m) Information provided to the predatory lending
17 database created pursuant to Article 3 of the Residential
18 Real Property Disclosure Act, except to the extent
19 authorized under that Article.

20 (n) Defense budgets and petitions for certification of
21 compensation and expenses for court appointed trial
22 counsel as provided under Sections 10 and 15 of the
23 Capital Crimes Litigation Act. This subsection (n) shall
24 apply until the conclusion of the trial of the case, even
25 if the prosecution chooses not to pursue the death penalty
26 prior to trial or sentencing.

1 (o) Information that is prohibited from being
2 disclosed under Section 4 of the Illinois Health and
3 Hazardous Substances Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Regional Transportation Authority under Section 2.11 of
8 the Regional Transportation Authority Act or the St. Clair
9 County Transit District under the Bi-State Transit Safety
10 Act.

11 (q) Information prohibited from being disclosed by the
12 Personnel Record Review Act.

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

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

17 (t) All identified or deidentified health information
18 in the form of health data or medical records contained
19 in, stored in, submitted to, transferred by, or released
20 from the Illinois Health Information Exchange, and
21 identified or deidentified health information in the form
22 of health data and medical records of the Illinois Health
23 Information Exchange in the possession of the Illinois
24 Health Information Exchange Authority due to its
25 administration of the Illinois Health Information
26 Exchange. The terms "identified" and "deidentified" shall

1 be given the same meaning as in the Health Insurance
2 Portability and Accountability Act of 1996, Public Law
3 104-191, or any subsequent amendments thereto, and any
4 regulations promulgated thereunder.

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

8 (v) Names and information of people who have applied
9 for or received Firearm Owner's Identification Cards under
10 the Firearm Owners Identification Card Act ~~or applied for~~
11 ~~or received a concealed carry license under the Firearm~~
12 ~~Concealed Carry Act, unless otherwise authorized by the~~
13 ~~Firearm Concealed Carry Act; and databases under the~~
14 ~~Firearm Concealed Carry Act, records of the Concealed~~
15 ~~Carry Licensing Review Board under the Firearm Concealed~~
16 ~~Carry Act, and law enforcement agency objections under the~~
17 ~~Firearm Concealed Carry Act.~~

18 (w) Personally identifiable information which is
19 exempted from disclosure under subsection (g) of Section
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure
22 under Section 5-1014.3 of the Counties Code or Section
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult
25 Protective Services Act and its predecessor enabling
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding
2 against any caregiver of a verified and substantiated
3 decision of abuse, neglect, or financial exploitation of
4 an eligible adult maintained in the Registry established
5 under Section 7.5 of the Adult Protective Services Act.

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

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

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

14 (cc) Recordings made under the Law Enforcement
15 Officer-Worn Body Camera Act, except to the extent
16 authorized under that Act.

17 (dd) Information that is prohibited from being
18 disclosed under Section 45 of the Condominium and Common
19 Interest Community Ombudsperson Act.

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

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

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

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

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

6 (jj) Information and reports that are required to be
7 submitted to the Department of Labor by registering day
8 and temporary labor service agencies but are exempt from
9 disclosure under subsection (a-1) of Section 45 of the Day
10 and Temporary Labor Services Act.

11 (kk) Information prohibited from disclosure under the
12 Seizure and Forfeiture Reporting Act.

13 (ll) Information the disclosure of which is restricted
14 and exempted under Section 5-30.8 of the Illinois Public
15 Aid Code.

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

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

20 (oo) Communications, notes, records, and reports
21 arising out of a peer support counseling session
22 prohibited from disclosure under the First Responders
23 Suicide Prevention Act.

24 (pp) Names and all identifying information relating to
25 an employee of an emergency services provider or law
26 enforcement agency under the First Responders Suicide

1 Prevention Act.

2 (qq) Information and records held by the Department of
3 Public Health and its authorized representatives collected
4 under the Reproductive Health Act.

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

7 (ss) Data reported by an employer to the Department of
8 Human Rights pursuant to Section 2-108 of the Illinois
9 Human Rights Act.

10 (tt) Recordings made under the Children's Advocacy
11 Center Act, except to the extent authorized under that
12 Act.

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

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

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

20 (xx) Information that is exempt from disclosure or
21 information that shall not be made public under the
22 Illinois Insurance Code.

23 (yy) ~~(oo)~~ Information prohibited from being disclosed
24 under the Illinois Educational Labor Relations Act.

25 (zz) ~~(pp)~~ Information prohibited from being disclosed
26 under the Illinois Public Labor Relations Act.

1 (aaa) ~~(cc)~~ Information prohibited from being disclosed
2 under Section 1-167 of the Illinois Pension Code.

3 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
4 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
5 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
6 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
7 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
8 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
9 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
10 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
11 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; revised
12 1-6-20.)

13 (15 ILCS 305/13.5 rep.)

14 Section 15. The Secretary of State Act is amended by
15 repealing Section 13.5.

16 Section 20. The Department of State Police Law of the
17 Civil Administrative Code of Illinois is amended by changing
18 Sections 2605-300 and 2605-595 as follows:

19 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

20 Sec. 2605-300. Records; crime laboratories; personnel. To
21 do the following:

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

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

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

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

8 (5) Establish general and field crime laboratories.

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

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

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

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

21 (20 ILCS 2605/2605-595)

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

23 (a) There is created in the State treasury a special fund
24 known as the State Police Firearm Services Fund. The Fund
25 shall receive revenue under ~~the Firearm Concealed Carry Act~~

1 ~~and~~ Section 5 of the Firearm Owners Identification Card Act.
2 The Fund may also receive revenue from grants, pass-through
3 grants, donations, appropriations, and any other legal source.

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

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

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

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

1 (30 ILCS 105/6z-99)

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

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

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

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

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

22 Section 30. The Liquor Control Act of 1934 is amended by
23 changing Section 10-1 as follows:

24 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

1 Sec. 10-1. Violations; penalties. Whereas a substantial
2 threat to the sound and careful control, regulation, and
3 taxation of the manufacture, sale, and distribution of
4 alcoholic liquors exists by virtue of individuals who
5 manufacture, import, distribute, or sell alcoholic liquors
6 within the State without having first obtained a valid license
7 to do so, and whereas such threat is especially serious along
8 the borders of this State, and whereas such threat requires
9 immediate correction by this Act, by active investigation and
10 prosecution by the State Commission, law enforcement
11 officials, and prosecutors, and by prompt and strict
12 enforcement through the courts of this State to punish
13 violators and to deter such conduct in the future:

14 (a) Any person who manufactures, imports for distribution
15 or use, transports from outside this State into this State, or
16 distributes or sells 108 liters (28.53 gallons) or more of
17 wine, 45 liters (11.88 gallons) or more of distilled spirits,
18 or 118 liters (31.17 gallons) or more of beer at any place
19 within the State without having first obtained a valid license
20 to do so under the provisions of this Act shall be guilty of a
21 Class 4 felony for each offense. However, any person who was
22 duly licensed under this Act and whose license expired within
23 30 days prior to a violation shall be guilty of a business
24 offense and fined not more than \$1,000 for the first such
25 offense and shall be guilty of a Class 4 felony for each
26 subsequent offense.

1 Any person who manufactures, imports for distribution,
2 transports from outside this State into this State for sale or
3 resale in this State, or distributes or sells less than 108
4 liters (28.53 gallons) of wine, less than 45 liters (11.88
5 gallons) of distilled spirits, or less than 118 liters (31.17
6 gallons) of beer at any place within the State without having
7 first obtained a valid license to do so under the provisions of
8 this Act shall be guilty of a business offense and fined not
9 more than \$1,000 for the first such offense and shall be guilty
10 of a Class 4 felony for each subsequent offense. This
11 subsection does not apply to a motor carrier or freight
12 forwarder, as defined in Section 13102 of Title 49 of the
13 United States Code, an air carrier, as defined in Section
14 40102 of Title 49 of the United States Code, or a rail carrier,
15 as defined in Section 10102 of Title 49 of the United States
16 Code.

