

# HB3350



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3350

Introduced 2/22/2021, by Rep. David Friess and Michael T. Marron

#### SYNOPSIS AS INTRODUCED:

See Index

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

LRB102 12013 RLC 17349 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

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

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

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

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

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

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

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

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

26 (k) Law enforcement officer identification information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

8 (5 ILCS 830/10-5)

9 Sec. 10-5. Gun trafficking information.

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

1 direct.

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

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

1 carrying out its duties under this Act.

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

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

6 (20 ILCS 805/805-538)

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

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

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

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

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

3           (1) (Blank).

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

6           (3) (Blank).

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

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

13          (6) (Blank).

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

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

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

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

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

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

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

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

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

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

10 (5) Establish general and field crime laboratories.

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

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

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

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

23 (20 ILCS 2605/2605-595)

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

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

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

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

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

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

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

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

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

7 (20 ILCS 2610/17b)

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

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

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

22 (20 ILCS 2630/2.2)



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

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

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

24           (30 ILCS 105/6z-99)

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

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

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

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

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

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

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

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

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

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

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

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

21 (50 ILCS 725/7.2 rep.)

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

24 Section 35. The School Code is amended by changing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (105 ILCS 5/10-27.1A)

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

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

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

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

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

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

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

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



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

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

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

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

12 (105 ILCS 5/34-8.05)

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

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

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

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

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

12           Sec. 2005. Qualifications for licensure.

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

14                 (1) is under 21 years of age;

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

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

19                 (4) is a fugitive from justice;

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

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

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

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

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

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

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

15 (225 ILCS 447/35-30)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (225 ILCS 447/35-35)

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

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

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

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

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

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

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

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

1 and for which the person has been trained.

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

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

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



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

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

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

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

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

5 (405 ILCS 5/6-103.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (405 ILCS 5/6-103.2)

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

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

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

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

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

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

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

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

13 (405 ILCS 5/6-103.3)

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

18 "Department" means the Department of Public Health.

19 "Director" means the Director of Public Health.

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

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

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

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

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

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

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

1 lead workers who perform lead abatement and lead mitigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (430 ILCS 65/Act rep.)

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

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

17 (430 ILCS 66/25)

18 Sec. 25. Qualifications for a license.

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

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

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

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

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

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

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

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

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

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

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

2 (430 ILCS 66/30)

3 Sec. 30. Contents of license application.

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

12 (b) The application shall contain the following:

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

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

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



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

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

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

18 (A) a felony;

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

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

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

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

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

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

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

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

23 (430 ILCS 66/40)

24 Sec. 40. Non-resident license applications.

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

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

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

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

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

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

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

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

26 (C) understands Illinois laws pertaining to the

1 possession and transport of firearms; and

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

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

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

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

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

1 vehicle and the non-resident:

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

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

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

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

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

16 (430 ILCS 66/70)

17 Sec. 70. Violations.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

11 (430 ILCS 66/80)

12 Sec. 80. Certified firearms instructors.

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

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

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

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

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

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

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

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

15                   (A) certification from a law enforcement agency;

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

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

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

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

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

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

6 (430 ILCS 66/105)

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

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

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

1 (430 ILCS 67/35)

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

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

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

1 efforts were made.

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

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

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

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

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

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

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

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

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

1 agency.

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

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

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

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

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

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

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

19                 (430 ILCS 67/40)

20                 Sec. 40. Six-month orders.

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



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

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

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

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

1 days.

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

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

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

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

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

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

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

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

1           herself, or another.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14           (430 ILCS 68/5-20)

15           Sec. 5-20. Additional licensee requirements.

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

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

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

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

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

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

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

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

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

23                   (430 ILCS 68/5-25)

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

1 entity that engages in the following activities:

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

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

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

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

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



1 sporting use or as offensive or defensive weapons;

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

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

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

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

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

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

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

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

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

4 (430 ILCS 68/5-40)

5 Sec. 5-40. Qualifications for operation.

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

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

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

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

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

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

23 (430 ILCS 68/5-85)

24 Sec. 5-85. Disciplinary sanctions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (720 ILCS 5/2-7.1)

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

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

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

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

6            (720 ILCS 5/2-7.5)

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

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

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

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

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

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



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

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

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

9 Sec. 12-3.05. Aggravated battery.

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

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

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

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

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

3 (i) performing his or her official duties;

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

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

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

11 (5) Strangles another individual.

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

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

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

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

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

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

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

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

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

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

21 (i) performing his or her official duties;

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

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

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

1 medical services personnel, or utility worker:

2 (i) performing his or her official duties;

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

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

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

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

12 (8) A taxi driver on duty.

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

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

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

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

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

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

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

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

20 (i) performing his or her official duties;

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

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

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

1 to a person he or she knows to be emergency medical  
2 services personnel:

3 (i) performing his or her official duties;

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

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

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

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

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

22 (i) performing his or her official duties;

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

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

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

4                   (i) performing his or her official duties;

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

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

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

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

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

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

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

1 another.

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

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

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

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

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



1 of Human Services.

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

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

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

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

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

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

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

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

1 committing the offense; or

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

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

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

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

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

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

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

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

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

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

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

12 (i) Definitions. In this Section:

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

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

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

25 "Firearm" has the meaning provided under Section 2-7.5 of  
26 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~

1 and does not include an air rifle as defined by Section  
2 24.8-0.1 of this Code.

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

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

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

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

12 (720 ILCS 5/16-0.1)

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

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

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

25 "Communication device" means any type of instrument,

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

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

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

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

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

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

1 continuous or intermittent.

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

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

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

13 (1) An electronic funds transfer card.

14 (2) A credit card.

15 (3) A debit card.

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

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

26 (A) Obtaining money, cash refund or credit

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) A person's name.

18 (2) A person's address.

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

20 (4) A person's telephone number.

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

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

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

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

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

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

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

11 (11) Personal identification numbers.

12 (12) Electronic identification numbers.

13 (13) Digital signals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (d) Sentence.

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

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

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

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

12 (f) Definitions. In this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (ii) are not immediately accessible; or

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

26 (iv) are carried or possessed in accordance with

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

4 (5) Sets a spring gun; or

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

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

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

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



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

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

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

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

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

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

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

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

13 (ii) are not immediately accessible; or

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

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

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

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

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

19 (12) (Blank); or

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

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

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

22 (c) Violations in specific places.

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

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

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

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

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

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

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

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

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

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

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

23 (e) Exemptions.

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



1 this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 confined in a penal institution shall be a Class 3 felony for  
2 which the person shall be sentenced to no less than 2 years and  
3 no more than 10 years. A second or subsequent violation of this  
4 Section shall be a Class 2 felony for which the person shall be  
5 sentenced to a term of imprisonment of not less than 3 years  
6 and not more than 14 years, except as provided for in Section  
7 5-4.5-110 of the Unified Code of Corrections. Violation of  
8 this Section by a person not confined in a penal institution  
9 who has been convicted of a forcible felony, a felony  
10 violation of Article 24 of this Code ~~or of the Firearm Owners~~  
11 ~~Identification Card Act~~, stalking or aggravated stalking, or a  
12 Class 2 or greater felony under the Illinois Controlled  
13 Substances Act, the Cannabis Control Act, or the  
14 Methamphetamine Control and Community Protection Act is a  
15 Class 2 felony for which the person shall be sentenced to not  
16 less than 3 years and not more than 14 years, except as  
17 provided for in Section 5-4.5-110 of the Unified Code of  
18 Corrections. Violation of this Section by a person who is on  
19 parole or mandatory supervised release is a Class 2 felony for  
20 which the person shall be sentenced to not less than 3 years  
21 and not more than 14 years, except as provided for in Section  
22 5-4.5-110 of the Unified Code of Corrections. Violation of  
23 this Section by a person not confined in a penal institution is  
24 a Class X felony when the firearm possessed is a machine gun.  
25 Any person who violates this Section while confined in a penal  
26 institution, which is a facility of the Illinois Department of

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

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

15 (720 ILCS 5/24-1.6)

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

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

19 (1) Carries on or about his or her person or in any  
20 vehicle or concealed on or about his or her person except  
21 when on his or her land or in his or her abode, legal  
22 dwelling, or fixed place of business, or on the land or in  
23 the legal dwelling of another person as an invitee with  
24 that person's permission, any pistol, revolver, stun gun  
25 or taser or other firearm; or

1           (2) Carries or possesses on or about his or her  
2 person, upon any public street, alley, or other public  
3 lands within the corporate limits of a city, village or  
4 incorporated town, except when an invitee thereon or  
5 therein, for the purpose of the display of such weapon or  
6 the lawful commerce in weapons, or except when on his or  
7 her own land or in his or her own abode, legal dwelling, or  
8 fixed place of business, or on the land or in the legal  
9 dwelling of another person as an invitee with that  
10 person's permission, any pistol, revolver, stun gun or  
11 taser or other firearm; and

12           (3) One of the following factors is present:

13           (A) the firearm, other than a pistol, revolver, or  
14 handgun, possessed was uncased, loaded, and  
15 immediately accessible at the time of the offense; or

16           (A-5) the pistol, revolver, or handgun possessed  
17 was uncased, loaded, and immediately accessible at the  
18 time of the offense and the person possessing the  
19 pistol, revolver, or handgun has not been issued a  
20 currently valid license under the Firearm Concealed  
21 Carry Act; or

22           (B) the firearm, other than a pistol, revolver, or  
23 handgun, possessed was uncased, unloaded, and the  
24 ammunition for the weapon was immediately accessible  
25 at the time of the offense; or

26           (B-5) the pistol, revolver, or handgun possessed

1 was uncased, unloaded, and the ammunition for the  
2 weapon was immediately accessible at the time of the  
3 offense and the person possessing the pistol,  
4 revolver, or handgun has not been issued a currently  
5 valid license under the Firearm Concealed Carry Act;  
6 or

7 (C) (blank); or ~~the person possessing the firearm~~  
8 ~~has not been issued a currently valid Firearm Owner's~~  
9 ~~Identification Card; or~~

10 (D) the person possessing the weapon was  
11 previously adjudicated a delinquent minor under the  
12 Juvenile Court Act of 1987 for an act that if committed  
13 by an adult would be a felony; or

14 (E) the person possessing the weapon was engaged  
15 in a misdemeanor violation of the Cannabis Control  
16 Act, in a misdemeanor violation of the Illinois  
17 Controlled Substances Act, or in a misdemeanor  
18 violation of the Methamphetamine Control and Community  
19 Protection Act; or

20 (F) (blank); or

21 (G) the person possessing the weapon had an order  
22 of protection issued against him or her within the  
23 previous 2 years; or

24 (H) the person possessing the weapon was engaged  
25 in the commission or attempted commission of a  
26 misdemeanor involving the use or threat of violence

1 against the person or property of another; or

2 (I) the person possessing the weapon was under 21  
3 years of age and in possession of a handgun, unless the  
4 person under 21 is engaged in lawful activities under  
5 the Wildlife Code or described in subsection  
6 24-2(b)(1), (b)(3), or 24-2(f).

7 (a-5) "Handgun" as used in this Section has the meaning  
8 given to it in Section 5 of the Firearm Concealed Carry Act.

9 (b) "Stun gun or taser" as used in this Section has the  
10 same definition given to it in Section 24-1 of this Code.

11 (c) This Section does not apply to or affect the  
12 transportation or possession of weapons that:

13 (i) are broken down in a non-functioning state; or

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm  
16 carrying box, shipping box, or other container by a person  
17 is eligible under State and federal law to possess a  
18 firearm ~~who has been issued a currently valid Firearm~~  
19 ~~Owner's Identification Card.~~

20 (d) Sentence.

21 (1) Aggravated unlawful use of a weapon is a Class 4  
22 felony; a second or subsequent offense is a Class 2 felony  
23 for which the person shall be sentenced to a term of  
24 imprisonment of not less than 3 years and not more than 7  
25 years, except as provided for in Section 5-4.5-110 of the  
26 Unified Code of Corrections.



1           (2) (Blank). ~~Except as otherwise provided in~~  
2 ~~paragraphs (3) and (4) of this subsection (d), a first~~  
3 ~~offense of aggravated unlawful use of a weapon committed~~  
4 ~~with a firearm by a person 18 years of age or older where~~  
5 ~~the factors listed in both items (A) and (C) or both items~~  
6 ~~(A 5) and (C) of paragraph (3) of subsection (a) are~~  
7 ~~present is a Class 4 felony, for which the person shall be~~  
8 ~~sentenced to a term of imprisonment of not less than one~~  
9 ~~year and not more than 3 years.~~

10           (3) Aggravated unlawful use of a weapon by a person  
11 who has been previously convicted of a felony in this  
12 State or another jurisdiction is a Class 2 felony for  
13 which the person shall be sentenced to a term of  
14 imprisonment of not less than 3 years and not more than 7  
15 years, except as provided for in Section 5-4.5-110 of the  
16 Unified Code of Corrections.

17           (4) Aggravated unlawful use of a weapon while wearing  
18 or in possession of body armor as defined in Section 33F-1  
19 by a person who is prohibited under State or federal law  
20 from possessing a firearm ~~has not been issued a valid~~  
21 ~~Firearms Owner's Identification Card in accordance with~~  
22 ~~Section 5 of the Firearm Owners Identification Card Act~~ is  
23 a Class X felony.

24           (e) The possession of each firearm in violation of this  
25 Section constitutes a single and separate violation.