17 Any person who: (1) has been issued an initial cease and
18 desist notice from the State Commission; and (2) for
19 compensation, does any of the following: (i) ships alcoholic
20 liquor into this State without a license authorized by Section
21 5-1 issued by the State Commission or in violation of that
22 license; or (ii) manufactures, imports for distribution,
23 transports from outside this State into this State for sale or
24 resale in this State, or distributes or sells alcoholic
25 liquors at any place without having first obtained a valid
26 license to do so is guilty of a Class 4 felony for each

1 offense.

2 (b) (1) Any retailer, caterer retailer, brew pub, special
3 event retailer, special use permit holder, homebrewer special
4 event permit holder, or craft distiller tasting permit holder
5 who knowingly causes alcoholic liquors to be imported directly
6 into the State of Illinois from outside of the State for the
7 purpose of furnishing, giving, or selling to another, except
8 when having received the product from a duly licensed
9 distributor or importing distributor, shall have his license
10 suspended for 30 days for the first offense and for the second
11 offense, shall have his license revoked by the Commission.

12 (2) In the event the State Commission receives a certified
13 copy of a final order from a foreign jurisdiction that an
14 Illinois retail licensee has been found to have violated that
15 foreign jurisdiction's laws, rules, or regulations concerning
16 the importation of alcoholic liquor into that foreign
17 jurisdiction, the violation may be grounds for the State
18 Commission to revoke, suspend, or refuse to issue or renew a
19 license, to impose a fine, or to take any additional action
20 provided by this Act with respect to the Illinois retail
21 license or licensee. Any such action on the part of the State
22 Commission shall be in accordance with this Act and
23 implementing rules.

24 For the purposes of paragraph (2): (i) "foreign
25 jurisdiction" means a state, territory, or possession of the
26 United States, the District of Columbia, or the Commonwealth

1 of Puerto Rico, and (ii) "final order" means an order or
2 judgment of a court or administrative body that determines the
3 rights of the parties respecting the subject matter of the
4 proceeding, that remains in full force and effect, and from
5 which no appeal can be taken.

6 (c) Any person who shall make any false statement or
7 otherwise violates any of the provisions of this Act in
8 obtaining any license hereunder, or who having obtained a
9 license hereunder shall violate any of the provisions of this
10 Act with respect to the manufacture, possession, distribution
11 or sale of alcoholic liquor, or with respect to the
12 maintenance of the licensed premises, or shall violate any
13 other provision of this Act, shall for a first offense be
14 guilty of a petty offense and fined not more than \$500, and for
15 a second or subsequent offense shall be guilty of a Class B
16 misdemeanor.

17 (c-5) (Blank). ~~Any owner of an establishment that serves~~
18 ~~alcohol on its premises, if more than 50% of the~~
19 ~~establishment's gross receipts within the prior 3 months is~~
20 ~~from the sale of alcohol, who knowingly fails to prohibit~~
21 ~~concealed firearms on its premises or who knowingly makes a~~
22 ~~false statement or record to avoid the prohibition of~~
23 ~~concealed firearms on its premises under the Firearm Concealed~~
24 ~~Carry Act shall be guilty of a business offense with a fine up~~
25 ~~to \$5,000.~~

26 (d) Each day any person engages in business as a

1 manufacturer, foreign importer, importing distributor,
2 distributor or retailer in violation of the provisions of this
3 Act shall constitute a separate offense.

4 (e) Any person, under the age of 21 years who, for the
5 purpose of buying, accepting or receiving alcoholic liquor
6 from a licensee, represents that he is 21 years of age or over
7 shall be guilty of a Class A misdemeanor.

8 (f) In addition to the penalties herein provided, any
9 person licensed as a wine-maker in either class who
10 manufactures more wine than authorized by his license shall be
11 guilty of a business offense and shall be fined \$1 for each
12 gallon so manufactured.

13 (g) A person shall be exempt from prosecution for a
14 violation of this Act if he is a peace officer in the
15 enforcement of the criminal laws and such activity is approved
16 in writing by one of the following:

- 17 (1) In all counties, the respective State's Attorney;
- 18 (2) The Director of State Police under Section
19 2605-10, 2605-15, 2605-75, 2605-100, 2605-105, 2605-110,
20 2605-115, 2605-120, 2605-130, 2605-140, 2605-190,
21 2605-200, 2605-205, 2605-210, 2605-215, 2605-250,
22 2605-275, 2605-300, 2605-305, 2605-315, 2605-325,
23 2605-335, 2605-340, 2605-350, 2605-355, 2605-360,
24 2605-365, 2605-375, 2605-390, 2605-400, 2605-405,
25 2605-420, 2605-430, 2605-435, 2605-500, 2605-525, or
26 2605-550 of the Department of State Police Law (20 ILCS

1 2605/2605-10, 2605/2605-15, 2605/2605-75, 2605/2605-100,
2 2605/2605-105, 2605/2605-110, 2605/2605-115,
3 2605/2605-120, 2605/2605-130, 2605/2605-140,
4 2605/2605-190, 2605/2605-200, 2605/2605-205,
5 2605/2605-210, 2605/2605-215, 2605/2605-250,
6 2605/2605-275, 2605/2605-300, 2605/2605-305,
7 2605/2605-315, 2605/2605-325, 2605/2605-335,
8 2605/2605-340, 2605/2605-350, 2605/2605-355,
9 2605/2605-360, 2605/2605-365, 2605/2605-375,
10 2605/2605-390, 2605/2605-400, 2605/2605-405,
11 2605/2605-420, 2605/2605-430, 2605/2605-435,
12 2605/2605-500, 2605/2605-525, or 2605/2605-550); or

13 (3) In cities over 1,000,000, the Superintendent of
14 Police.

15 (Source: P.A. 101-37, eff. 7-3-19.)

16 Section 35. The Firearm Owners Identification Card Act is
17 amended by changing Sections 2, 3, and 13.1 as follows:

18 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

19 Sec. 2. Firearm Owner's Identification Card required;
20 exceptions.

21 (a) (1) No person may acquire or possess any firearm, stun
22 gun, or taser within this State without having in his or her
23 possession a Firearm Owner's Identification Card previously
24 issued in his or her name by the Department of State Police

1 under the provisions of this Act.

2 (2) No person may acquire or possess firearm ammunition
3 within this State without having in his or her possession a
4 Firearm Owner's Identification Card previously issued in his
5 or her name by the Department of State Police under the
6 provisions of this Act.

7 (b) The provisions of this Section regarding the
8 possession of firearms, firearm ammunition, stun guns, and
9 tasers do not apply to:

10 (1) United States Marshals, while engaged in the
11 operation of their official duties;

12 (2) Members of the Armed Forces of the United States
13 or the National Guard, while engaged in the operation of
14 their official duties;

15 (3) Federal officials required to carry firearms,
16 while engaged in the operation of their official duties;

17 (4) Members of bona fide veterans organizations which
18 receive firearms directly from the armed forces of the
19 United States, while using the firearms for ceremonial
20 purposes with blank ammunition;

21 (5) Nonresident hunters during hunting season, with
22 valid nonresident hunting licenses and while in an area
23 where hunting is permitted; however, at all other times
24 and in all other places these persons must have their
25 firearms unloaded and enclosed in a case;

26 (6) Those hunters exempt from obtaining a hunting

1 license who are required to submit their Firearm Owner's
2 Identification Card when hunting on Department of Natural
3 Resources owned or managed sites;

4 (7) Nonresidents while on a firing or shooting range
5 recognized by the Department of State Police; however,
6 these persons must at all other times and in all other
7 places have their firearms unloaded and enclosed in a
8 case;

9 (8) Nonresidents while at a firearm showing or display
10 recognized by the Department of State Police; however, at
11 all other times and in all other places these persons must
12 have their firearms unloaded and enclosed in a case;

13 (9) Nonresidents whose firearms are unloaded and
14 enclosed in a case;

15 (10) Nonresidents who are currently licensed or
16 registered to possess a firearm in their resident state;

17 (11) Unemancipated minors while in the custody and
18 immediate control of their parent or legal guardian or
19 other person in loco parentis to the minor if the parent or
20 legal guardian or other person in loco parentis to the
21 minor has a currently valid Firearm Owner's Identification
22 Card;

23 (12) Color guards of bona fide veterans organizations
24 or members of bona fide American Legion bands while using
25 firearms for ceremonial purposes with blank ammunition;

26 (13) Nonresident hunters whose state of residence does

1 not require them to be licensed or registered to possess a
2 firearm and only during hunting season, with valid hunting
3 licenses, while accompanied by, and using a firearm owned
4 by, a person who possesses a valid Firearm Owner's
5 Identification Card and while in an area within a
6 commercial club licensed under the Wildlife Code where
7 hunting is permitted and controlled, but in no instance
8 upon sites owned or managed by the Department of Natural
9 Resources;

10 (14) Resident hunters who are properly authorized to
11 hunt and, while accompanied by a person who possesses a
12 valid Firearm Owner's Identification Card, hunt in an area
13 within a commercial club licensed under the Wildlife Code
14 where hunting is permitted and controlled;

15 (15) A person who is otherwise eligible to obtain a
16 Firearm Owner's Identification Card under this Act and is
17 under the direct supervision of a holder of a Firearm
18 Owner's Identification Card who is 21 years of age or
19 older while the person is on a firing or shooting range or
20 is a participant in a firearms safety and training course
21 recognized by a law enforcement agency or a national,
22 statewide shooting sports organization; and

23 (16) Competitive shooting athletes whose competition
24 firearms are sanctioned by the International Olympic
25 Committee, the International Paralympic Committee, the
26 International Shooting Sport Federation, or USA Shooting

1 in connection with such athletes' training for and
2 participation in shooting competitions at the 2016 Olympic
3 and Paralympic Games and sanctioned test events leading up
4 to the 2016 Olympic and Paralympic Games.

5 (c) The provisions of this Section regarding the
6 acquisition and possession of firearms, firearm ammunition,
7 stun guns, and tasers do not apply to law enforcement
8 officials of this or any other jurisdiction, while engaged in
9 the operation of their official duties.

10 (c-5) (Blank). ~~The provisions of paragraphs (1) and (2) of~~
11 ~~subsection (a) of this Section regarding the possession of~~
12 ~~firearms and firearm ammunition do not apply to the holder of a~~
13 ~~valid concealed carry license issued under the Firearm~~
14 ~~Concealed Carry Act who is in physical possession of the~~
15 ~~concealed carry license.~~

16 (d) Any person who becomes a resident of this State, who is
17 not otherwise prohibited from obtaining, possessing, or using
18 a firearm or firearm ammunition, shall not be required to have
19 a Firearm Owner's Identification Card to possess firearms or
20 firearms ammunition until 60 calendar days after he or she
21 obtains an Illinois driver's license or Illinois
22 Identification Card.

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

24 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

25 Sec. 3. (a) Except as provided in Section 3a, no person may

1 knowingly transfer, or cause to be transferred, any firearm,
2 firearm ammunition, stun gun, or taser to any person within
3 this State unless the transferee with whom he deals displays
4 either: ~~(1) a currently valid Firearm Owner's Identification~~
5 ~~Card which has previously been issued in his or her name by the~~
6 ~~Department of State Police under the provisions of this Act~~
7 ~~or (2) a currently valid license to carry a concealed firearm~~
8 ~~which has previously been issued in his or her name by the~~
9 ~~Department of State Police under the Firearm Concealed Carry~~
10 ~~Act.~~ In addition, all firearm, stun gun, and taser transfers
11 by federally licensed firearm dealers are subject to Section
12 3.1.

13 (a-5) Any person who is not a federally licensed firearm
14 dealer and who desires to transfer or sell a firearm while that
15 person is on the grounds of a gun show must, before selling or
16 transferring the firearm, request the Department of State
17 Police to conduct a background check on the prospective
18 recipient of the firearm in accordance with Section 3.1.

19 (a-10) Notwithstanding item (2) of subsection (a) of this
20 Section, any person who is not a federally licensed firearm
21 dealer and who desires to transfer or sell a firearm or
22 firearms to any person who is not a federally licensed firearm
23 dealer shall, before selling or transferring the firearms,
24 contact the Department of State Police with the transferee's
25 or purchaser's Firearm Owner's Identification Card number to
26 determine the validity of the transferee's or purchaser's

1 Firearm Owner's Identification Card. This subsection shall not
2 be effective until January 1, 2014. The Department of State
3 Police may adopt rules concerning the implementation of this
4 subsection. The Department of State Police shall provide the
5 seller or transferor an approval number if the purchaser's
6 Firearm Owner's Identification Card is valid. Approvals issued
7 by the Department for the purchase of a firearm pursuant to
8 this subsection are valid for 30 days from the date of issue.

9 (a-15) The provisions of subsection (a-10) of this Section
10 do not apply to:

11 (1) transfers that occur at the place of business of a
12 federally licensed firearm dealer, if the federally
13 licensed firearm dealer conducts a background check on the
14 prospective recipient of the firearm in accordance with
15 Section 3.1 of this Act and follows all other applicable
16 federal, State, and local laws as if he or she were the
17 seller or transferor of the firearm, although the dealer
18 is not required to accept the firearm into his or her
19 inventory. The purchaser or transferee may be required by
20 the federally licensed firearm dealer to pay a fee not to
21 exceed \$10 per firearm, which the dealer may retain as
22 compensation for performing the functions required under
23 this paragraph, plus the applicable fees authorized by
24 Section 3.1;

25 (2) transfers as a bona fide gift to the transferor's
26 husband, wife, son, daughter, stepson, stepdaughter,

1 father, mother, stepfather, stepmother, brother, sister,
2 nephew, niece, uncle, aunt, grandfather, grandmother,
3 grandson, granddaughter, father-in-law, mother-in-law,
4 son-in-law, or daughter-in-law;

5 (3) transfers by persons acting pursuant to operation
6 of law or a court order;

7 (4) transfers on the grounds of a gun show under
8 subsection (a-5) of this Section;

9 (5) the delivery of a firearm by its owner to a
10 gunsmith for service or repair, the return of the firearm
11 to its owner by the gunsmith, or the delivery of a firearm
12 by a gunsmith to a federally licensed firearms dealer for
13 service or repair and the return of the firearm to the
14 gunsmith;

15 (6) temporary transfers that occur while in the home
16 of the unlicensed transferee, if the unlicensed transferee
17 is not otherwise prohibited from possessing firearms and
18 the unlicensed transferee reasonably believes that
19 possession of the firearm is necessary to prevent imminent
20 death or great bodily harm to the unlicensed transferee;

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

24 (8) transfers of firearms that have been rendered
25 permanently inoperable to a nonprofit historical society,
26 museum, or institutional collection; and

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

4 (a-20) The Department of State Police shall develop an
5 Internet-based system for individuals to determine the
6 validity of a Firearm Owner's Identification Card prior to the
7 sale or transfer of a firearm. The Department shall have the
8 Internet-based system completed and available for use by July
9 1, 2015. The Department shall adopt rules not inconsistent
10 with this Section to implement this system.

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

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

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

26 (c) The provisions of this Section regarding the transfer

1 of firearm ammunition shall not apply to those persons
2 specified in paragraph (b) of Section 2 of this Act.

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

4 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

5 Sec. 13.1. Preemption.

6 (a) (Blank). ~~Except as otherwise provided in the Firearm~~
7 ~~Concealed Carry Act and subsections (b) and (c) of this~~
8 ~~Section, the provisions of any ordinance enacted by any~~
9 ~~municipality which requires registration or imposes greater~~
10 ~~restrictions or limitations on the acquisition, possession and~~
11 ~~transfer of firearms than are imposed by this Act, are not~~
12 ~~invalidated or affected by this Act.~~

13 (b) The ~~Notwithstanding subsection (a) of this Section,~~
14 ~~the~~ regulation, licensing, possession, and registration of
15 handguns and ammunition for a handgun, and the transportation
16 of any firearm and ammunition by a holder of a valid Firearm
17 Owner's Identification Card issued by the Department of State
18 Police under this Act are exclusive powers and functions of
19 this State. Any ordinance or regulation, or portion of that
20 ordinance or regulation, enacted on or before the effective
21 date of this amendatory Act of the 98th General Assembly that
22 purports to impose regulations or restrictions on a holder of
23 a valid Firearm Owner's Identification Card issued by the
24 Department of State Police under this Act in a manner that is
25 inconsistent with this Act, on the effective date of this

1 amendatory Act of the 98th General Assembly, shall be invalid
2 in its application to a holder of a valid Firearm Owner's
3 Identification Card issued by the Department of State Police
4 under this Act.