26           (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

1 (720 ILCS 5/24-1.8)

2 Sec. 24-1.8. Unlawful possession of a firearm by a street  
3 gang member.

4 (a) A person commits unlawful possession of a firearm by a  
5 street gang member when he or she knowingly:

6 (1) possesses, carries, or conceals on or about his or  
7 her person a firearm and firearm ammunition while on any  
8 street, road, alley, gangway, sidewalk, or any other  
9 lands, except when inside his or her own abode or inside  
10 his or her fixed place of business, ~~and has not been issued~~  
11 ~~a currently valid Firearm Owner's Identification Card~~ and  
12 is a member of a street gang; or

13 (2) possesses or carries in any vehicle a firearm and  
14 firearm ammunition which are both immediately accessible  
15 at the time of the offense while on any street, road,  
16 alley, or any other lands, except when inside his or her  
17 own abode or garage, ~~and has not been issued a currently~~  
18 ~~valid Firearm Owner's Identification Card~~ and is a member  
19 of a street gang.

20 (b) Unlawful possession of a firearm by a street gang  
21 member is a Class 2 felony for which the person, if sentenced  
22 to a term of imprisonment, shall be sentenced to no less than 3  
23 years and no more than 10 years. A period of probation, a term  
24 of periodic imprisonment or conditional discharge shall not be  
25 imposed for the offense of unlawful possession of a firearm by

1 a street gang member when the firearm was loaded or contained  
2 firearm ammunition and the court shall sentence the offender  
3 to not less than the minimum term of imprisonment authorized  
4 for the Class 2 felony.

5 (c) For purposes of this Section:

6 "Street gang" or "gang" has the meaning ascribed to it  
7 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
8 Prevention Act.

9 "Street gang member" or "gang member" has the meaning  
10 ascribed to it in Section 10 of the Illinois Streetgang  
11 Terrorism Omnibus Prevention Act.

12 (Source: P.A. 96-829, eff. 12-3-09.)

13 (720 ILCS 5/24-2)

14 Sec. 24-2. Exemptions.

15 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
16 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
17 the following:

18 (1) Peace officers, and any person summoned by a peace  
19 officer to assist in making arrests or preserving the  
20 peace, while actually engaged in assisting such officer.

21 (2) Wardens, superintendents and keepers of prisons,  
22 penitentiaries, jails and other institutions for the  
23 detention of persons accused or convicted of an offense,  
24 while in the performance of their official duty, or while  
25 commuting between their homes and places of employment.

1           (3) Members of the Armed Services or Reserve Forces of  
2           the United States or the Illinois National Guard or the  
3           Reserve Officers Training Corps, while in the performance  
4           of their official duty.

5           (4) Special agents employed by a railroad or a public  
6           utility to perform police functions, and guards of armored  
7           car companies, while actually engaged in the performance  
8           of the duties of their employment or commuting between  
9           their homes and places of employment; and watchmen while  
10          actually engaged in the performance of the duties of their  
11          employment.

12          (5) Persons licensed as private security contractors,  
13          private detectives, or private alarm contractors, or  
14          employed by a private security contractor, private  
15          detective, or private alarm contractor agency licensed by  
16          the Department of Financial and Professional Regulation,  
17          if their duties include the carrying of a weapon under the  
18          provisions of the Private Detective, Private Alarm,  
19          Private Security, Fingerprint Vendor, and Locksmith Act of  
20          2004, while actually engaged in the performance of the  
21          duties of their employment or commuting between their  
22          homes and places of employment. A person shall be  
23          considered eligible for this exemption if he or she has  
24          completed the required 20 hours of training for a private  
25          security contractor, private detective, or private alarm  
26          contractor, or employee of a licensed private security

1 contractor, private detective, or private alarm contractor  
2 agency and 20 hours of required firearm training, and has  
3 been issued a firearm control card by the Department of  
4 Financial and Professional Regulation. Conditions for the  
5 renewal of firearm control cards issued under the  
6 provisions of this Section shall be the same as for those  
7 cards issued under the provisions of the Private  
8 Detective, Private Alarm, Private Security, Fingerprint  
9 Vendor, and Locksmith Act of 2004. The firearm control  
10 card shall be carried by the private security contractor,  
11 private detective, or private alarm contractor, or  
12 employee of the licensed private security contractor,  
13 private detective, or private alarm contractor agency at  
14 all times when he or she is in possession of a concealable  
15 weapon permitted by his or her firearm control card.

16 (6) Any person regularly employed in a commercial or  
17 industrial operation as a security guard for the  
18 protection of persons employed and private property  
19 related to such commercial or industrial operation, while  
20 actually engaged in the performance of his or her duty or  
21 traveling between sites or properties belonging to the  
22 employer, and who, as a security guard, is a member of a  
23 security force registered with the Department of Financial  
24 and Professional Regulation; provided that such security  
25 guard has successfully completed a course of study,  
26 approved by and supervised by the Department of Financial

1 and Professional Regulation, consisting of not less than  
2 40 hours of training that includes the theory of law  
3 enforcement, liability for acts, and the handling of  
4 weapons. A person shall be considered eligible for this  
5 exemption if he or she has completed the required 20 hours  
6 of training for a security officer and 20 hours of  
7 required firearm training, and has been issued a firearm  
8 control card by the Department of Financial and  
9 Professional Regulation. Conditions for the renewal of  
10 firearm control cards issued under the provisions of this  
11 Section shall be the same as for those cards issued under  
12 the provisions of the Private Detective, Private Alarm,  
13 Private Security, Fingerprint Vendor, and Locksmith Act of  
14 2004. The firearm control card shall be carried by the  
15 security guard at all times when he or she is in possession  
16 of a concealable weapon permitted by his or her firearm  
17 control card.

18 (7) Agents and investigators of the Illinois  
19 Legislative Investigating Commission authorized by the  
20 Commission to carry the weapons specified in subsections  
21 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
22 any investigation for the Commission.

23 (8) Persons employed by a financial institution as a  
24 security guard for the protection of other employees and  
25 property related to such financial institution, while  
26 actually engaged in the performance of their duties,

1 commuting between their homes and places of employment, or  
2 traveling between sites or properties owned or operated by  
3 such financial institution, and who, as a security guard,  
4 is a member of a security force registered with the  
5 Department; provided that any person so employed has  
6 successfully completed a course of study, approved by and  
7 supervised by the Department of Financial and Professional  
8 Regulation, consisting of not less than 40 hours of  
9 training which includes theory of law enforcement,  
10 liability for acts, and the handling of weapons. A person  
11 shall be considered to be eligible for this exemption if  
12 he or she has completed the required 20 hours of training  
13 for a security officer and 20 hours of required firearm  
14 training, and has been issued a firearm control card by  
15 the Department of Financial and Professional Regulation.  
16 Conditions for renewal of firearm control cards issued  
17 under the provisions of this Section shall be the same as  
18 for those issued under the provisions of the Private  
19 Detective, Private Alarm, Private Security, Fingerprint  
20 Vendor, and Locksmith Act of 2004. The firearm control  
21 card shall be carried by the security guard at all times  
22 when he or she is in possession of a concealable weapon  
23 permitted by his or her firearm control card. For purposes  
24 of this subsection, "financial institution" means a bank,  
25 savings and loan association, credit union or company  
26 providing armored car services.

1           (9) Any person employed by an armored car company to  
2 drive an armored car, while actually engaged in the  
3 performance of his duties.

4           (10) Persons who have been classified as peace  
5 officers pursuant to the Peace Officer Fire Investigation  
6 Act.

7           (11) Investigators of the Office of the State's  
8 Attorneys Appellate Prosecutor authorized by the board of  
9 governors of the Office of the State's Attorneys Appellate  
10 Prosecutor to carry weapons pursuant to Section 7.06 of  
11 the State's Attorneys Appellate Prosecutor's Act.

12           (12) Special investigators appointed by a State's  
13 Attorney under Section 3-9005 of the Counties Code.

14           (12.5) Probation officers while in the performance of  
15 their duties, or while commuting between their homes,  
16 places of employment or specific locations that are part  
17 of their assigned duties, with the consent of the chief  
18 judge of the circuit for which they are employed, if they  
19 have received weapons training according to requirements  
20 of the Peace Officer and Probation Officer Firearm  
21 Training Act.

22           (13) Court Security Officers while in the performance  
23 of their official duties, or while commuting between their  
24 homes and places of employment, with the consent of the  
25 Sheriff.

26           (13.5) A person employed as an armed security guard at



1 a nuclear energy, storage, weapons or development site or  
2 facility regulated by the Nuclear Regulatory Commission  
3 who has completed the background screening and training  
4 mandated by the rules and regulations of the Nuclear  
5 Regulatory Commission.

6 (14) Manufacture, transportation, or sale of weapons  
7 to persons authorized under subdivisions (1) through  
8 (13.5) of this subsection to possess those weapons.

9 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
10 to or affect any person carrying a concealed pistol, revolver,  
11 or handgun and the person has been issued a currently valid  
12 license under the Firearm Concealed Carry Act at the time of  
13 the commission of the offense.

14 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
15 to or affect a qualified current or retired law enforcement  
16 officer qualified under the laws of this State or under the  
17 federal Law Enforcement Officers Safety Act.

18 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
19 24-1.6 do not apply to or affect any of the following:

20 (1) Members of any club or organization organized for  
21 the purpose of practicing shooting at targets upon  
22 established target ranges, whether public or private, and  
23 patrons of such ranges, while such members or patrons are  
24 using their firearms on those target ranges.

25 (2) Duly authorized military or civil organizations  
26 while parading, with the special permission of the

1 Governor.

2 (3) Hunters, trappers or fishermen with a license or  
3 permit while engaged in hunting, trapping or fishing.

4 (4) Transportation of weapons that are broken down in  
5 a non-functioning state or are not immediately accessible.

6 (5) Carrying or possessing any pistol, revolver, stun  
7 gun or taser or other firearm on the land or in the legal  
8 dwelling of another person as an invitee with that  
9 person's permission.

10 (c) Subsection 24-1(a)(7) does not apply to or affect any  
11 of the following:

12 (1) Peace officers while in performance of their  
13 official duties.

14 (2) Wardens, superintendents and keepers of prisons,  
15 penitentiaries, jails and other institutions for the  
16 detention of persons accused or convicted of an offense.

17 (3) Members of the Armed Services or Reserve Forces of  
18 the United States or the Illinois National Guard, while in  
19 the performance of their official duty.

20 (4) Manufacture, transportation, or sale of machine  
21 guns to persons authorized under subdivisions (1) through  
22 (3) of this subsection to possess machine guns, if the  
23 machine guns are broken down in a non-functioning state or  
24 are not immediately accessible.

25 (5) Persons licensed under federal law to manufacture  
26 any weapon from which 8 or more shots or bullets can be

1 discharged by a single function of the firing device, or  
2 ammunition for such weapons, and actually engaged in the  
3 business of manufacturing such weapons or ammunition, but  
4 only with respect to activities which are within the  
5 lawful scope of such business, such as the manufacture,  
6 transportation, or testing of such weapons or ammunition.  
7 This exemption does not authorize the general private  
8 possession of any weapon from which 8 or more shots or  
9 bullets can be discharged by a single function of the  
10 firing device, but only such possession and activities as  
11 are within the lawful scope of a licensed manufacturing  
12 business described in this paragraph.

13 During transportation, such weapons shall be broken  
14 down in a non-functioning state or not immediately  
15 accessible.

16 (6) The manufacture, transport, testing, delivery,  
17 transfer or sale, and all lawful commercial or  
18 experimental activities necessary thereto, of rifles,  
19 shotguns, and weapons made from rifles or shotguns, or  
20 ammunition for such rifles, shotguns or weapons, where  
21 engaged in by a person operating as a contractor or  
22 subcontractor pursuant to a contract or subcontract for  
23 the development and supply of such rifles, shotguns,  
24 weapons or ammunition to the United States government or  
25 any branch of the Armed Forces of the United States, when  
26 such activities are necessary and incident to fulfilling

1 the terms of such contract.

2 The exemption granted under this subdivision (c)(6)  
3 shall also apply to any authorized agent of any such  
4 contractor or subcontractor who is operating within the  
5 scope of his employment, where such activities involving  
6 such weapon, weapons or ammunition are necessary and  
7 incident to fulfilling the terms of such contract.

8 (7) A person possessing a rifle with a barrel or  
9 barrels less than 16 inches in length if: (A) the person  
10 has been issued a Curios and Relics license from the U.S.  
11 Bureau of Alcohol, Tobacco, Firearms and Explosives; or  
12 (B) the person is an active member of a bona fide,  
13 nationally recognized military re-enacting group and the  
14 modification is required and necessary to accurately  
15 portray the weapon for historical re-enactment purposes;  
16 the re-enactor is in possession of a valid and current  
17 re-enacting group membership credential; and the overall  
18 length of the weapon as modified is not less than 26  
19 inches.

20 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
21 possession or carrying of a black-jack or slung-shot by a  
22 peace officer.

23 (e) Subsection 24-1(a)(8) does not apply to any owner,  
24 manager or authorized employee of any place specified in that  
25 subsection nor to any law enforcement officer.

26 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and

1 Section 24-1.6 do not apply to members of any club or  
2 organization organized for the purpose of practicing shooting  
3 at targets upon established target ranges, whether public or  
4 private, while using their firearms on those target ranges.

5 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply  
6 to:

7 (1) Members of the Armed Services or Reserve Forces of  
8 the United States or the Illinois National Guard, while in  
9 the performance of their official duty.

10 (2) Bonafide collectors of antique or surplus military  
11 ordnance.

12 (3) Laboratories having a department of forensic  
13 ballistics, or specializing in the development of  
14 ammunition or explosive ordnance.

15 (4) Commerce, preparation, assembly or possession of  
16 explosive bullets by manufacturers of ammunition licensed  
17 by the federal government, in connection with the supply  
18 of those organizations and persons exempted by subdivision  
19 (g)(1) of this Section, or like organizations and persons  
20 outside this State, or the transportation of explosive  
21 bullets to any organization or person exempted in this  
22 Section by a common carrier or by a vehicle owned or leased  
23 by an exempted manufacturer.