5 (c) Notwithstanding subsection (a) of this Section, the
6 regulation of the possession or ownership of assault weapons
7 are exclusive powers and functions of this State. Any
8 ordinance or regulation, or portion of that ordinance or
9 regulation, that purports to regulate the possession or
10 ownership of assault weapons in a manner that is inconsistent
11 with this Act, shall be invalid unless the ordinance or
12 regulation is enacted on, before, or within 10 days after the
13 effective date of this amendatory Act of the 98th General
14 Assembly. Any ordinance or regulation described in this
15 subsection (c) enacted more than 10 days after the effective
16 date of this amendatory Act of the 98th General Assembly is
17 invalid. An ordinance enacted on, before, or within 10 days
18 after the effective date of this amendatory Act of the 98th
19 General Assembly may be amended. The enactment or amendment of
20 ordinances under this subsection (c) are subject to the
21 submission requirements of Section 13.3. For the purposes of
22 this subsection, "assault weapons" means firearms designated
23 by either make or model or by a test or list of cosmetic
24 features that cumulatively would place the firearm into a
25 definition of "assault weapon" under the ordinance.

26 (d) For the purposes of this Section, "handgun" means any

1 device which is designed to expel a projectile or projectiles
2 by the action of an explosion, expansion of gas, or escape of
3 gas that is designed to be held and fired by the use of a
4 single hand. "Handgun" does not include:

5 (1) a stun gun or taser;

6 (2) a machine gun as defined in item (i) of paragraph
7 (7) of subsection (a) of Section 24-1 of the Criminal Code
8 of 2012;

9 (3) a short-barreled rifle or shotgun as defined in
10 item (ii) of paragraph (7) of subsection (a) of Section
11 24-1 of the Criminal Code of 2012; or

12 (4) any pneumatic gun, spring gun, paint ball gun, or
13 B-B gun which expels a single globular projectile not
14 exceeding .18 inch in diameter, or which has a maximum
15 muzzle velocity of less than 700 feet per second, or which
16 expels breakable paint balls containing washable marking
17 ~~has the meaning ascribed to it in Section 5 of the Firearm~~
18 ~~Concealed Carry Act.~~

19 (e) This Section is a denial and limitation of home rule
20 powers and functions under subsection (h) of Section 6 of
21 Article VII of the Illinois Constitution.

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

23 (430 ILCS 66/Act rep.)

24 Section 40. The Firearm Concealed Carry Act is repealed.

1 Section 45. The Criminal Code of 2012 is amended by
2 changing Sections 24-1, 24-1.6, 24-2, and 24-3 as follows:

3 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

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

22 (2.5) Carries or possesses with intent to use the same
23 unlawfully against another, any firearm in a church,
24 synagogue, mosque, or other building, structure, or place
25 used for religious worship; or

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

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

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

17 (ii) are not immediately accessible; or

18 (iii) are unloaded and enclosed in a case, firearm
19 carrying box, shipping box, or other container by a
20 person who has been issued a currently valid Firearm
21 Owner's Identification Card; or

22 (iv) are carried or possessed ~~in accordance with~~
23 ~~the Firearm Concealed Carry Act~~ by a person who has
24 been issued a currently valid Firearm Owner's
25 Identification Card under the Firearm Owners
26 Identification Card Act ~~license under the Firearm~~

1 ~~Concealed Carry Act; or~~

2 (5) Sets a spring gun; or

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

6 (7) Sells, manufactures, purchases, possesses or
7 carries:

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

20 (ii) any rifle having one or more barrels less
21 than 16 inches in length or a shotgun having one or
22 more barrels less than 18 inches in length or any
23 weapon made from a rifle or shotgun, whether by
24 alteration, modification, or otherwise, if such a
25 weapon as modified has an overall length of less than
26 26 inches; or

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

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

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

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

23 (10) Carries or possesses on or about his or her
24 person, upon any public street, alley, or other public
25 lands within the corporate limits of a city, village, or
26 incorporated town, except when an invitee thereon or

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

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

11 (ii) are not immediately accessible; or

12 (iii) are unloaded and enclosed in a case, firearm
13 carrying box, shipping box, or other container by a
14 person who has been issued a currently valid Firearm
15 Owner's Identification Card; or

16 (iv) are carried or possessed in accordance with
17 the Firearm Owners Identification Card Act ~~Concealed~~
18 ~~Carry Act~~ by a person who has been issued a currently
19 valid ~~license under the~~ Firearm Owner's Identification
20 Card ~~Concealed Carry Act~~.

21 A "stun gun or taser", as used in this paragraph (a)
22 means (i) any device which is powered by electrical
23 charging units, such as, batteries, and which fires one or
24 several barbs attached to a length of wire and which, upon
25 hitting a human, can send out a current capable of
26 disrupting the person's nervous system in such a manner as

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

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

17 (12) (Blank); or

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

26 (b) Sentence. A person convicted of a violation of

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

20 (c) Violations in specific places.

21 (1) A person who violates subsection 24-1(a)(6) or
22 24-1(a)(7) in any school, regardless of the time of day or
23 the time of year, in residential property owned, operated
24 or managed by a public housing agency or leased by a public
25 housing agency as part of a scattered site or mixed-income
26 development, in a public park, in a courthouse, on the

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

19 (1.5) A person who violates subsection 24-1(a)(4),
20 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
21 the time of day or the time of year, in residential
22 property owned, operated, or managed by a public housing
23 agency or leased by a public housing agency as part of a
24 scattered site or mixed-income development, in a public
25 park, in a courthouse, on the real property comprising any
26 school, regardless of the time of day or the time of year,

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

16 (2) A person who violates subsection 24-1(a)(1),
17 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
18 time of day or the time of year, in residential property
19 owned, operated or managed by a public housing agency or
20 leased by a public housing agency as part of a scattered
21 site or mixed-income development, in a public park, in a
22 courthouse, on the real property comprising any school,
23 regardless of the time of day or the time of year, on
24 residential property owned, operated or managed by a
25 public housing agency or leased by a public housing agency
26 as part of a scattered site or mixed-income development,

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

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

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

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

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

21 (e) Exemptions.

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

26 (2) The provision of paragraph (1) of subsection (a)

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

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

12 (720 ILCS 5/24-1.6)

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

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

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

23 (2) Carries or possesses on or about his or her
24 person, upon any public street, alley, or other public
25 lands within the corporate limits of a city, village or

1 incorporated town, except when an invitee thereon or
2 therein, for the purpose of the display of such weapon or
3 the lawful commerce in weapons, or except when on his or
4 her own land or in his or her own abode, legal dwelling, or
5 fixed place of business, or on the land or in the legal
6 dwelling of another person as an invitee with that
7 person's permission, any pistol, revolver, stun gun or
8 taser or other firearm; and

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

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

13 (A-5) the pistol, revolver, or handgun possessed
14 was uncased, loaded, and immediately accessible at the
15 time of the offense and the person possessing the
16 pistol, revolver, or handgun has not been issued a
17 currently valid Firearm Owner's Identification Card
18 under the Firearm Owners Identification Card license
19 ~~under the Firearm Concealed Carry Act~~; or

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

24 (B-5) the pistol, revolver, or handgun possessed
25 was uncased, unloaded, and the ammunition for the
26 weapon was immediately accessible at the time of the

1 offense and the person possessing the pistol,
2 revolver, or handgun has not been issued a currently
3 valid Firearm Owner's Identification Card under the
4 Firearm Owners Identification Card ~~license under the~~
5 ~~Firearm Concealed Carry Act~~; or

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

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

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

19 (F) (blank); or

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

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

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

6 (a-5) "Handgun" as used in this Section has the meaning
7 given to it in Section 13.1 of the Firearm Owners
8 Identification Card ~~Section 5 of the Firearm Concealed Carry~~
9 Act.

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

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

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

15 (ii) are not immediately accessible; or

16 (iii) are unloaded and enclosed in a case, firearm
17 carrying box, shipping box, or other container by a person
18 who has been issued a currently valid Firearm Owner's
19 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) Except as otherwise provided in paragraphs (3) and
2 (4) of this subsection (d), a first offense of aggravated
3 unlawful use of a weapon committed with a firearm by a
4 person 18 years of age or older where the factors listed in
5 both items (A) and (C) or both items (A-5) and (C) of
6 paragraph (3) of subsection (a) are present is a Class 4
7 felony, for which the person shall be sentenced to a term
8 of imprisonment of not less than one year and not more than
9 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 has not been issued a valid Firearms
20 Owner's Identification Card in accordance with Section 5
21 of the Firearm Owners Identification Card Act is a Class X
22 felony.

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

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

1 (720 ILCS 5/24-2)

2 Sec. 24-2. Exemptions.

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

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

9 (2) Wardens, superintendents and keepers of prisons,
10 penitentiaries, jails and other institutions for the
11 detention of persons accused or convicted of an offense,
12 while in the performance of their official duty, or while
13 commuting between their homes and places of employment.

14 (3) Members of the Armed Services or Reserve Forces of
15 the United States or the Illinois National Guard or the
16 Reserve Officers Training Corps, while in the performance
17 of their official duty.

18 (4) Special agents employed by a railroad or a public
19 utility to perform police functions, and guards of armored
20 car companies, while actually engaged in the performance
21 of the duties of their employment or commuting between
22 their homes and places of employment; and watchmen while
23 actually engaged in the performance of the duties of their
24 employment.

25 (5) Persons licensed as private security contractors,
26 private detectives, or private alarm contractors, or

1 employed by a private security contractor, private
2 detective, or private alarm contractor agency licensed by
3 the Department of Financial and Professional Regulation,
4 if their duties include the carrying of a weapon under the
5 provisions of the Private Detective, Private Alarm,
6 Private Security, Fingerprint Vendor, and Locksmith Act of
7 2004, while actually engaged in the performance of the
8 duties of their employment or commuting between their
9 homes and places of employment. A person shall be
10 considered eligible for this exemption if he or she has
11 completed the required 20 hours of training for a private
12 security contractor, private detective, or private alarm
13 contractor, or employee of a licensed private security
14 contractor, private detective, or private alarm contractor
15 agency and 20 hours of required firearm training, and has
16 been issued a firearm control card by the Department of
17 Financial and Professional Regulation. Conditions for the
18 renewal of firearm control cards issued under the
19 provisions of this Section shall be the same as for those
20 cards issued under the provisions of the Private
21 Detective, Private Alarm, Private Security, Fingerprint
22 Vendor, and Locksmith Act of 2004. The firearm control
23 card shall be carried by the private security contractor,
24 private detective, or private alarm contractor, or
25 employee of the licensed private security contractor,
26 private detective, or private alarm contractor agency at

1 all times when he or she is in possession of a concealable
2 weapon permitted by his or her firearm control card.

3 (6) Any person regularly employed in a commercial or
4 industrial operation as a security guard for the
5 protection of persons employed and private property
6 related to such commercial or industrial operation, while
7 actually engaged in the performance of his or her duty or
8 traveling between sites or properties belonging to the
9 employer, and who, as a security guard, is a member of a
10 security force registered with the Department of Financial
11 and Professional Regulation; provided that such security
12 guard has successfully completed a course of study,
13 approved by and supervised by the Department of Financial
14 and Professional Regulation, consisting of not less than
15 40 hours of training that includes the theory of law
16 enforcement, liability for acts, and the handling of
17 weapons. A person shall be considered eligible for this
18 exemption if he or she has completed the required 20 hours
19 of training for a security officer and 20 hours of
20 required firearm training, and has been issued a firearm
21 control card by the Department of Financial and
22 Professional Regulation. Conditions for the renewal of
23 firearm control cards issued under the provisions of this
24 Section shall be the same as for those cards issued under
25 the provisions of the Private Detective, Private Alarm,
26 Private Security, Fingerprint Vendor, and Locksmith Act of

1 2004. The firearm control card shall be carried by the
2 security guard at all times when he or she is in possession
3 of a concealable weapon permitted by his or her firearm
4 control card.

5 (7) Agents and investigators of the Illinois
6 Legislative Investigating Commission authorized by the
7 Commission to carry the weapons specified in subsections
8 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
9 any investigation for the Commission.

10 (8) Persons employed by a financial institution as a
11 security guard for the protection of other employees and
12 property related to such financial institution, while
13 actually engaged in the performance of their duties,
14 commuting between their homes and places of employment, or
15 traveling between sites or properties owned or operated by
16 such financial institution, and who, as a security guard,
17 is a member of a security force registered with the
18 Department; provided that any person so employed has
19 successfully completed a course of study, approved by and
20 supervised by the Department of Financial and Professional
21 Regulation, consisting of not less than 40 hours of
22 training which includes theory of law enforcement,
23 liability for acts, and the handling of weapons. A person
24 shall be considered to be eligible for this exemption if
25 he or she has completed the required 20 hours of training
26 for a security officer and 20 hours of required firearm

1 training, and has been issued a firearm control card by
2 the Department of Financial and Professional Regulation.
3 Conditions for renewal of firearm control cards issued
4 under the provisions of this Section shall be the same as
5 for those issued under the provisions of the Private
6 Detective, Private Alarm, Private Security, Fingerprint
7 Vendor, and Locksmith Act of 2004. The firearm control
8 card shall be carried by the security guard at all times
9 when he or she is in possession of a concealable weapon
10 permitted by his or her firearm control card. For purposes
11 of this subsection, "financial institution" means a bank,
12 savings and loan association, credit union or company
13 providing armored car services.

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

17 (10) Persons who have been classified as peace
18 officers pursuant to the Peace Officer Fire Investigation
19 Act.

20 (11) Investigators of the Office of the State's
21 Attorneys Appellate Prosecutor authorized by the board of
22 governors of the Office of the State's Attorneys Appellate
23 Prosecutor to carry weapons pursuant to Section 7.06 of
24 the State's Attorneys Appellate Prosecutor's Act.

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

1 (12.5) Probation officers while in the performance of
2 their duties, or while commuting between their homes,
3 places of employment or specific locations that are part
4 of their assigned duties, with the consent of the chief
5 judge of the circuit for which they are employed, if they
6 have received weapons training according to requirements
7 of the Peace Officer and Probation Officer Firearm
8 Training Act.

9 (13) Court Security Officers while in the performance
10 of their official duties, or while commuting between their
11 homes and places of employment, with the consent of the
12 Sheriff.

13 (13.5) A person employed as an armed security guard at
14 a nuclear energy, storage, weapons or development site or
15 facility regulated by the Nuclear Regulatory Commission
16 who has completed the background screening and training
17 mandated by the rules and regulations of the Nuclear
18 Regulatory Commission.

19 (14) Manufacture, transportation, or sale of weapons
20 to persons authorized under subdivisions (1) through
21 (13.5) of this subsection to possess those weapons.

22 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
23 24-1.6 do not apply to or affect any person carrying a
24 concealed pistol, revolver, or handgun and the person has been
25 issued a currently valid Firearm Owner's Identification Card
26 under the Firearm Owners Identification Card license under the

1 ~~Firearm Concealed Carry Act~~ at the time of the commission of
2 the offense.

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

7 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
8 24-1.6 do not apply to or affect any of the following:

9 (1) Members of any club or organization organized for
10 the purpose of practicing shooting at targets upon
11 established target ranges, whether public or private, and
12 patrons of such ranges, while such members or patrons are
13 using their firearms on those target ranges.

14 (2) Duly authorized military or civil organizations
15 while parading, with the special permission of the
16 Governor.

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

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

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

25 (c) Subsection 24-1(a)(7) does not apply to or affect any
26 of the following:

1 (1) Peace officers while in performance of their
2 official duties.

3 (2) Wardens, superintendents and keepers of prisons,
4 penitentiaries, jails and other institutions for the
5 detention of persons accused or convicted of an offense.