24 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
25 persons licensed under federal law to manufacture any device  
26 or attachment of any kind designed, used, or intended for use

1 in silencing the report of any firearm, firearms, or  
2 ammunition for those firearms equipped with those devices, and  
3 actually engaged in the business of manufacturing those  
4 devices, firearms, or ammunition, but only with respect to  
5 activities that are within the lawful scope of that business,  
6 such as the manufacture, transportation, or testing of those  
7 devices, firearms, or ammunition. This exemption does not  
8 authorize the general private possession of any device or  
9 attachment of any kind designed, used, or intended for use in  
10 silencing the report of any firearm, but only such possession  
11 and activities as are within the lawful scope of a licensed  
12 manufacturing business described in this subsection (g-5).  
13 During transportation, these devices shall be detached from  
14 any weapon or not immediately accessible.

15 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
16 24-1.6 do not apply to or affect any parole agent or parole  
17 supervisor who meets the qualifications and conditions  
18 prescribed in Section 3-14-1.5 of the Unified Code of  
19 Corrections.

20 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
21 officer while serving as a member of a tactical response team  
22 or special operations team. A peace officer may not personally  
23 own or apply for ownership of a device or attachment of any  
24 kind designed, used, or intended for use in silencing the  
25 report of any firearm. These devices shall be owned and  
26 maintained by lawfully recognized units of government whose

1 duties include the investigation of criminal acts.

2 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
3 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
4 athlete's possession, transport on official Olympic and  
5 Paralympic transit systems established for athletes, or use of  
6 competition firearms sanctioned by the International Olympic  
7 Committee, the International Paralympic Committee, the  
8 International Shooting Sport Federation, or USA Shooting in  
9 connection with such athlete's training for and participation  
10 in shooting competitions at the 2016 Olympic and Paralympic  
11 Games and sanctioned test events leading up to the 2016  
12 Olympic and Paralympic Games.

13 (h) An information or indictment based upon a violation of  
14 any subsection of this Article need not negate any  
15 exemptions contained in this Article. The defendant shall have  
16 the burden of proving such an exemption.

17 (i) Nothing in this Article shall prohibit, apply to, or  
18 affect the transportation, carrying, or possession, of any  
19 pistol or revolver, stun gun, taser, or other firearm  
20 consigned to a common carrier operating under license of the  
21 State of Illinois or the federal government, where such  
22 transportation, carrying, or possession is incident to the  
23 lawful transportation in which such common carrier is engaged;  
24 and nothing in this Article shall prohibit, apply to, or  
25 affect the transportation, carrying, or possession of any  
26 pistol, revolver, stun gun, taser, or other firearm, not the

1 subject of and regulated by subsection 24-1(a)(7) or  
2 subsection 24-2(c) of this Article, which is unloaded and  
3 enclosed in a case, firearm carrying box, shipping box, or  
4 other container, by a person eligible under State and federal  
5 law to possess a firearm ~~the possessor of a valid Firearm~~  
6 ~~Owners Identification Card.~~

7 (Source: P.A. 100-201, eff. 8-18-17; 101-80, eff. 7-12-19.)

8 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

9 Sec. 24-3. Unlawful sale or delivery of firearms.

10 (A) A person commits the offense of unlawful sale or  
11 delivery of firearms when he or she knowingly does any of the  
12 following:

13 (a) Sells or gives any firearm of a size which may be  
14 concealed upon the person to any person under 18 years of  
15 age.

16 (b) Sells or gives any firearm to a person under 21  
17 years of age who has been convicted of a misdemeanor other  
18 than a traffic offense or adjudged delinquent.

19 (c) Sells or gives any firearm to any narcotic addict.

20 (d) Sells or gives any firearm to any person who has  
21 been convicted of a felony under the laws of this or any  
22 other jurisdiction.

23 (e) Sells or gives any firearm to any person who has  
24 been a patient in a mental institution within the past 5  
25 years. In this subsection (e):



1            "Mental institution" means any hospital,  
2            institution, clinic, evaluation facility, mental  
3            health center, or part thereof, which is used  
4            primarily for the care or treatment of persons with  
5            mental illness.

6            "Patient in a mental institution" means the person  
7            was admitted, either voluntarily or involuntarily, to  
8            a mental institution for mental health treatment,  
9            unless the treatment was voluntary and solely for an  
10           alcohol abuse disorder and no other secondary  
11           substance abuse disorder or mental illness.

12           (f) Sells or gives any firearms to any person who is a  
13           person with an intellectual disability.

14           (g) Delivers any firearm, incidental to a sale,  
15           without withholding delivery of the firearm for at least  
16           72 hours after application for its purchase has been made,  
17           or delivers a stun gun or taser, incidental to a sale,  
18           without withholding delivery of the stun gun or taser for  
19           at least 24 hours after application for its purchase has  
20           been made. However, this paragraph (g) does not apply to:

21           (1) the sale of a firearm to a law enforcement officer if  
22           the seller of the firearm knows that the person to whom he  
23           or she is selling the firearm is a law enforcement officer  
24           or the sale of a firearm to a person who desires to  
25           purchase a firearm for use in promoting the public  
26           interest incident to his or her employment as a bank

1 guard, armed truck guard, or other similar employment; (2)  
2 a mail order sale of a firearm from a federally licensed  
3 firearms dealer to a nonresident of Illinois under which  
4 the firearm is mailed to a federally licensed firearms  
5 dealer outside the boundaries of Illinois; (3) (blank);  
6 (4) the sale of a firearm to a dealer licensed as a federal  
7 firearms dealer under Section 923 of the federal Gun  
8 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
9 sale of any rifle, shotgun, or other long gun to a resident  
10 registered competitor or attendee or non-resident  
11 registered competitor or attendee by any dealer licensed  
12 as a federal firearms dealer under Section 923 of the  
13 federal Gun Control Act of 1968 at competitive shooting  
14 events held at the World Shooting Complex sanctioned by a  
15 national governing body. For purposes of transfers or  
16 sales under subparagraph (5) of this paragraph (g), the  
17 Department of Natural Resources shall give notice to the  
18 Department of State Police at least 30 calendar days prior  
19 to any competitive shooting events at the World Shooting  
20 Complex sanctioned by a national governing body. The  
21 notification shall be made on a form prescribed by the  
22 Department of State Police. The sanctioning body shall  
23 provide a list of all registered competitors and attendees  
24 at least 24 hours before the events to the Department of  
25 State Police. Any changes to the list of registered  
26 competitors and attendees shall be forwarded to the

1 Department of State Police as soon as practicable. The  
2 Department of State Police must destroy the list of  
3 registered competitors and attendees no later than 30 days  
4 after the date of the event. Nothing in this paragraph (g)  
5 relieves a federally licensed firearm dealer from the  
6 requirements of conducting a NICS background check through  
7 the Illinois Point of Contact under 18 U.S.C. 922(t). For  
8 purposes of this paragraph (g), "application" means when  
9 the buyer and seller reach an agreement to purchase a  
10 firearm. For purposes of this paragraph (g), "national  
11 governing body" means a group of persons who adopt rules  
12 and formulate policy on behalf of a national firearm  
13 sporting organization.

14 (h) While holding any license as a dealer, importer,  
15 manufacturer or pawnbroker under the federal Gun Control  
16 Act of 1968, manufactures, sells or delivers to any  
17 unlicensed person a handgun having a barrel, slide, frame  
18 or receiver which is a die casting of zinc alloy or any  
19 other nonhomogeneous metal which will melt or deform at a  
20 temperature of less than 800 degrees Fahrenheit. For  
21 purposes of this paragraph, ~~(1) "firearm" is defined as in~~  
22 ~~the Firearm Owners Identification Card Act; and (2)~~  
23 "handgun" is defined as a firearm designed to be held and  
24 fired by the use of a single hand, and includes a  
25 combination of parts from which such a firearm can be  
26 assembled.

1           (i) Sells or gives a firearm of any size to any person  
2           under 18 years of age who is not eligible under State or  
3           federal law to possess a firearm ~~does not possess a valid~~  
4           ~~Firearm Owner's Identification Card.~~

5           (j) Sells or gives a firearm while engaged in the  
6           business of selling firearms at wholesale or retail  
7           without being licensed as a federal firearms dealer under  
8           Section 923 of the federal Gun Control Act of 1968 (18  
9           U.S.C. 923). In this paragraph (j):

10           A person "engaged in the business" means a person who  
11           devotes time, attention, and labor to engaging in the  
12           activity as a regular course of trade or business with the  
13           principal objective of livelihood and profit, but does not  
14           include a person who makes occasional repairs of firearms  
15           or who occasionally fits special barrels, stocks, or  
16           trigger mechanisms to firearms.

17           "With the principal objective of livelihood and  
18           profit" means that the intent underlying the sale or  
19           disposition of firearms is predominantly one of obtaining  
20           livelihood and pecuniary gain, as opposed to other  
21           intents, such as improving or liquidating a personal  
22           firearms collection; however, proof of profit shall not be  
23           required as to a person who engages in the regular and  
24           repetitive purchase and disposition of firearms for  
25           criminal purposes or terrorism.

26           (k) (Blank). ~~Sells or transfers ownership of a firearm~~

1 ~~to a person who does not display to the seller or~~  
2 ~~transferor of the firearm either: (1) a currently valid~~  
3 ~~Firearm Owner's Identification Card that has previously~~  
4 ~~been issued in the transferee's name by the Department of~~  
5 ~~State Police under the provisions of the Firearm Owners~~  
6 ~~Identification Card Act; or (2) a currently valid license~~  
7 ~~to carry a concealed firearm that has previously been~~  
8 ~~issued in the transferee's name by the Department of State~~  
9 ~~Police under the Firearm Concealed Carry Act. This~~  
10 ~~paragraph (k) does not apply to the transfer of a firearm~~  
11 ~~to a person who is exempt from the requirement of~~  
12 ~~possessing a Firearm Owner's Identification Card under~~  
13 ~~Section 2 of the Firearm Owners Identification Card Act.~~  
14 ~~For the purposes of this Section, a currently valid~~  
15 ~~Firearm Owner's Identification Card means (i) a Firearm~~  
16 ~~Owner's Identification Card that has not expired or (ii)~~  
17 ~~an approval number issued in accordance with subsection~~  
18 ~~(a 10) of subsection 3 or Section 3.1 of the Firearm~~  
19 ~~Owners Identification Card Act shall be proof that the~~  
20 ~~Firearm Owner's Identification Card was valid.~~

21 (1) (Blank). ~~In addition to the other requirements~~  
22 ~~of this paragraph (k), all persons who are not~~  
23 ~~federally licensed firearms dealers must also have~~  
24 ~~complied with subsection (a 10) of Section 3 of the~~  
25 ~~Firearm Owners Identification Card Act by determining~~  
26 ~~the validity of a purchaser's Firearm Owner's~~

1           ~~Identification Card.~~

2           (2) (Blank). ~~All sellers or transferors who have~~  
3 ~~complied with the requirements of subparagraph (1) of~~  
4 ~~this paragraph (k) shall not be liable for damages in~~  
5 ~~any civil action arising from the use or misuse by the~~  
6 ~~transferee of the firearm transferred, except for~~  
7 ~~willful or wanton misconduct on the part of the seller~~  
8 ~~or transferor.~~

9           (1) Not being entitled to the possession of a firearm,  
10 delivers the firearm, knowing it to have been stolen or  
11 converted. It may be inferred that a person who possesses  
12 a firearm with knowledge that its serial number has been  
13 removed or altered has knowledge that the firearm is  
14 stolen or converted.

15           (B) Paragraph (h) of subsection (A) does not include  
16 firearms sold within 6 months after enactment of Public Act  
17 78-355 (approved August 21, 1973, effective October 1, 1973),  
18 nor is any firearm legally owned or possessed by any citizen or  
19 purchased by any citizen within 6 months after the enactment  
20 of Public Act 78-355 subject to confiscation or seizure under  
21 the provisions of that Public Act. Nothing in Public Act  
22 78-355 shall be construed to prohibit the gift or trade of any  
23 firearm if that firearm was legally held or acquired within 6  
24 months after the enactment of that Public Act.

25           (C) Sentence.

26           (1) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (c), (e), (f), (g),  
2 or (h) of subsection (A) commits a Class 4 felony.

3 (2) Any person convicted of unlawful sale or delivery  
4 of firearms in violation of paragraph (b) or (i) of  
5 subsection (A) commits a Class 3 felony.

6 (3) Any person convicted of unlawful sale or delivery  
7 of firearms in violation of paragraph (a) of subsection  
8 (A) commits a Class 2 felony.

9 (4) Any person convicted of unlawful sale or delivery  
10 of firearms in violation of paragraph (a), (b), or (i) of  
11 subsection (A) in any school, on the real property  
12 comprising a school, within 1,000 feet of the real  
13 property comprising a school, at a school related  
14 activity, or on or within 1,000 feet of any conveyance  
15 owned, leased, or contracted by a school or school  
16 district to transport students to or from school or a  
17 school related activity, regardless of the time of day or  
18 time of year at which the offense was committed, commits a  
19 Class 1 felony. Any person convicted of a second or  
20 subsequent violation of unlawful sale or delivery of  
21 firearms in violation of paragraph (a), (b), or (i) of  
22 subsection (A) in any school, on the real property  
23 comprising a school, within 1,000 feet of the real  
24 property comprising a school, at a school related  
25 activity, or on or within 1,000 feet of any conveyance  
26 owned, leased, or contracted by a school or school

1 district to transport students to or from school or a  
2 school related activity, regardless of the time of day or  
3 time of year at which the offense was committed, commits a  
4 Class 1 felony for which the sentence shall be a term of  
5 imprisonment of no less than 5 years and no more than 15  
6 years.

7 (5) Any person convicted of unlawful sale or delivery  
8 of firearms in violation of paragraph (a) or (i) of  
9 subsection (A) in residential property owned, operated, or  
10 managed by a public housing agency or leased by a public  
11 housing agency as part of a scattered site or mixed-income  
12 development, in a public park, in a courthouse, on  
13 residential property owned, operated, or managed by a  
14 public housing agency or leased by a public housing agency  
15 as part of a scattered site or mixed-income development,  
16 on the real property comprising any public park, on the  
17 real property comprising any courthouse, or on any public  
18 way within 1,000 feet of the real property comprising any  
19 public park, courthouse, or residential property owned,  
20 operated, or managed by a public housing agency or leased  
21 by a public housing agency as part of a scattered site or  
22 mixed-income development commits a Class 2 felony.

23 (6) Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (j) of subsection  
25 (A) commits a Class A misdemeanor. A second or subsequent  
26 violation is a Class 4 felony.



1           (7) (Blank). ~~Any person convicted of unlawful sale or~~  
2 ~~delivery of firearms in violation of paragraph (k) of~~  
3 ~~subsection (A) commits a Class 4 felony, except that a~~  
4 ~~violation of subparagraph (1) of paragraph (k) of~~  
5 ~~subsection (A) shall not be punishable as a crime or petty~~  
6 ~~offense. A third or subsequent conviction for a violation~~  
7 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

8           (8) A person 18 years of age or older convicted of  
9 unlawful sale or delivery of firearms in violation of  
10 paragraph (a) or (i) of subsection (A), when the firearm  
11 that was sold or given to another person under 18 years of  
12 age was used in the commission of or attempt to commit a  
13 forcible felony, shall be fined or imprisoned, or both,  
14 not to exceed the maximum provided for the most serious  
15 forcible felony so committed or attempted by the person  
16 under 18 years of age who was sold or given the firearm.

17           (9) Any person convicted of unlawful sale or delivery  
18 of firearms in violation of paragraph (d) of subsection  
19 (A) commits a Class 3 felony.

20           (10) Any person convicted of unlawful sale or delivery  
21 of firearms in violation of paragraph (l) of subsection  
22 (A) commits a Class 2 felony if the delivery is of one  
23 firearm. Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (l) of subsection  
25 (A) commits a Class 1 felony if the delivery is of not less  
26 than 2 and not more than 5 firearms at the same time or

1 within a one year period. Any person convicted of unlawful  
2 sale or delivery of firearms in violation of paragraph (1)  
3 of subsection (A) commits a Class X felony for which he or  
4 she shall be sentenced to a term of imprisonment of not  
5 less than 6 years and not more than 30 years if the  
6 delivery is of not less than 6 and not more than 10  
7 firearms at the same time or within a 2 year period. Any  
8 person convicted of unlawful sale or delivery of firearms  
9 in violation of paragraph (1) of subsection (A) commits a  
10 Class X felony for which he or she shall be sentenced to a  
11 term of imprisonment of not less than 6 years and not more  
12 than 40 years if the delivery is of not less than 11 and  
13 not more than 20 firearms at the same time or within a 3  
14 year period. Any person convicted of unlawful sale or  
15 delivery of firearms in violation of paragraph (1) of  
16 subsection (A) commits a Class X felony for which he or she  
17 shall be sentenced to a term of imprisonment of not less  
18 than 6 years and not more than 50 years if the delivery is  
19 of not less than 21 and not more than 30 firearms at the  
20 same time or within a 4 year period. Any person convicted  
21 of unlawful sale or delivery of firearms in violation of  
22 paragraph (1) of subsection (A) commits a Class X felony  
23 for which he or she shall be sentenced to a term of  
24 imprisonment of not less than 6 years and not more than 60  
25 years if the delivery is of 31 or more firearms at the same  
26 time or within a 5 year period.

1 (D) For purposes of this Section:

2 "School" means a public or private elementary or secondary  
3 school, community college, college, or university.

4 "School related activity" means any sporting, social,  
5 academic, or other activity for which students' attendance or  
6 participation is sponsored, organized, or funded in whole or  
7 in part by a school or school district.

8 (E) ~~A prosecution for a violation of paragraph (k) of~~  
9 ~~subsection (A) of this Section may be commenced within 6 years~~  
10 ~~after the commission of the offense.~~ A prosecution for a  
11 violation of this Section other than paragraph (g) of  
12 subsection (A) of this Section may be commenced within 5 years  
13 after the commission of the offense defined in the particular  
14 paragraph.

15 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;  
16 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

17 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

18 Sec. 24-3.1. Unlawful possession of firearms and firearm  
19 ammunition.

20 (a) A person commits the offense of unlawful possession of  
21 firearms or firearm ammunition when:

22 (1) He is under 18 years of age and has in his  
23 possession any firearm of a size which may be concealed  
24 upon the person; or

25 (2) He is under 21 years of age, has been convicted of

1 a misdemeanor other than a traffic offense or adjudged  
2 delinquent and has any firearms or firearm ammunition in  
3 his possession; or

4 (3) He is a narcotic addict and has any firearms or  
5 firearm ammunition in his possession; or

6 (4) He has been a patient in a mental institution  
7 within the past 5 years and has any firearms or firearm  
8 ammunition in his possession. For purposes of this  
9 paragraph (4):

10 "Mental institution" means any hospital,  
11 institution, clinic, evaluation facility, mental  
12 health center, or part thereof, which is used  
13 primarily for the care or treatment of persons with  
14 mental illness.

15 "Patient in a mental institution" means the person  
16 was admitted, either voluntarily or involuntarily, to  
17 a mental institution for mental health treatment,  
18 unless the treatment was voluntary and solely for an  
19 alcohol abuse disorder and no other secondary  
20 substance abuse disorder or mental illness; or

21 (5) He is a person with an intellectual disability and  
22 has any firearms or firearm ammunition in his possession;  
23 or

24 (6) He has in his possession any explosive bullet.

25 For purposes of this paragraph "explosive bullet" means  
26 the projectile portion of an ammunition cartridge which

1 contains or carries an explosive charge which will explode  
2 upon contact with the flesh of a human or an animal.  
3 "Cartridge" means a tubular metal case having a projectile  
4 affixed at the front thereof and a cap or primer at the rear  
5 end thereof, with the propellant contained in such tube  
6 between the projectile and the cap.

7 (a-5) A person prohibited from possessing a firearm under  
8 this Section may petition the Director of the Illinois State  
9 Police for a hearing and relief from the prohibition, unless  
10 the prohibition was based upon a forcible felony, stalking,  
11 aggravated stalking, domestic battery, any violation of the  
12 Illinois Controlled Substances Act, the Methamphetamine  
13 Control and Community Protection Act, or the Cannabis Control  
14 Act that is classified as a Class 2 or greater felony, any  
15 felony violation of Article 24 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012, or any adjudication as a delinquent  
17 minor for the commission of an offense that if committed by an  
18 adult would be a felony, in which case the person may petition  
19 the circuit court in writing in the county of his or her  
20 residence for a hearing and relief from the prohibition. The  
21 Director or court may grant the relief if it is established by  
22 the petitioner to the court's or Director's satisfaction that:

23 (1) when in the circuit court, the State's Attorney  
24 has been served with a written copy of the petition at  
25 least 30 days before any hearing in the circuit court and  
26 at the hearing the State's Attorney was afforded an

1 opportunity to present evidence and object to the  
2 petition;

3 (2) the petitioner has not been convicted of a  
4 forcible felony under the laws of this State or any other  
5 jurisdiction within 20 years of the filing of the  
6 petition, or at least 20 years have passed since the end of  
7 any period of imprisonment imposed in relation to that  
8 conviction;

9 (3) the circumstances regarding a criminal conviction,  
10 where applicable, the petitioner's criminal history and  
11 his reputation are such that the petitioner will not be  
12 likely to act in a manner dangerous to public safety;

13 (4) granting relief would not be contrary to the  
14 public interest; and

15 (5) granting relief would not be contrary to federal  
16 law.

17 (b) Sentence.

18 Unlawful possession of firearms, other than handguns, and  
19 firearm ammunition is a Class A misdemeanor. Unlawful  
20 possession of handguns is a Class 4 felony. The possession of  
21 each firearm or firearm ammunition in violation of this  
22 Section constitutes a single and separate violation.

23 (c) Nothing in paragraph (1) of subsection (a) of this  
24 Section prohibits a person under 18 years of age from  
25 participating in any lawful recreational activity with a  
26 firearm such as, but not limited to, practice shooting at

1 targets upon established public or private target ranges or  
2 hunting, trapping, or fishing in accordance with the Wildlife  
3 Code or the Fish and Aquatic Life Code.

4 (Source: P.A. 99-143, eff. 7-27-15.)

5 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

6 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

7 (a) A person commits the offense of unlawful discharge of  
8 firearm projectiles when he or she knowingly or recklessly  
9 uses an armor piercing bullet, dragon's breath shotgun shell,  
10 bolo shell, or flechette shell in violation of this Section.

11 For purposes of this Section:

12 "Armor piercing bullet" means any handgun bullet or  
13 handgun ammunition with projectiles or projectile cores  
14 constructed entirely (excluding the presence of traces of  
15 other substances) from tungsten alloys, steel, iron, brass,  
16 bronze, beryllium copper or depleted uranium, or fully  
17 jacketed bullets larger than 22 caliber whose jacket has a  
18 weight of more than 25% of the total weight of the projectile,  
19 and excluding those handgun projectiles whose cores are  
20 composed of soft materials such as lead or lead alloys, zinc or  
21 zinc alloys, frangible projectiles designed primarily for  
22 sporting purposes, and any other projectiles or projectile  
23 cores that the U. S. Secretary of the Treasury finds to be  
24 primarily intended to be used for sporting purposes or  
25 industrial purposes or that otherwise does not constitute

1 "armor piercing ammunition" as that term is defined by federal  
2 law.

3 "Dragon's breath shotgun shell" means any shotgun shell  
4 that contains exothermic pyrophoric mesh metal as the  
5 projectile and is designed for the purpose of throwing or  
6 spewing a flame or fireball to simulate a flame-thrower.

7 "Bolo shell" means any shell that can be fired in a firearm  
8 and expels as projectiles 2 or more metal balls connected by  
9 solid metal wire.

10 "Flechette shell" means any shell that can be fired in a  
11 firearm and expels 2 or more pieces of fin-stabilized solid  
12 metal wire or 2 or more solid dart-type projectiles.

13 (b) A person commits a Class X felony when he or she,  
14 knowing that a firearm, ~~as defined in Section 1.1 of the~~  
15 ~~Firearm Owners Identification Card Act,~~ is loaded with an  
16 armor piercing bullet, dragon's breath shotgun shell, bolo  
17 shell, or flechette shell, intentionally or recklessly  
18 discharges such firearm and such bullet or shell strikes any  
19 other person.

20 (c) Any person who possesses, concealed on or about his or  
21 her person, an armor piercing bullet, dragon's breath shotgun  
22 shell, bolo shell, or flechette shell and a firearm suitable  
23 for the discharge thereof is guilty of a Class 2 felony.

24 (d) This Section does not apply to or affect any of the  
25 following:

26 (1) Peace officers;



1           (2) Wardens, superintendents and keepers of prisons,  
2           penitentiaries, jails and other institutions for the  
3           detention of persons accused or convicted of an offense;

4           (3) Members of the Armed Services or Reserve Forces of  
5           the United States or the Illinois National Guard while in  
6           the performance of their official duties;

7           (4) Federal officials required to carry firearms,  
8           while engaged in the performance of their official duties;

9           (5) United States Marshals, while engaged in the  
10          performance of their official duties.

11         (Source: P.A. 92-423, eff. 1-1-02.)

12           (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

13          Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

14          (a) It shall be unlawful for any person who holds a license  
15          to sell at retail any alcoholic liquor issued by the Illinois  
16          Liquor Control Commission or local liquor control commissioner  
17          under the Liquor Control Act of 1934 or an agent or employee of  
18          the licensee to sell or deliver to any other person a firearm  
19          in or on the real property of the establishment where the  
20          licensee is licensed to sell alcoholic liquors unless the sale  
21          or delivery of the firearm is otherwise lawful under this  
22          Article ~~and under the Firearm Owners Identification Card Act.~~

23          (b) Sentence. A violation of subsection (a) of this  
24          Section is a Class 4 felony.

25         (Source: P.A. 87-591.)

1 (720 ILCS 5/24-3.5)

2 Sec. 24-3.5. Unlawful purchase of a firearm.

3 (a) For purposes of this Section, "firearms transaction  
4 record form" means a form:

5 (1) executed by a transferee of a firearm stating: (i)  
6 the transferee's name and address (including county or  
7 similar political subdivision); (ii) whether the  
8 transferee is a citizen of the United States; (iii) the  
9 transferee's State of residence; and (iv) the date and  
10 place of birth, height, weight, and race of the  
11 transferee; and

12 (2) on which the transferee certifies that he or she  
13 is not prohibited by federal law from transporting or  
14 shipping a firearm in interstate or foreign commerce or  
15 receiving a firearm that has been shipped or transported  
16 in interstate or foreign commerce or possessing a firearm  
17 in or affecting commerce.

18 (b) A person commits the offense of unlawful purchase of a  
19 firearm who knowingly purchases or attempts to purchase a  
20 firearm with the intent to deliver that firearm to another  
21 person who is prohibited by federal or State law from  
22 possessing a firearm.

23 (c) A person commits the offense of unlawful purchase of a  
24 firearm when he or she, in purchasing or attempting to  
25 purchase a firearm, intentionally provides false or misleading

1 information on a United States Department of the Treasury,  
2 Bureau of Alcohol, Tobacco and Firearms firearms transaction  
3 record form.