6 (3) Members of the Armed Services or Reserve Forces of
7 the United States or the Illinois National Guard, while in
8 the performance of their official duty.

9 (4) Manufacture, transportation, or sale of machine
10 guns to persons authorized under subdivisions (1) through
11 (3) of this subsection to possess machine guns, if the
12 machine guns are broken down in a non-functioning state or
13 are not immediately accessible.

14 (5) Persons licensed under federal law to manufacture
15 any weapon from which 8 or more shots or bullets can be
16 discharged by a single function of the firing device, or
17 ammunition for such weapons, and actually engaged in the
18 business of manufacturing such weapons or ammunition, but
19 only with respect to activities which are within the
20 lawful scope of such business, such as the manufacture,
21 transportation, or testing of such weapons or ammunition.
22 This exemption does not authorize the general private
23 possession of any weapon from which 8 or more shots or
24 bullets can be discharged by a single function of the
25 firing device, but only such possession and activities as
26 are within the lawful scope of a licensed manufacturing

1 business described in this paragraph.

2 During transportation, such weapons shall be broken
3 down in a non-functioning state or not immediately
4 accessible.

5 (6) The manufacture, transport, testing, delivery,
6 transfer or sale, and all lawful commercial or
7 experimental activities necessary thereto, of rifles,
8 shotguns, and weapons made from rifles or shotguns, or
9 ammunition for such rifles, shotguns or weapons, where
10 engaged in by a person operating as a contractor or
11 subcontractor pursuant to a contract or subcontract for
12 the development and supply of such rifles, shotguns,
13 weapons or ammunition to the United States government or
14 any branch of the Armed Forces of the United States, when
15 such activities are necessary and incident to fulfilling
16 the terms of such contract.

17 The exemption granted under this subdivision (c)(6)
18 shall also apply to any authorized agent of any such
19 contractor or subcontractor who is operating within the
20 scope of his employment, where such activities involving
21 such weapon, weapons or ammunition are necessary and
22 incident to fulfilling the terms of such contract.

23 (7) A person possessing a rifle with a barrel or
24 barrels less than 16 inches in length if: (A) the person
25 has been issued a Curios and Relics license from the U.S.
26 Bureau of Alcohol, Tobacco, Firearms and Explosives; or

1 (B) the person is an active member of a bona fide,
2 nationally recognized military re-enacting group and the
3 modification is required and necessary to accurately
4 portray the weapon for historical re-enactment purposes;
5 the re-enactor is in possession of a valid and current
6 re-enacting group membership credential; and the overall
7 length of the weapon as modified is not less than 26
8 inches.

9 (d) Subsection 24-1(a)(1) does not apply to the purchase,
10 possession or carrying of a black-jack or slung-shot by a
11 peace officer.

12 (e) Subsection 24-1(a)(8) does not apply to any owner,
13 manager or authorized employee of any place specified in that
14 subsection nor to any law enforcement officer.

15 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
16 Section 24-1.6 do not apply to members of any club or
17 organization organized for the purpose of practicing shooting
18 at targets upon established target ranges, whether public or
19 private, while using their firearms on those target ranges.

20 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
21 to:

22 (1) Members of the Armed Services or Reserve Forces of
23 the United States or the Illinois National Guard, while in
24 the performance of their official duty.

25 (2) Bonafide collectors of antique or surplus military
26 ordnance.

1 (3) Laboratories having a department of forensic
2 ballistics, or specializing in the development of
3 ammunition or explosive ordnance.

4 (4) Commerce, preparation, assembly or possession of
5 explosive bullets by manufacturers of ammunition licensed
6 by the federal government, in connection with the supply
7 of those organizations and persons exempted by subdivision
8 (g)(1) of this Section, or like organizations and persons
9 outside this State, or the transportation of explosive
10 bullets to any organization or person exempted in this
11 Section by a common carrier or by a vehicle owned or leased
12 by an exempted manufacturer.

13 (g-5) Subsection 24-1(a)(6) does not apply to or affect
14 persons licensed under federal law to manufacture any device
15 or attachment of any kind designed, used, or intended for use
16 in silencing the report of any firearm, firearms, or
17 ammunition for those firearms equipped with those devices, and
18 actually engaged in the business of manufacturing those
19 devices, firearms, or ammunition, but only with respect to
20 activities that are within the lawful scope of that business,
21 such as the manufacture, transportation, or testing of those
22 devices, firearms, or ammunition. This exemption does not
23 authorize the general private possession of any device or
24 attachment of any kind designed, used, or intended for use in
25 silencing the report of any firearm, but only such possession
26 and activities as are within the lawful scope of a licensed

1 manufacturing business described in this subsection (g-5).
2 During transportation, these devices shall be detached from
3 any weapon or not immediately accessible.

4 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
5 24-1.6 do not apply to or affect any parole agent or parole
6 supervisor who meets the qualifications and conditions
7 prescribed in Section 3-14-1.5 of the Unified Code of
8 Corrections.

9 (g-7) Subsection 24-1(a)(6) does not apply to a peace
10 officer while serving as a member of a tactical response team
11 or special operations team. A peace officer may not personally
12 own or apply for ownership of a device or attachment of any
13 kind designed, used, or intended for use in silencing the
14 report of any firearm. These devices shall be owned and
15 maintained by lawfully recognized units of government whose
16 duties include the investigation of criminal acts.

17 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
18 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
19 athlete's possession, transport on official Olympic and
20 Paralympic transit systems established for athletes, or use of
21 competition firearms sanctioned by the International Olympic
22 Committee, the International Paralympic Committee, the
23 International Shooting Sport Federation, or USA Shooting in
24 connection with such athlete's training for and participation
25 in shooting competitions at the 2016 Olympic and Paralympic
26 Games and sanctioned test events leading up to the 2016

1 Olympic and Paralympic Games.

2 (h) An information or indictment based upon a violation of
3 any subsection of this Article need not negative any
4 exemptions contained in this Article. The defendant shall have
5 the burden of proving such an exemption.

6 (i) Nothing in this Article shall prohibit, apply to, or
7 affect the transportation, carrying, or possession, of any
8 pistol or revolver, stun gun, taser, or other firearm
9 consigned to a common carrier operating under license of the
10 State of Illinois or the federal government, where such
11 transportation, carrying, or possession is incident to the
12 lawful transportation in which such common carrier is engaged;
13 and nothing in this Article shall prohibit, apply to, or
14 affect the transportation, carrying, or possession of any
15 pistol, revolver, stun gun, taser, or other firearm, not the
16 subject of and regulated by subsection 24-1(a)(7) or
17 subsection 24-2(c) of this Article, which is unloaded and
18 enclosed in a case, firearm carrying box, shipping box, or
19 other container, by the possessor of a valid Firearm Owners
20 Identification Card.

21 (Source: P.A. 100-201, eff. 8-18-17; 101-80, eff. 7-12-19.)

22 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

24 (A) A person commits the offense of unlawful sale or
25 delivery of firearms when he or she knowingly does any of the

1 following:

2 (a) Sells or gives any firearm of a size which may be
3 concealed upon the person to any person under 18 years of
4 age.

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

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

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

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

15 "Mental institution" means any hospital,
16 institution, clinic, evaluation facility, mental
17 health center, or part thereof, which is used
18 primarily for the care or treatment of persons with
19 mental illness.

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

26 (f) Sells or gives any firearms to any person who is a

1 person with an intellectual disability.