4 (d) Exemption. It is not a violation of subsection (b) of  
5 this Section for a person to make a gift or loan of a firearm  
6 to a person who is not prohibited by federal or State law from  
7 possessing a firearm ~~if the transfer of the firearm is made in~~  
8 ~~accordance with Section 3 of the Firearm Owners Identification~~  
9 ~~Card Act.~~

10 (e) Sentence.

11 (1) A person who commits the offense of unlawful  
12 purchase of a firearm:

13 (A) is guilty of a Class 2 felony for purchasing or  
14 attempting to purchase one firearm;

15 (B) is guilty of a Class 1 felony for purchasing or  
16 attempting to purchase not less than 2 firearms and  
17 not more than 5 firearms at the same time or within a  
18 one year period;

19 (C) is guilty of a Class X felony for which the  
20 offender shall be sentenced to a term of imprisonment  
21 of not less than 9 years and not more than 40 years for  
22 purchasing or attempting to purchase not less than 6  
23 firearms at the same time or within a 2 year period.

24 (2) In addition to any other penalty that may be  
25 imposed for a violation of this Section, the court may  
26 sentence a person convicted of a violation of subsection

1 (c) of this Section to a fine not to exceed \$250,000 for  
2 each violation.

3 (f) A prosecution for unlawful purchase of a firearm may  
4 be commenced within 6 years after the commission of the  
5 offense.

6 (Source: P.A. 95-882, eff. 1-1-09.)

7 (720 ILCS 5/24-3B)

8 Sec. 24-3B. Firearms trafficking.

9 (a) A person commits firearms trafficking when he or she  
10 is prohibited under federal or State law from possessing a  
11 firearm ~~has not been issued a currently valid Firearm Owner's~~  
12 ~~Identification Card~~ and knowingly:

13 (1) brings, or causes to be brought, into this State,  
14 a firearm or firearm ammunition for the purpose of sale,  
15 delivery, or transfer to any other person or with the  
16 intent to sell, deliver, or transfer the firearm or  
17 firearm ammunition to any other person; or

18 (2) brings, or causes to be brought, into this State,  
19 a firearm and firearm ammunition for the purpose of sale,  
20 delivery, or transfer to any other person or with the  
21 intent to sell, deliver, or transfer the firearm and  
22 firearm ammunition to any other person.

23 (a-5) (Blank). ~~This Section does not apply to:~~

24 ~~(1) a person exempt under Section 2 of the Firearm~~  
25 ~~Owners Identification Card Act from the requirement of~~

1 ~~having possession of a Firearm Owner's Identification Card~~  
2 ~~previously issued in his or her name by the Department of~~  
3 ~~State Police in order to acquire or possess a firearm or~~  
4 ~~firearm ammunition;~~

5 ~~(2) a common carrier under subsection (i) of Section~~  
6 ~~24-2 of this Code; or~~

7 ~~(3) a non resident who may lawfully possess a firearm~~  
8 ~~in his or her resident state.~~

9 (b) Sentence.

10 (1) Firearms trafficking is a Class 1 felony for which  
11 the person, if sentenced to a term of imprisonment, shall  
12 be sentenced to not less than 4 years and not more than 20  
13 years.

14 (2) Firearms trafficking by a person who has been  
15 previously convicted of firearms trafficking, gunrunning,  
16 or a felony offense for the unlawful sale, delivery, or  
17 transfer of a firearm or firearm ammunition in this State  
18 or another jurisdiction is a Class X felony.

19 (Source: P.A. 99-885, eff. 8-23-16.)

20 (720 ILCS 5/24-4.1)

21 Sec. 24-4.1. Report of lost or stolen firearms.

22 (a) If a person ~~who possesses a valid Firearm Owner's~~  
23 ~~Identification Card and~~ who possesses or acquires a firearm  
24 thereafter loses the firearm, or if the firearm is stolen from  
25 the person, the person must report the loss or theft to the

1 local law enforcement agency within 72 hours after obtaining  
2 knowledge of the loss or theft.

3 (b) A law enforcement agency having jurisdiction shall  
4 take a written report and shall, as soon as practical, enter  
5 the firearm's serial number as stolen into the Law Enforcement  
6 Agencies Data System (LEADS).

7 (c) A person shall not be in violation of this Section if:

8 (1) the failure to report is due to an act of God, act  
9 of war, or inability of a law enforcement agency to  
10 receive the report;

11 (2) the person is hospitalized, in a coma, or is  
12 otherwise seriously physically or mentally impaired as to  
13 prevent the person from reporting; or

14 (3) the person's designee makes a report if the person  
15 is unable to make the report.

16 (d) Sentence. A person who violates this Section is guilty  
17 of a petty offense for a first violation. A second or  
18 subsequent violation of this Section is a Class A misdemeanor.

19 (Source: P.A. 98-508, eff. 8-19-13.)

20 (720 ILCS 5/24-4.5 new)

21 Sec. 24-4.5. Dial up system.

22 (a) The Illinois State Police shall provide a dial up  
23 telephone system or utilize other existing technology which  
24 shall be used by any federally licensed firearm dealer, gun  
25 show promoter, or gun show vendor who is to transfer a firearm,

1 stun gun, or taser under the provisions of this Code. The  
2 Illinois State Police may utilize existing technology which  
3 allows the caller to be charged a fee not to exceed \$2. Fees  
4 collected by the Illinois State Police shall be deposited in  
5 the State Police Services Fund and used to provide the  
6 service.

7 (b) Upon receiving a request from a federally licensed  
8 firearm dealer, gun show promoter, or gun show vendor, the  
9 Illinois State Police shall immediately approve, or within the  
10 time period established by Section 24-3 of this Code regarding  
11 the delivery of firearms, stun guns, and tasers notify the  
12 inquiring dealer, gun show promoter, or gun show vendor of any  
13 objection that would disqualify the transferee from acquiring  
14 or possessing a firearm, stun gun, or taser. In conducting the  
15 inquiry, the Illinois State Police shall initiate and complete  
16 an automated search of its criminal history record information  
17 files and those of the Federal Bureau of Investigation,  
18 including the National Instant Criminal Background Check  
19 System, and of the files of the Department of Human Services  
20 relating to mental health and developmental disabilities to  
21 obtain any felony conviction or patient hospitalization  
22 information which would disqualify a person from obtaining a  
23 firearm.

24 (c) If receipt of a firearm would not violate Section 24-3  
25 of this Code or federal law, the Illinois State Police shall:

26 (1) assign a unique identification number to the

1       transfer; and

2               (2) provide the licensee, gun show promoter, or gun  
3       show vendor with the number.

4       (d) Approvals issued by the Illinois State Police for the  
5       purchase of a firearm are valid for 30 days from the date of  
6       issue.

7       (e) (1) The Illinois State Police must act as the Illinois  
8       Point of Contact for the National Instant Criminal Background  
9       Check System.

10       (2) The Illinois State Police and the Department of Human  
11       Services shall, in accordance with State and federal law  
12       regarding confidentiality, enter into a memorandum of  
13       understanding with the Federal Bureau of Investigation for the  
14       purpose of implementing the National Instant Criminal  
15       Background Check System in the State. The Illinois State  
16       Police shall report the name, date of birth, and physical  
17       description of any person prohibited from possessing a firearm  
18       under this Code or 18 U.S.C. 922(g) and (n) to the National  
19       Instant Criminal Background Check System Index, Denied Persons  
20       Files.

21       (f) The Illinois State Police shall adopt rules not  
22       inconsistent with this Section to implement this system.

23       (720 ILCS 5/24-9)

24       Sec. 24-9. Firearms; Child Protection.

25       (a) Except as provided in subsection (c), it is unlawful



1 for any person to store or leave, within premises under his or  
2 her control, a firearm if the person knows or has reason to  
3 believe that a minor under the age of 14 years ~~who does not~~  
4 ~~have a Firearm Owners Identification Card~~ is likely to gain  
5 access to the firearm without the lawful permission of the  
6 person possessing the firearm, minor's parent, guardian, or  
7 person having charge of the minor, and the minor causes death  
8 or great bodily harm with the firearm, unless the firearm is:

9 (1) secured by a device or mechanism, other than the  
10 firearm safety, designed to render a firearm temporarily  
11 inoperable; or

12 (2) placed in a securely locked box or container; or

13 (3) placed in some other location that a reasonable  
14 person would believe to be secure from a minor under the  
15 age of 14 years.

16 (b) Sentence. A person who violates this Section is guilty  
17 of a Class C misdemeanor and shall be fined not less than  
18 \$1,000. A second or subsequent violation of this Section is a  
19 Class A misdemeanor.

20 (c) Subsection (a) does not apply:

21 (1) if the minor under 14 years of age gains access to  
22 a firearm and uses it in a lawful act of self-defense or  
23 defense of another; or

24 (2) to any firearm obtained by a minor under the age of  
25 14 because of an unlawful entry of the premises by the  
26 minor or another person.

1           (d) (Blank). ~~For the purposes of this Section, "firearm"~~  
2 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~  
3 ~~Owners Identification Card Act.~~

4           (Source: P.A. 91-18, eff. 1-1-00.)

5           Section 85. The Methamphetamine Control and Community  
6 Protection Act is amended by changing Section 10 as follows:

7           (720 ILCS 646/10)

8           Sec. 10. Definitions. As used in this Act:

9           "Anhydrous ammonia" has the meaning provided in subsection  
10 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

11           "Anhydrous ammonia equipment" means all items used to  
12 store, hold, contain, handle, transfer, transport, or apply  
13 anhydrous ammonia for lawful purposes.

14           "Booby trap" means any device designed to cause physical  
15 injury when triggered by an act of a person approaching,  
16 entering, or moving through a structure, a vehicle, or any  
17 location where methamphetamine has been manufactured, is being  
18 manufactured, or is intended to be manufactured.

19           "Deliver" or "delivery" has the meaning provided in  
20 subsection (h) of Section 102 of the Illinois Controlled  
21 Substances Act.

22           "Director" means the Director of State Police or the  
23 Director's designated agents.

24           "Dispose" or "disposal" means to abandon, discharge,

1 release, deposit, inject, dump, spill, leak, or place  
2 methamphetamine waste onto or into any land, water, or well of  
3 any type so that the waste has the potential to enter the  
4 environment, be emitted into the air, or be discharged into  
5 the soil or any waters, including groundwater.

6 "Emergency response" means the act of collecting evidence  
7 from or securing a methamphetamine laboratory site,  
8 methamphetamine waste site or other methamphetamine-related  
9 site and cleaning up the site, whether these actions are  
10 performed by public entities or private contractors paid by  
11 public entities.

12 "Emergency service provider" means a local, State, or  
13 federal peace officer, firefighter, emergency medical  
14 technician-ambulance, emergency medical  
15 technician-intermediate, emergency medical  
16 technician-paramedic, ambulance driver, or other medical or  
17 first aid personnel rendering aid, or any agent or designee of  
18 the foregoing.

19 "Finished methamphetamine" means methamphetamine in a form  
20 commonly used for personal consumption.

21 "Firearm" has the meaning provided in Section 2-7.5 of the  
22 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
23 ~~Card Act.~~

24 "Manufacture" means to produce, prepare, compound,  
25 convert, process, synthesize, concentrate, purify, separate,  
26 extract, or package any methamphetamine, methamphetamine

1 precursor, methamphetamine manufacturing catalyst,  
2 methamphetamine manufacturing reagent, methamphetamine  
3 manufacturing solvent, or any substance containing any of the  
4 foregoing.

5 "Methamphetamine" means the chemical methamphetamine (a  
6 Schedule II controlled substance under the Illinois Controlled  
7 Substances Act) or any salt, optical isomer, salt of optical  
8 isomer, or analog thereof, with the exception of  
9 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
10 scheduled substance with a separate listing under the Illinois  
11 Controlled Substances Act.

12 "Methamphetamine manufacturing catalyst" means any  
13 substance that has been used, is being used, or is intended to  
14 be used to activate, accelerate, extend, or improve a chemical  
15 reaction involved in the manufacture of methamphetamine.

16 "Methamphetamine manufacturing environment" means a  
17 structure or vehicle in which:

- 18 (1) methamphetamine is being or has been manufactured;
- 19 (2) chemicals that are being used, have been used, or  
20 are intended to be used to manufacture methamphetamine are  
21 stored;
- 22 (3) methamphetamine manufacturing materials that have  
23 been used to manufacture methamphetamine are stored; or
- 24 (4) methamphetamine manufacturing waste is stored.

25 "Methamphetamine manufacturing material" means any  
26 methamphetamine precursor, substance containing any

1 methamphetamine precursor, methamphetamine manufacturing  
2 catalyst, substance containing any methamphetamine  
3 manufacturing catalyst, methamphetamine manufacturing  
4 reagent, substance containing any methamphetamine  
5 manufacturing reagent, methamphetamine manufacturing solvent,  
6 substance containing any methamphetamine manufacturing  
7 solvent, or any other chemical, substance, ingredient,  
8 equipment, apparatus, or item that is being used, has been  
9 used, or is intended to be used in the manufacture of  
10 methamphetamine.

11 "Methamphetamine manufacturing reagent" means any  
12 substance other than a methamphetamine manufacturing catalyst  
13 that has been used, is being used, or is intended to be used to  
14 react with and chemically alter any methamphetamine precursor.

15 "Methamphetamine manufacturing solvent" means any  
16 substance that has been used, is being used, or is intended to  
17 be used as a medium in which any methamphetamine precursor,  
18 methamphetamine manufacturing catalyst, methamphetamine  
19 manufacturing reagent, or any substance containing any of the  
20 foregoing is dissolved, diluted, or washed during any part of  
21 the methamphetamine manufacturing process.

22 "Methamphetamine manufacturing waste" means any chemical,  
23 substance, ingredient, equipment, apparatus, or item that is  
24 left over from, results from, or is produced by the process of  
25 manufacturing methamphetamine, other than finished  
26 methamphetamine.