2 (g) Delivers any firearm, incidental to a sale,
3 without withholding delivery of the firearm for at least
4 72 hours after application for its purchase has been made,
5 or delivers a stun gun or taser, incidental to a sale,
6 without withholding delivery of the stun gun or taser for
7 at least 24 hours after application for its purchase has
8 been made. However, this paragraph (g) does not apply to:

9 (1) the sale of a firearm to a law enforcement officer if
10 the seller of the firearm knows that the person to whom he
11 or she is selling the firearm is a law enforcement officer
12 or the sale of a firearm to a person who desires to
13 purchase a firearm for use in promoting the public
14 interest incident to his or her employment as a bank
15 guard, armed truck guard, or other similar employment; (2)
16 a mail order sale of a firearm from a federally licensed
17 firearms dealer to a nonresident of Illinois under which
18 the firearm is mailed to a federally licensed firearms
19 dealer outside the boundaries of Illinois; (3) (blank);
20 (4) the sale of a firearm to a dealer licensed as a federal
21 firearms dealer under Section 923 of the federal Gun
22 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
23 sale of any rifle, shotgun, or other long gun to a resident
24 registered competitor or attendee or non-resident
25 registered competitor or attendee by any dealer licensed
26 as a federal firearms dealer under Section 923 of the

1 federal Gun Control Act of 1968 at competitive shooting
2 events held at the World Shooting Complex sanctioned by a
3 national governing body. For purposes of transfers or
4 sales under subparagraph (5) of this paragraph (g), the
5 Department of Natural Resources shall give notice to the
6 Department of State Police at least 30 calendar days prior
7 to any competitive shooting events at the World Shooting
8 Complex sanctioned by a national governing body. The
9 notification shall be made on a form prescribed by the
10 Department of State Police. The sanctioning body shall
11 provide a list of all registered competitors and attendees
12 at least 24 hours before the events to the Department of
13 State Police. Any changes to the list of registered
14 competitors and attendees shall be forwarded to the
15 Department of State Police as soon as practicable. The
16 Department of State Police must destroy the list of
17 registered competitors and attendees no later than 30 days
18 after the date of the event. Nothing in this paragraph (g)
19 relieves a federally licensed firearm dealer from the
20 requirements of conducting a NICS background check through
21 the Illinois Point of Contact under 18 U.S.C. 922(t). For
22 purposes of this paragraph (g), "application" means when
23 the buyer and seller reach an agreement to purchase a
24 firearm. For purposes of this paragraph (g), "national
25 governing body" means a group of persons who adopt rules
26 and formulate policy on behalf of a national firearm

1 sporting organization.

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

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

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

23 A person "engaged in the business" means a person who
24 devotes time, attention, and labor to engaging in the
25 activity as a regular course of trade or business with the
26 principal objective of livelihood and profit, but does not

1 include a person who makes occasional repairs of firearms
2 or who occasionally fits special barrels, stocks, or
3 trigger mechanisms to firearms.

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

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

1 Section, a currently valid Firearm Owner's Identification
2 Card means (i) a Firearm Owner's Identification Card that
3 has not expired or (ii) an approval number issued in
4 accordance with subsection (a-10) of subsection 3 or
5 Section 3.1 of the Firearm Owners Identification Card Act
6 shall be proof that the Firearm Owner's Identification
7 Card was valid.

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

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

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

1 (B) Paragraph (h) of subsection (A) does not include
2 firearms sold within 6 months after enactment of Public Act
3 78-355 (approved August 21, 1973, effective October 1, 1973),
4 nor is any firearm legally owned or possessed by any citizen or
5 purchased by any citizen within 6 months after the enactment
6 of Public Act 78-355 subject to confiscation or seizure under
7 the provisions of that Public Act. Nothing in Public Act
8 78-355 shall be construed to prohibit the gift or trade of any
9 firearm if that firearm was legally held or acquired within 6
10 months after the enactment of that Public Act.

11 (C) Sentence.

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

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

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

21 (4) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (a), (b), or (i) of
23 subsection (A) in any school, on the real property
24 comprising a school, within 1,000 feet of the real
25 property comprising a school, at a school related
26 activity, or on or within 1,000 feet of any conveyance

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

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

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

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

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

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

1 forcible felony so committed or attempted by the person
2 under 18 years of age who was sold or given the firearm.

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

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

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

13 (D) For purposes of this Section:

14 "School" means a public or private elementary or secondary
15 school, community college, college, or university.

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

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

1 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
2 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

3 Section 50. The Unified Code of Corrections is amended by
4 changing Section 5-6-1 as follows:

5 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

6 Sec. 5-6-1. Sentences of probation and of conditional
7 discharge and disposition of supervision. The General
8 Assembly finds that in order to protect the public, the
9 criminal justice system must compel compliance with the
10 conditions of probation by responding to violations with
11 swift, certain and fair punishments and intermediate
12 sanctions. The Chief Judge of each circuit shall adopt a
13 system of structured, intermediate sanctions for violations of
14 the terms and conditions of a sentence of probation,
15 conditional discharge or disposition of supervision.

16 (a) Except where specifically prohibited by other
17 provisions of this Code, the court shall impose a sentence of
18 probation or conditional discharge upon an offender unless,
19 having regard to the nature and circumstance of the offense,
20 and to the history, character and condition of the offender,
21 the court is of the opinion that:

22 (1) his imprisonment or periodic imprisonment is
23 necessary for the protection of the public; or

24 (2) probation or conditional discharge would deprecate

1 the seriousness of the offender's conduct and would be
2 inconsistent with the ends of justice; or

3 (3) a combination of imprisonment with concurrent or
4 consecutive probation when an offender has been admitted
5 into a drug court program under Section 20 of the Drug
6 Court Treatment Act is necessary for the protection of the
7 public and for the rehabilitation of the offender.

8 The court shall impose as a condition of a sentence of
9 probation, conditional discharge, or supervision, that the
10 probation agency may invoke any sanction from the list of
11 intermediate sanctions adopted by the chief judge of the
12 circuit court for violations of the terms and conditions of
13 the sentence of probation, conditional discharge, or
14 supervision, subject to the provisions of Section 5-6-4 of
15 this Act.

16 (b) The court may impose a sentence of conditional
17 discharge for an offense if the court is of the opinion that
18 neither a sentence of imprisonment nor of periodic
19 imprisonment nor of probation supervision is appropriate.

20 (b-1) Subsections (a) and (b) of this Section do not apply
21 to a defendant charged with a misdemeanor or felony under the
22 Illinois Vehicle Code or reckless homicide under Section 9-3
23 of the Criminal Code of 1961 or the Criminal Code of 2012 if
24 the defendant within the past 12 months has been convicted of
25 or pleaded guilty to a misdemeanor or felony under the
26 Illinois Vehicle Code or reckless homicide under Section 9-3

1 of the Criminal Code of 1961 or the Criminal Code of 2012.

2 (c) The court may, upon a plea of guilty or a stipulation
3 by the defendant of the facts supporting the charge or a
4 finding of guilt, defer further proceedings and the imposition
5 of a sentence, and enter an order for supervision of the
6 defendant, if the defendant is not charged with: (i) a Class A
7 misdemeanor, as defined by the following provisions of the
8 Criminal Code of 1961 or the Criminal Code of 2012: Sections
9 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
10 31-7; paragraphs (2) and (3) of subsection (a) of Section
11 21-1; paragraph (1) through (5), (8), (10), and (11) of
12 subsection (a) of Section 24-1; (ii) a Class A misdemeanor
13 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care
14 for Animals Act; or (iii) a felony. If the defendant is not
15 barred from receiving an order for supervision as provided in
16 this subsection, the court may enter an order for supervision
17 after considering the circumstances of the offense, and the
18 history, character and condition of the offender, if the court
19 is of the opinion that:

20 (1) the offender is not likely to commit further
21 crimes;

22 (2) the defendant and the public would be best served
23 if the defendant were not to receive a criminal record;
24 and

25 (3) in the best interests of justice an order of
26 supervision is more appropriate than a sentence otherwise

1 permitted under this Code.

2 (c-5) Subsections (a), (b), and (c) of this Section do not
3 apply to a defendant charged with a second or subsequent
4 violation of Section 6-303 of the Illinois Vehicle Code
5 committed while his or her driver's license, permit or
6 privileges were revoked because of a violation of Section 9-3
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 relating to the offense of reckless homicide, or a similar
9 provision of a law of another state.

10 (d) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 11-501 of the
12 Illinois Vehicle Code or a similar provision of a local
13 ordinance when the defendant has previously been:

14 (1) convicted for a violation of Section 11-501 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance or any similar law or ordinance of another
17 state; or

18 (2) assigned supervision for a violation of Section
19 11-501 of the Illinois Vehicle Code or a similar provision
20 of a local ordinance or any similar law or ordinance of
21 another state; or

22 (3) pleaded guilty to or stipulated to the facts
23 supporting a charge or a finding of guilty to a violation
24 of Section 11-503 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance or any similar law
26 or ordinance of another state, and the plea or stipulation

1 was the result of a plea agreement.