1 "Methamphetamine precursor" means ephedrine,  
2 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
3 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
4 isomer, or salt of an optical isomer of any of these chemicals.

5 "Multi-unit dwelling" means a unified structure used or  
6 intended for use as a habitation, home, or residence that  
7 contains 2 or more condominiums, apartments, hotel rooms,  
8 motel rooms, or other living units.

9 "Package" means an item marked for retail sale that is not  
10 designed to be further broken down or subdivided for the  
11 purpose of retail sale.

12 "Participate" or "participation" in the manufacture of  
13 methamphetamine means to produce, prepare, compound, convert,  
14 process, synthesize, concentrate, purify, separate, extract,  
15 or package any methamphetamine, methamphetamine precursor,  
16 methamphetamine manufacturing catalyst, methamphetamine  
17 manufacturing reagent, methamphetamine manufacturing solvent,  
18 or any substance containing any of the foregoing, or to assist  
19 in any of these actions, or to attempt to take any of these  
20 actions, regardless of whether this action or these actions  
21 result in the production of finished methamphetamine.

22 "Person with a disability" means a person who suffers from  
23 a permanent physical or mental impairment resulting from  
24 disease, injury, functional disorder, or congenital condition  
25 which renders the person incapable of adequately providing for  
26 his or her own health and personal care.

1 "Procure" means to purchase, steal, gather, or otherwise  
2 obtain, by legal or illegal means, or to cause another to take  
3 such action.

4 "Second or subsequent offense" means an offense under this  
5 Act committed by an offender who previously committed an  
6 offense under this Act, the Illinois Controlled Substances  
7 Act, the Cannabis Control Act, or another Act of this State,  
8 another state, or the United States relating to  
9 methamphetamine, cannabis, or any other controlled substance.

10 "Standard dosage form", as used in relation to any  
11 methamphetamine precursor, means that the methamphetamine  
12 precursor is contained in a pill, tablet, capsule, caplet, gel  
13 cap, or liquid cap that has been manufactured by a lawful  
14 entity and contains a standard quantity of methamphetamine  
15 precursor.

16 "Unauthorized container", as used in relation to anhydrous  
17 ammonia, means any container that is not designed for the  
18 specific and sole purpose of holding, storing, transporting,  
19 or applying anhydrous ammonia. "Unauthorized container"  
20 includes, but is not limited to, any propane tank, fire  
21 extinguisher, oxygen cylinder, gasoline can, food or beverage  
22 cooler, or compressed gas cylinder used in dispensing fountain  
23 drinks. "Unauthorized container" does not encompass anhydrous  
24 ammonia manufacturing plants, refrigeration systems where  
25 anhydrous ammonia is used solely as a refrigerant, anhydrous  
26 ammonia transportation pipelines, anhydrous ammonia tankers,

1 or anhydrous ammonia barges.

2 (Source: P.A. 97-434, eff. 1-1-12.)

3 Section 90. The Code of Criminal Procedure of 1963 is  
4 amended by changing Sections 102-7.1, 110-10, 112A-11.1,  
5 112A-11.2, 112A-14, and 112A-14.7 as follows:

6 (725 ILCS 5/102-7.1)

7 Sec. 102-7.1. "Category A offense". "Category A offense"  
8 means a Class 1 felony, Class 2 felony, Class X felony, first  
9 degree murder, a violation of Section 11-204 of the Illinois  
10 Vehicle Code, a second or subsequent violation of Section  
11 11-501 of the Illinois Vehicle Code, a violation of subsection  
12 (d) of Section 11-501 of the Illinois Vehicle Code, a  
13 violation of Section 11-401 of the Illinois Vehicle Code if  
14 the accident results in injury and the person failed to report  
15 the accident within 30 minutes, a violation of Section 9-3,  
16 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,  
17 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,  
18 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,  
19 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a  
20 second or subsequent violation of 12-3.2 or 12-3.4 of the  
21 Criminal Code of 2012, a violation of paragraph (5) or (6) of  
22 subsection (b) of Section 10-9 of the Criminal Code of 2012, a  
23 violation of subsection (b) or (c) or paragraph (1) or (2) of  
24 subsection (a) of Section 11-1.50 of the Criminal Code of



1 2012, a violation of Section 12-7 of the Criminal Code of 2012  
2 if the defendant inflicts bodily harm on the victim to obtain a  
3 confession, statement, or information, a violation of Section  
4 12-7.5 of the Criminal Code of 2012 if the action results in  
5 bodily harm, a violation of paragraph (3) of subsection (b) of  
6 Section 17-2 of the Criminal Code of 2012, a violation of  
7 subdivision (a) (7) (ii) of Section 24-1 of the Criminal Code of  
8 2012, a violation of paragraph (6) of subsection (a) of  
9 Section 24-1 of the Criminal Code of 2012, a first violation of  
10 Section 24-1.6 of the Criminal Code of 2012 by a person 18  
11 years of age or older where the factors listed in both items  
12 (A) and (C) or both items (A-5) and (C) of paragraph (3) of  
13 subsection (a) of Section 24-1.6 of the Criminal Code of 2012  
14 are present, a Class 3 felony violation of paragraph (1) of  
15 subsection (a) of Section 2 of the Firearm Owners  
16 Identification Card Act committed before the effective date of  
17 this amendatory Act of the 102nd General Assembly, or a  
18 violation of Section 10 of the Sex Offender Registration Act.  
19 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

20 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

21 Sec. 110-10. Conditions of bail bond.

22 (a) If a person is released prior to conviction, either  
23 upon payment of bail security or on his or her own  
24 recognizance, the conditions of the bail bond shall be that he  
25 or she will:

1           (1) Appear to answer the charge in the court having  
2 jurisdiction on a day certain and thereafter as ordered by  
3 the court until discharged or final order of the court;

4           (2) Submit himself or herself to the orders and  
5 process of the court;

6           (3) Not depart this State without leave of the court;

7           (4) Not violate any criminal statute of any  
8 jurisdiction;

9           (5) At a time and place designated by the court,  
10 surrender all firearms in his or her possession to a law  
11 enforcement officer designated by the court to take  
12 custody of and impound the firearms ~~and physically~~  
13 ~~surrender his or her Firearm Owner's Identification Card~~  
14 ~~to the clerk of the circuit court~~ when the offense the  
15 person has been charged with is a forcible felony,  
16 stalking, aggravated stalking, domestic battery, any  
17 violation of the Illinois Controlled Substances Act, the  
18 Methamphetamine Control and Community Protection Act, or  
19 the Cannabis Control Act that is classified as a Class 2 or  
20 greater felony, or any felony violation of Article 24 of  
21 the Criminal Code of 1961 or the Criminal Code of 2012; the  
22 court may, however, forgo the imposition of this condition  
23 when the circumstances of the case clearly do not warrant  
24 it or when its imposition would be impractical; ~~if the~~  
25 ~~Firearm Owner's Identification Card is confiscated, the~~  
26 ~~clerk of the circuit court shall mail the confiscated card~~

1       ~~to the Illinois State Police,~~ all legally possessed  
2       firearms shall be returned to the person upon the charges  
3       being dismissed, or if the person is found not guilty,  
4       unless the finding of not guilty is by reason of insanity;  
5       and

6               (6) At a time and place designated by the court,  
7       submit to a psychological evaluation when the person has  
8       been charged with a violation of item (4) of subsection  
9       (a) of Section 24-1 of the Criminal Code of 1961 or the  
10      Criminal Code of 2012 and that violation occurred in a  
11      school or in any conveyance owned, leased, or contracted  
12      by a school to transport students to or from school or a  
13      school-related activity, or on any public way within 1,000  
14      feet of real property comprising any school.

15      Psychological evaluations ordered pursuant to this Section  
16      shall be completed promptly and made available to the State,  
17      the defendant, and the court. As a further condition of bail  
18      under these circumstances, the court shall order the defendant  
19      to refrain from entering upon the property of the school,  
20      including any conveyance owned, leased, or contracted by a  
21      school to transport students to or from school or a  
22      school-related activity, or on any public way within 1,000  
23      feet of real property comprising any school. Upon receipt of  
24      the psychological evaluation, either the State or the  
25      defendant may request a change in the conditions of bail,  
26      pursuant to Section 110-6 of this Code. The court may change

1 the conditions of bail to include a requirement that the  
2 defendant follow the recommendations of the psychological  
3 evaluation, including undergoing psychiatric treatment. The  
4 conclusions of the psychological evaluation and any statements  
5 elicited from the defendant during its administration are not  
6 admissible as evidence of guilt during the course of any trial  
7 on the charged offense, unless the defendant places his or her  
8 mental competency in issue.

9 (b) The court may impose other conditions, such as the  
10 following, if the court finds that such conditions are  
11 reasonably necessary to assure the defendant's appearance in  
12 court, protect the public from the defendant, or prevent the  
13 defendant's unlawful interference with the orderly  
14 administration of justice:

15 (1) Report to or appear in person before such person  
16 or agency as the court may direct;

17 (2) Refrain from possessing a firearm or other  
18 dangerous weapon;

19 (3) Refrain from approaching or communicating with  
20 particular persons or classes of persons;

21 (4) Refrain from going to certain described  
22 geographical areas or premises;

23 (5) Refrain from engaging in certain activities or  
24 indulging in intoxicating liquors or in certain drugs;

25 (6) Undergo treatment for drug addiction or  
26 alcoholism;

- 1           (7) Undergo medical or psychiatric treatment;
- 2           (8) Work or pursue a course of study or vocational  
3 training;
- 4           (9) Attend or reside in a facility designated by the  
5 court;
- 6           (10) Support his or her dependents;
- 7           (11) If a minor resides with his or her parents or in a  
8 foster home, attend school, attend a non-residential  
9 program for youths, and contribute to his or her own  
10 support at home or in a foster home;
- 11           (12) Observe any curfew ordered by the court;
- 12           (13) Remain in the custody of such designated person  
13 or organization agreeing to supervise his release. Such  
14 third party custodian shall be responsible for notifying  
15 the court if the defendant fails to observe the conditions  
16 of release which the custodian has agreed to monitor, and  
17 shall be subject to contempt of court for failure so to  
18 notify the court;
- 19           (14) Be placed under direct supervision of the  
20 Pretrial Services Agency, Probation Department or Court  
21 Services Department in a pretrial bond home supervision  
22 capacity with or without the use of an approved electronic  
23 monitoring device subject to Article 8A of Chapter V of  
24 the Unified Code of Corrections;
- 25           (14.1) The court shall impose upon a defendant who is  
26 charged with any alcohol, cannabis, methamphetamine, or

1 controlled substance violation and is placed under direct  
2 supervision of the Pretrial Services Agency, Probation  
3 Department or Court Services Department in a pretrial bond  
4 home supervision capacity with the use of an approved  
5 monitoring device, as a condition of such bail bond, a fee  
6 that represents costs incidental to the electronic  
7 monitoring for each day of such bail supervision ordered  
8 by the court, unless after determining the inability of  
9 the defendant to pay the fee, the court assesses a lesser  
10 fee or no fee as the case may be. The fee shall be  
11 collected by the clerk of the circuit court, except as  
12 provided in an administrative order of the Chief Judge of  
13 the circuit court. The clerk of the circuit court shall  
14 pay all monies collected from this fee to the county  
15 treasurer for deposit in the substance abuse services fund  
16 under Section 5-1086.1 of the Counties Code, except as  
17 provided in an administrative order of the Chief Judge of  
18 the circuit court.

19 The Chief Judge of the circuit court of the county may  
20 by administrative order establish a program for electronic  
21 monitoring of offenders with regard to drug-related and  
22 alcohol-related offenses, in which a vendor supplies and  
23 monitors the operation of the electronic monitoring  
24 device, and collects the fees on behalf of the county. The  
25 program shall include provisions for indigent offenders  
26 and the collection of unpaid fees. The program shall not

1 unduly burden the offender and shall be subject to review  
2 by the Chief Judge.

3 The Chief Judge of the circuit court may suspend any  
4 additional charges or fees for late payment, interest, or  
5 damage to any device;

6 (14.2) The court shall impose upon all defendants,  
7 including those defendants subject to paragraph (14.1)  
8 above, placed under direct supervision of the Pretrial  
9 Services Agency, Probation Department or Court Services  
10 Department in a pretrial bond home supervision capacity  
11 with the use of an approved monitoring device, as a  
12 condition of such bail bond, a fee which shall represent  
13 costs incidental to such electronic monitoring for each  
14 day of such bail supervision ordered by the court, unless  
15 after determining the inability of the defendant to pay  
16 the fee, the court assesses a lesser fee or no fee as the  
17 case may be. The fee shall be collected by the clerk of the  
18 circuit court, except as provided in an administrative  
19 order of the Chief Judge of the circuit court. The clerk of  
20 the circuit court shall pay all monies collected from this  
21 fee to the county treasurer who shall use the monies  
22 collected to defray the costs of corrections. The county  
23 treasurer shall deposit the fee collected in the county  
24 working cash fund under Section 6-27001 or Section 6-29002  
25 of the Counties Code, as the case may be, except as  
26 provided in an administrative order of the Chief Judge of

1 the circuit court.

2 The Chief Judge of the circuit court of the county may  
3 by administrative order establish a program for electronic  
4 monitoring of offenders with regard to drug-related and  
5 alcohol-related offenses, in which a vendor supplies and  
6 monitors the operation of the electronic monitoring  
7 device, and collects the fees on behalf of the county. The  
8 program shall include provisions for indigent offenders  
9 and the collection of unpaid fees. The program shall not  
10 unduly burden the offender and shall be subject to review  
11 by the Chief Judge.