2 The court shall consider the statement of the prosecuting
3 authority with regard to the standards set forth in this
4 Section.

5 (e) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Section 16-25 or 16A-3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 if said
8 defendant has within the last 5 years been:

9 (1) convicted for a violation of Section 16-25 or
10 16A-3 of the Criminal Code of 1961 or the Criminal Code of
11 2012; or

12 (2) assigned supervision for a violation of Section
13 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012.

15 The court shall consider the statement of the prosecuting
16 authority with regard to the standards set forth in this
17 Section.

18 (f) The provisions of paragraph (c) shall not apply to a
19 defendant charged with: (1) violating Sections 15-111, 15-112,
20 15-301, paragraph (b) of Section 6-104, Section 11-605,
21 paragraph (d-5) of Section 11-605.1, Section 11-1002.5, or
22 Section 11-1414 of the Illinois Vehicle Code or a similar
23 provision of a local ordinance; or (2) committing a Class A
24 misdemeanor under subsection (c) of Section 11-907 of the
25 Illinois Vehicle Code or a similar provision of a local
26 ordinance.

1 (g) Except as otherwise provided in paragraph (i) of this
2 Section, the provisions of paragraph (c) shall not apply to a
3 defendant charged with violating Section 3-707, 3-708, 3-710,
4 or 5-401.3 of the Illinois Vehicle Code or a similar provision
5 of a local ordinance if the defendant has within the last 5
6 years been:

7 (1) convicted for a violation of Section 3-707, 3-708,
8 3-710, or 5-401.3 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance; or

10 (2) assigned supervision for a violation of Section
11 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
12 Code or a similar provision of a local ordinance.

13 The court shall consider the statement of the prosecuting
14 authority with regard to the standards set forth in this
15 Section.

16 (h) The provisions of paragraph (c) shall not apply to a
17 defendant under the age of 21 years charged with violating a
18 serious traffic offense as defined in Section 1-187.001 of the
19 Illinois Vehicle Code:

20 (1) unless the defendant, upon payment of the fines,
21 penalties, and costs provided by law, agrees to attend and
22 successfully complete a traffic safety program approved by
23 the court under standards set by the Conference of Chief
24 Circuit Judges. The accused shall be responsible for
25 payment of any traffic safety program fees. If the accused
26 fails to file a certificate of successful completion on or

1 before the termination date of the supervision order, the
2 supervision shall be summarily revoked and conviction
3 entered. The provisions of Supreme Court Rule 402 relating
4 to pleas of guilty do not apply in cases when a defendant
5 enters a guilty plea under this provision; or

6 (2) if the defendant has previously been sentenced
7 under the provisions of paragraph (c) on or after January
8 1, 1998 for any serious traffic offense as defined in
9 Section 1-187.001 of the Illinois Vehicle Code.

10 (h-1) The provisions of paragraph (c) shall not apply to a
11 defendant under the age of 21 years charged with an offense
12 against traffic regulations governing the movement of vehicles
13 or any violation of Section 6-107 or Section 12-603.1 of the
14 Illinois Vehicle Code, unless the defendant, upon payment of
15 the fines, penalties, and costs provided by law, agrees to
16 attend and successfully complete a traffic safety program
17 approved by the court under standards set by the Conference of
18 Chief Circuit Judges. The accused shall be responsible for
19 payment of any traffic safety program fees. If the accused
20 fails to file a certificate of successful completion on or
21 before the termination date of the supervision order, the
22 supervision shall be summarily revoked and conviction entered.
23 The provisions of Supreme Court Rule 402 relating to pleas of
24 guilty do not apply in cases when a defendant enters a guilty
25 plea under this provision.

26 (i) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 3-707 of the Illinois
2 Vehicle Code or a similar provision of a local ordinance if the
3 defendant has been assigned supervision for a violation of
4 Section 3-707 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance.

6 (j) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating Section 6-303 of the Illinois
8 Vehicle Code or a similar provision of a local ordinance when
9 the revocation or suspension was for a violation of Section
10 11-501 or a similar provision of a local ordinance or a
11 violation of Section 11-501.1 or paragraph (b) of Section
12 11-401 of the Illinois Vehicle Code if the defendant has
13 within the last 10 years been:

14 (1) convicted for a violation of Section 6-303 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance; or

17 (2) assigned supervision for a violation of Section
18 6-303 of the Illinois Vehicle Code or a similar provision
19 of a local ordinance.

20 (k) The provisions of paragraph (c) shall not apply to a
21 defendant charged with violating any provision of the Illinois
22 Vehicle Code or a similar provision of a local ordinance that
23 governs the movement of vehicles if, within the 12 months
24 preceding the date of the defendant's arrest, the defendant
25 has been assigned court supervision on 2 occasions for a
26 violation that governs the movement of vehicles under the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance. The provisions of this paragraph (k) do not apply
3 to a defendant charged with violating Section 11-501 of the
4 Illinois Vehicle Code or a similar provision of a local
5 ordinance.

6 (l) (Blank).

7 (m) (Blank).

8 (n) The provisions of paragraph (c) shall not apply to any
9 person under the age of 18 who commits an offense against
10 traffic regulations governing the movement of vehicles or any
11 violation of Section 6-107 or Section 12-603.1 of the Illinois
12 Vehicle Code, except upon personal appearance of the defendant
13 in court and upon the written consent of the defendant's
14 parent or legal guardian, executed before the presiding judge.
15 The presiding judge shall have the authority to waive this
16 requirement upon the showing of good cause by the defendant.

17 (o) The provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Section 6-303 of the Illinois
19 Vehicle Code or a similar provision of a local ordinance when
20 the suspension was for a violation of Section 11-501.1 of the
21 Illinois Vehicle Code and when:

22 (1) at the time of the violation of Section 11-501.1
23 of the Illinois Vehicle Code, the defendant was a first
24 offender pursuant to Section 11-500 of the Illinois
25 Vehicle Code and the defendant failed to obtain a
26 monitoring device driving permit; or

1 (2) at the time of the violation of Section 11-501.1
2 of the Illinois Vehicle Code, the defendant was a first
3 offender pursuant to Section 11-500 of the Illinois
4 Vehicle Code, had subsequently obtained a monitoring
5 device driving permit, but was driving a vehicle not
6 equipped with a breath alcohol ignition interlock device
7 as defined in Section 1-129.1 of the Illinois Vehicle
8 Code.

9 (p) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating Section 11-601.5 of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance when the defendant has previously been:

13 (1) convicted for a violation of Section 11-601.5 of
14 the Illinois Vehicle Code or a similar provision of a
15 local ordinance or any similar law or ordinance of another
16 state; or

17 (2) assigned supervision for a violation of Section
18 11-601.5 of the Illinois Vehicle Code or a similar
19 provision of a local ordinance or any similar law or
20 ordinance of another state.

21 (q) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating subsection (b) of Section
23 11-601 or Section 11-601.5 of the Illinois Vehicle Code when
24 the defendant was operating a vehicle, in an urban district,
25 at a speed that is 26 miles per hour or more in excess of the
26 applicable maximum speed limit established under Chapter 11 of

1 the Illinois Vehicle Code.

2 (r) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating any provision of the Illinois
4 Vehicle Code or a similar provision of a local ordinance if the
5 violation was the proximate cause of the death of another and
6 the defendant's driving abstract contains a prior conviction
7 or disposition of court supervision for any violation of the
8 Illinois Vehicle Code, other than an equipment violation, or a
9 suspension, revocation, or cancellation of the driver's
10 license.

11 (s) (Blank). ~~The provisions of paragraph (c) shall not~~
12 ~~apply to a defendant charged with violating subsection (i) of~~
13 ~~Section 70 of the Firearm Concealed Carry Act.~~

14 (Source: P.A. 100-987, eff. 7-1-19; 101-173, eff. 1-1-20.)