12 The Chief Judge of the circuit court may suspend any  
13 additional charges or fees for late payment, interest, or  
14 damage to any device;

15 (14.3) The Chief Judge of the Judicial Circuit may  
16 establish reasonable fees to be paid by a person receiving  
17 pretrial services while under supervision of a pretrial  
18 services agency, probation department, or court services  
19 department. Reasonable fees may be charged for pretrial  
20 services including, but not limited to, pretrial  
21 supervision, diversion programs, electronic monitoring,  
22 victim impact services, drug and alcohol testing, DNA  
23 testing, GPS electronic monitoring, assessments and  
24 evaluations related to domestic violence and other  
25 victims, and victim mediation services. The person  
26 receiving pretrial services may be ordered to pay all



1 costs incidental to pretrial services in accordance with  
2 his or her ability to pay those costs;

3 (14.4) For persons charged with violating Section  
4 11-501 of the Illinois Vehicle Code, refrain from  
5 operating a motor vehicle not equipped with an ignition  
6 interlock device, as defined in Section 1-129.1 of the  
7 Illinois Vehicle Code, pursuant to the rules promulgated  
8 by the Secretary of State for the installation of ignition  
9 interlock devices. Under this condition the court may  
10 allow a defendant who is not self-employed to operate a  
11 vehicle owned by the defendant's employer that is not  
12 equipped with an ignition interlock device in the course  
13 and scope of the defendant's employment;

14 (15) Comply with the terms and conditions of an order  
15 of protection issued by the court under the Illinois  
16 Domestic Violence Act of 1986 or an order of protection  
17 issued by the court of another state, tribe, or United  
18 States territory;

19 (16) Under Section 110-6.5 comply with the conditions  
20 of the drug testing program; and

21 (17) Such other reasonable conditions as the court may  
22 impose.

23 (c) When a person is charged with an offense under Section  
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
25 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, involving a victim who is a minor under

1 18 years of age living in the same household with the defendant  
2 at the time of the offense, in granting bail or releasing the  
3 defendant on his own recognizance, the judge shall impose  
4 conditions to restrict the defendant's access to the victim  
5 which may include, but are not limited to conditions that he  
6 will:

7 1. Vacate the household.

8 2. Make payment of temporary support to his  
9 dependents.

10 3. Refrain from contact or communication with the  
11 child victim, except as ordered by the court.

12 (d) When a person is charged with a criminal offense and  
13 the victim is a family or household member as defined in  
14 Article 112A, conditions shall be imposed at the time of the  
15 defendant's release on bond that restrict the defendant's  
16 access to the victim. Unless provided otherwise by the court,  
17 the restrictions shall include requirements that the defendant  
18 do the following:

19 (1) refrain from contact or communication with the  
20 victim for a minimum period of 72 hours following the  
21 defendant's release; and

22 (2) refrain from entering or remaining at the victim's  
23 residence for a minimum period of 72 hours following the  
24 defendant's release.

25 (e) Local law enforcement agencies shall develop  
26 standardized bond forms for use in cases involving family or

1 household members as defined in Article 112A, including  
2 specific conditions of bond as provided in subsection (d).  
3 Failure of any law enforcement department to develop or use  
4 those forms shall in no way limit the applicability and  
5 enforcement of subsections (d) and (f).

6 (f) If the defendant is admitted to bail after conviction  
7 the conditions of the bail bond shall be that he will, in  
8 addition to the conditions set forth in subsections (a) and  
9 (b) hereof:

10 (1) Duly prosecute his appeal;

11 (2) Appear at such time and place as the court may  
12 direct;

13 (3) Not depart this State without leave of the court;

14 (4) Comply with such other reasonable conditions as  
15 the court may impose; and

16 (5) If the judgment is affirmed or the cause reversed  
17 and remanded for a new trial, forthwith surrender to the  
18 officer from whose custody he was bailed.

19 (g) Upon a finding of guilty for any felony offense, the  
20 defendant shall physically surrender, at a time and place  
21 designated by the court, any and all firearms in his or her  
22 possession ~~and his or her Firearm Owner's Identification Card~~  
23 as a condition of remaining on bond pending sentencing.

24 (h) In the event the defendant is unable to post bond, the  
25 court may impose a no contact provision with the victim or  
26 other interested party that shall be enforced while the

1 defendant remains in custody.

2 (Source: P.A. 101-138, eff. 1-1-20.)

3 (725 ILCS 5/112A-11.1)

4 Sec. 112A-11.1. Procedure for determining whether certain  
5 misdemeanor crimes are crimes of domestic violence for  
6 purposes of federal law.

7 (a) When a defendant has been charged with a violation of  
8 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012, the State  
10 may, at arraignment or no later than 45 days after  
11 arraignment, for the purpose of notification to the Department  
12 of State Police ~~Firearm Owner's Identification Card Office,~~  
13 serve on the defendant and file with the court a notice  
14 alleging that conviction of the offense would subject the  
15 defendant to the prohibitions of 18 U.S.C. 922(g)(9) because  
16 of the relationship between the defendant and the alleged  
17 victim and the nature of the alleged offense.

18 (b) The notice shall include the name of the person  
19 alleged to be the victim of the crime and shall specify the  
20 nature of the alleged relationship as set forth in 18 U.S.C.  
21 921(a)(33)(A)(ii). It shall also specify the element of the  
22 charged offense which requires the use or attempted use of  
23 physical force, or the threatened use of a deadly weapon, as  
24 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include  
25 notice that the defendant is entitled to a hearing on the

1 allegation contained in the notice and that if the allegation  
2 is sustained, that determination and conviction shall be  
3 reported to the Department of State Police ~~Firearm Owner's~~  
4 ~~Identification Card Office.~~

5 (c) After having been notified as provided in subsection  
6 (b) of this Section, the defendant may stipulate or admit,  
7 orally on the record or in writing, that conviction of the  
8 offense would subject the defendant to the prohibitions of 18  
9 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.  
10 922(g)(9) shall be deemed established for purposes of Section  
11 112A-11.2. If the defendant denies the applicability of 18  
12 U.S.C. 922(g)(9) as alleged in the notice served by the State,  
13 or stands mute with respect to that allegation, then the State  
14 shall bear the burden to prove beyond a reasonable doubt that  
15 the offense is one to which the prohibitions of 18 U.S.C.  
16 922(g)(9) apply. The court may consider reliable hearsay  
17 evidence submitted by either party provided that it is  
18 relevant to the determination of the allegation. Facts  
19 previously proven at trial or elicited at the time of entry of  
20 a plea of guilty shall be deemed established beyond a  
21 reasonable doubt and shall not be relitigated. At the  
22 conclusion of the hearing, or upon a stipulation or admission,  
23 as applicable, the court shall make a specific written  
24 determination with respect to the allegation.

25 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

1 (725 ILCS 5/112A-11.2)

2 Sec. 112A-11.2. Notification to the Department of State  
3 Police ~~Firearm Owner's Identification Card Office~~ of  
4 determinations in certain misdemeanor cases. Upon judgment of  
5 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
6 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
7 Code of 2012 when the defendant has been determined, under  
8 Section 112A-11.1, to be subject to the prohibitions of 18  
9 U.S.C. 922(g)(9), the circuit court clerk shall include  
10 notification and a copy of the written determination in a  
11 report of the conviction to the Department of State Police  
12 ~~Firearm Owner's Identification Card Office~~ to enable the  
13 office to report that determination to the Federal Bureau of  
14 Investigation and assist the Bureau in identifying persons  
15 prohibited from purchasing and possessing a firearm pursuant  
16 to the provisions of 18 U.S.C. 922.

17 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

18 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

19 Sec. 112A-14. Domestic violence order of protection;  
20 remedies.

21 (a) (Blank).

22 (b) The court may order any of the remedies listed in this  
23 subsection (b). The remedies listed in this subsection (b)  
24 shall be in addition to other civil or criminal remedies  
25 available to petitioner.

1           (1) Prohibition of abuse. Prohibit respondent's  
2 harassment, interference with personal liberty,  
3 intimidation of a dependent, physical abuse, or willful  
4 deprivation, as defined in this Article, if such abuse has  
5 occurred or otherwise appears likely to occur if not  
6 prohibited.

7           (2) Grant of exclusive possession of residence.  
8 Prohibit respondent from entering or remaining in any  
9 residence, household, or premises of the petitioner,  
10 including one owned or leased by respondent, if petitioner  
11 has a right to occupancy thereof. The grant of exclusive  
12 possession of the residence, household, or premises shall  
13 not affect title to real property, nor shall the court be  
14 limited by the standard set forth in subsection (c-2) of  
15 Section 501 of the Illinois Marriage and Dissolution of  
16 Marriage Act.

17           (A) Right to occupancy. A party has a right to  
18 occupancy of a residence or household if it is solely  
19 or jointly owned or leased by that party, that party's  
20 spouse, a person with a legal duty to support that  
21 party or a minor child in that party's care, or by any  
22 person or entity other than the opposing party that  
23 authorizes that party's occupancy (e.g., a domestic  
24 violence shelter). Standards set forth in subparagraph  
25 (B) shall not preclude equitable relief.

26           (B) Presumption of hardships. If petitioner and

1           respondent each has the right to occupancy of a  
2           residence or household, the court shall balance (i)  
3           the hardships to respondent and any minor child or  
4           dependent adult in respondent's care resulting from  
5           entry of this remedy with (ii) the hardships to  
6           petitioner and any minor child or dependent adult in  
7           petitioner's care resulting from continued exposure to  
8           the risk of abuse (should petitioner remain at the  
9           residence or household) or from loss of possession of  
10          the residence or household (should petitioner leave to  
11          avoid the risk of abuse). When determining the balance  
12          of hardships, the court shall also take into account  
13          the accessibility of the residence or household.  
14          Hardships need not be balanced if respondent does not  
15          have a right to occupancy.

16                 The balance of hardships is presumed to favor  
17          possession by petitioner unless the presumption is  
18          rebutted by a preponderance of the evidence, showing  
19          that the hardships to respondent substantially  
20          outweigh the hardships to petitioner and any minor  
21          child or dependent adult in petitioner's care. The  
22          court, on the request of petitioner or on its own  
23          motion, may order respondent to provide suitable,  
24          accessible, alternate housing for petitioner instead  
25          of excluding respondent from a mutual residence or  
26          household.



1           (3) Stay away order and additional prohibitions. Order  
2           respondent to stay away from petitioner or any other  
3           person protected by the domestic violence order of  
4           protection, or prohibit respondent from entering or  
5           remaining present at petitioner's school, place of  
6           employment, or other specified places at times when  
7           petitioner is present, or both, if reasonable, given the  
8           balance of hardships. Hardships need not be balanced for  
9           the court to enter a stay away order or prohibit entry if  
10          respondent has no right to enter the premises.

11           (A) If a domestic violence order of protection  
12          grants petitioner exclusive possession of the  
13          residence, prohibits respondent from entering the  
14          residence, or orders respondent to stay away from  
15          petitioner or other protected persons, then the court  
16          may allow respondent access to the residence to remove  
17          items of clothing and personal adornment used  
18          exclusively by respondent, medications, and other  
19          items as the court directs. The right to access shall  
20          be exercised on only one occasion as the court directs  
21          and in the presence of an agreed-upon adult third  
22          party or law enforcement officer.

23           (B) When the petitioner and the respondent attend  
24          the same public, private, or non-public elementary,  
25          middle, or high school, the court when issuing a  
26          domestic violence order of protection and providing

1 relief shall consider the severity of the act, any  
2 continuing physical danger or emotional distress to  
3 the petitioner, the educational rights guaranteed to  
4 the petitioner and respondent under federal and State  
5 law, the availability of a transfer of the respondent  
6 to another school, a change of placement or a change of  
7 program of the respondent, the expense, difficulty,  
8 and educational disruption that would be caused by a  
9 transfer of the respondent to another school, and any  
10 other relevant facts of the case. The court may order  
11 that the respondent not attend the public, private, or  
12 non-public elementary, middle, or high school attended  
13 by the petitioner, order that the respondent accept a  
14 change of placement or change of program, as  
15 determined by the school district or private or  
16 non-public school, or place restrictions on the  
17 respondent's movements within the school attended by  
18 the petitioner. The respondent bears the burden of  
19 proving by a preponderance of the evidence that a  
20 transfer, change of placement, or change of program of  
21 the respondent is not available. The respondent also  
22 bears the burden of production with respect to the  
23 expense, difficulty, and educational disruption that  
24 would be caused by a transfer of the respondent to  
25 another school. A transfer, change of placement, or  
26 change of program is not unavailable to the respondent

1 solely on the ground that the respondent does not  
2 agree with the school district's or private or  
3 non-public school's transfer, change of placement, or  
4 change of program or solely on the ground that the  
5 respondent fails or refuses to consent or otherwise  
6 does not take an action required to effectuate a  
7 transfer, change of placement, or change of program.  
8 When a court orders a respondent to stay away from the  
9 public, private, or non-public school attended by the  
10 petitioner and the respondent requests a transfer to  
11 another attendance center within the respondent's  
12 school district or private or non-public school, the  
13 school district or private or non-public school shall  
14 have sole discretion to determine the attendance  
15 center to which the respondent is transferred. If the  
16 court order results in a transfer of the minor  
17 respondent to another attendance center, a change in  
18 the respondent's placement, or a change of the  
19 respondent's program, the parents, guardian, or legal  
20 custodian of the respondent is responsible for  
21 transportation and other costs associated with the  
22 transfer or change.

23 (C) The court may order the parents, guardian, or  
24 legal custodian of a minor respondent to take certain  
25 actions or to refrain from taking certain actions to  
26 ensure that the respondent complies with the order. If

1           the court orders a transfer of the respondent to  
2           another school, the parents, guardian, or legal  
3           custodian of the respondent is responsible for  
4           transportation and other costs associated with the  
5           change of school by the respondent.

6           (4) Counseling. Require or recommend the respondent to  
7           undergo counseling for a specified duration with a social  
8           worker,       psychologist,       clinical       psychologist,  
9           psychiatrist, family service agency, alcohol or substance  
10          abuse program, mental health center guidance counselor,  
11          agency providing services to elders, program designed for  
12          domestic violence abusers, or any other guidance service  
13          the court deems appropriate. The court may order the  
14          respondent in any intimate partner relationship to report  
15          to an Illinois Department of Human Services protocol  
16          approved partner abuse intervention program for an  
17          assessment and to follow all recommended treatment.

18          (5) Physical care and possession of the minor child.  
19          In order to protect the minor child from abuse, neglect,  
20          or unwarranted separation from the person who has been the  
21          minor child's primary caretaker, or to otherwise protect  
22          the well-being of the minor child, the court may do either  
23          or both of the following: (i) grant petitioner physical  
24          care or possession of the minor child, or both, or (ii)  
25          order respondent to return a minor child to, or not remove  
26          a minor child from, the physical care of a parent or person

1 in loco parentis.

2 If the respondent is charged with abuse (as defined in  
3 Section 112A-3 of this Code) of a minor child, there shall  
4 be a rebuttable presumption that awarding physical care to  
5 respondent would not be in the minor child's best  
6 interest.

7 (6) Temporary allocation of parental responsibilities  
8 and significant decision-making responsibilities. Award  
9 temporary significant decision-making responsibility to  
10 petitioner in accordance with this Section, the Illinois  
11 Marriage and Dissolution of Marriage Act, the Illinois  
12 Parentage Act of 2015, and this State's Uniform  
13 Child-Custody Jurisdiction and Enforcement Act.

14 If the respondent is charged with abuse (as defined in  
15 Section 112A-3 of this Code) of a minor child, there shall  
16 be a rebuttable presumption that awarding temporary  
17 significant decision-making responsibility to respondent  
18 would not be in the child's best interest.

19 (7) Parenting time. Determine the parenting time, if  
20 any, of respondent in any case in which the court awards  
21 physical care or temporary significant decision-making  
22 responsibility of a minor child to petitioner. The court  
23 shall restrict or deny respondent's parenting time with a  
24 minor child if the court finds that respondent has done or  
25 is likely to do any of the following:

26 (i) abuse or endanger the minor child during

1 parenting time;

2 (ii) use the parenting time as an opportunity to  
3 abuse or harass petitioner or petitioner's family or  
4 household members;

5 (iii) improperly conceal or detain the minor  
6 child; or

7 (iv) otherwise act in a manner that is not in the  
8 best interests of the minor child.

9 The court shall not be limited by the standards set  
10 forth in Section 603.10 of the Illinois Marriage and  
11 Dissolution of Marriage Act. If the court grants parenting  
12 time, the order shall specify dates and times for the  
13 parenting time to take place or other specific parameters  
14 or conditions that are appropriate. No order for parenting  
15 time shall refer merely to the term "reasonable parenting  
16 time". Petitioner may deny respondent access to the minor  
17 child if, when respondent arrives for parenting time,  
18 respondent is under the influence of drugs or alcohol and  
19 constitutes a threat to the safety and well-being of  
20 petitioner or petitioner's minor children or is behaving  
21 in a violent or abusive manner. If necessary to protect  
22 any member of petitioner's family or household from future  
23 abuse, respondent shall be prohibited from coming to  
24 petitioner's residence to meet the minor child for  
25 parenting time, and the petitioner and respondent shall  
26 submit to the court their recommendations for reasonable

1 alternative arrangements for parenting time. A person may  
2 be approved to supervise parenting time only after filing  
3 an affidavit accepting that responsibility and  
4 acknowledging accountability to the court.

5 (8) Removal or concealment of minor child. Prohibit  
6 respondent from removing a minor child from the State or  
7 concealing the child within the State.

8 (9) Order to appear. Order the respondent to appear in  
9 court, alone or with a minor child, to prevent abuse,  
10 neglect, removal or concealment of the child, to return  
11 the child to the custody or care of the petitioner, or to  
12 permit any court-ordered interview or examination of the  
13 child or the respondent.

14 (10) Possession of personal property. Grant petitioner  
15 exclusive possession of personal property and, if  
16 respondent has possession or control, direct respondent to  
17 promptly make it available to petitioner, if:

18 (i) petitioner, but not respondent, owns the  
19 property; or

20 (ii) the petitioner and respondent own the  
21 property jointly; sharing it would risk abuse of  
22 petitioner by respondent or is impracticable; and the  
23 balance of hardships favors temporary possession by  
24 petitioner.

25 If petitioner's sole claim to ownership of the  
26 property is that it is marital property, the court may

1 award petitioner temporary possession thereof under the  
2 standards of subparagraph (ii) of this paragraph only if a  
3 proper proceeding has been filed under the Illinois  
4 Marriage and Dissolution of Marriage Act, as now or  
5 hereafter amended.

6 No order under this provision shall affect title to  
7 property.

8 (11) Protection of property. Forbid the respondent  
9 from taking, transferring, encumbering, concealing,  
10 damaging, or otherwise disposing of any real or personal  
11 property, except as explicitly authorized by the court,  
12 if:

13 (i) petitioner, but not respondent, owns the  
14 property; or

15 (ii) the petitioner and respondent own the  
16 property jointly, and the balance of hardships favors  
17 granting this remedy.

18 If petitioner's sole claim to ownership of the  
19 property is that it is marital property, the court may  
20 grant petitioner relief under subparagraph (ii) of this  
21 paragraph only if a proper proceeding has been filed under  
22 the Illinois Marriage and Dissolution of Marriage Act, as  
23 now or hereafter amended.

24 The court may further prohibit respondent from  
25 improperly using the financial or other resources of an  
26 aged member of the family or household for the profit or



1 advantage of respondent or of any other person.

2 (11.5) Protection of animals. Grant the petitioner the  
3 exclusive care, custody, or control of any animal owned,  
4 possessed, leased, kept, or held by either the petitioner  
5 or the respondent or a minor child residing in the  
6 residence or household of either the petitioner or the  
7 respondent and order the respondent to stay away from the  
8 animal and forbid the respondent from taking,  
9 transferring, encumbering, concealing, harming, or  
10 otherwise disposing of the animal.

11 (12) Order for payment of support. Order respondent to  
12 pay temporary support for the petitioner or any child in  
13 the petitioner's care or over whom the petitioner has been  
14 allocated parental responsibility, when the respondent has  
15 a legal obligation to support that person, in accordance  
16 with the Illinois Marriage and Dissolution of Marriage  
17 Act, which shall govern, among other matters, the amount  
18 of support, payment through the clerk and withholding of  
19 income to secure payment. An order for child support may  
20 be granted to a petitioner with lawful physical care of a  
21 child, or an order or agreement for physical care of a  
22 child, prior to entry of an order allocating significant  
23 decision-making responsibility. Such a support order shall  
24 expire upon entry of a valid order allocating parental  
25 responsibility differently and vacating petitioner's  
26 significant decision-making responsibility unless

1 otherwise provided in the order.

2 (13) Order for payment of losses. Order respondent to  
3 pay petitioner for losses suffered as a direct result of  
4 the abuse. Such losses shall include, but not be limited  
5 to, medical expenses, lost earnings or other support,  
6 repair or replacement of property damaged or taken,  
7 reasonable attorney's fees, court costs, and moving or  
8 other travel expenses, including additional reasonable  
9 expenses for temporary shelter and restaurant meals.

10 (i) Losses affecting family needs. If a party is  
11 entitled to seek maintenance, child support, or  
12 property distribution from the other party under the  
13 Illinois Marriage and Dissolution of Marriage Act, as  
14 now or hereafter amended, the court may order  
15 respondent to reimburse petitioner's actual losses, to  
16 the extent that such reimbursement would be  
17 "appropriate temporary relief", as authorized by  
18 subsection (a) (3) of Section 501 of that Act.

19 (ii) Recovery of expenses. In the case of an  
20 improper concealment or removal of a minor child, the  
21 court may order respondent to pay the reasonable  
22 expenses incurred or to be incurred in the search for  
23 and recovery of the minor child, including, but not  
24 limited to, legal fees, court costs, private  
25 investigator fees, and travel costs.

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household  
2 while the respondent is under the influence of alcohol or  
3 drugs and constitutes a threat to the safety and  
4 well-being of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm possession.

6 (A) A person who is subject to an existing  
7 domestic violence order of protection issued under  
8 this Code may not lawfully possess firearms, stun  
9 guns, or tasers ~~weapons under Section 8.2 of the~~  
10 ~~Firearm Owners Identification Card Act.~~

11 (B) Any firearms in the possession of the  
12 respondent, except as provided in subparagraph (C) of  
13 this paragraph (14.5), shall be ordered by the court  
14 to be turned over to a person who is not prohibited  
15 under State or federal law from possessing firearms  
16 ~~with a valid Firearm Owner's Identification Card for~~  
17 ~~safekeeping. The court shall issue an order that the~~  
18 ~~respondent's Firearm Owner's Identification Card be~~  
19 ~~turned over to the local law enforcement agency, which~~  
20 ~~in turn shall immediately mail the card to the~~  
21 ~~Department of State Police Firearm Owner's~~  
22 ~~Identification Card Office for safekeeping.~~ The period  
23 of safekeeping shall be for the duration of the  
24 domestic violence order of protection. The firearm ~~or~~  
25 ~~firearms and Firearm Owner's Identification Card, if~~  
26 ~~unexpired,~~ shall at the respondent's request be

1 returned to the respondent at expiration of the  
2 domestic violence order of protection.

3 (C) If the respondent is a peace officer as  
4 defined in Section 2-13 of the Criminal Code of 2012,  
5 the court shall order that any firearms used by the  
6 respondent in the performance of his or her duties as a  
7 peace officer be surrendered to the chief law  
8 enforcement executive of the agency in which the  
9 respondent is employed, who shall retain the firearms  
10 for safekeeping for the duration of the domestic  
11 violence order of protection.

12 (D) Upon expiration of the period of safekeeping,  
13 if the firearms ~~or Firearm Owner's Identification Card~~  
14 cannot be returned to respondent because respondent  
15 cannot be located, fails to respond to requests to  
16 retrieve the firearms, or is not lawfully eligible to  
17 possess a firearm, upon petition from the local law  
18 enforcement agency, the court may order the local law  
19 enforcement agency to destroy the firearms, use the  
20 firearms for training purposes, or for any other  
21 application as deemed appropriate by the local law  
22 enforcement agency; or that the firearms be turned  
23 over to a third party who is lawfully eligible to  
24 possess firearms, and who does not reside with  
25 respondent.

26 (15) Prohibition of access to records. If a domestic

1 violence order of protection prohibits respondent from  
2 having contact with the minor child, or if petitioner's  
3 address is omitted under subsection (b) of Section 112A-5  
4 of this Code, or if necessary to prevent abuse or wrongful  
5 removal or concealment of a minor child, the order shall  
6 deny respondent access to, and prohibit respondent from  
7 inspecting, obtaining, or attempting to inspect or obtain,  
8 school or any other records of the minor child who is in  
9 the care of petitioner.

10 (16) Order for payment of shelter services. Order  
11 respondent to reimburse a shelter providing temporary  
12 housing and counseling services to the petitioner for the  
13 cost of the services, as certified by the shelter and  
14 deemed reasonable by the court.

15 (17) Order for injunctive relief. Enter injunctive  
16 relief necessary or appropriate to prevent further abuse  
17 of a family or household member or to effectuate one of the  
18 granted remedies, if supported by the balance of  
19 hardships. If the harm to be prevented by the injunction  
20 is abuse or any other harm that one of the remedies listed  
21 in paragraphs (1) through (16) of this subsection is  
22 designed to prevent, no further evidence is necessary to  
23 establish that the harm is an irreparable injury.

24 (18) Telephone services.

25 (A) Unless a condition described in subparagraph

26 (B) of this paragraph exists, the court may, upon

1 request by the petitioner, order a wireless telephone  
2 service provider to transfer to the petitioner the  
3 right to continue to use a telephone number or numbers  
4 indicated by the petitioner and the financial  
5 responsibility associated with the number or numbers,  
6 as set forth in subparagraph (C) of this paragraph. In  
7 this paragraph (18), the term "wireless telephone  
8 service provider" means a provider of commercial  
9 mobile service as defined in 47 U.S.C. 332. The  
10 petitioner may request the transfer of each telephone  
11 number that the petitioner, or a minor child in his or  
12 her custody, uses. The clerk of the court shall serve  
13 the order on the wireless telephone service provider's  
14 agent for service of process provided to the Illinois  
15 Commerce Commission. The order shall contain all of  
16 the following:

17 (i) The name and billing telephone number of  
18 the account holder including the name of the  
19 wireless telephone service provider that serves  
20 the account.

21 (ii) Each telephone number that will be  
22 transferred.

23 (iii) A statement that the provider transfers  
24 to the petitioner all financial responsibility for  
25 and right to the use of any telephone number  
26 transferred under this paragraph.

1 (B) A wireless telephone service provider shall  
2 terminate the respondent's use of, and shall transfer  
3 to the petitioner use of, the telephone number or  
4 numbers indicated in subparagraph (A) of this  
5 paragraph unless it notifies the petitioner, within 72  
6 hours after it receives the order, that one of the  
7 following applies:

8 (i) The account holder named in the order has  
9 terminated the account.

10 (ii) A difference in network technology would  
11 prevent or impair the functionality of a device on  
12 a network if the transfer occurs.

13 (iii) The transfer would cause a geographic or  
14 other limitation on network or service provision  
15 to the petitioner.

16 (iv) Another technological or operational  
17 issue would prevent or impair the use of the  
18 telephone number if the transfer occurs.

19 (C) The petitioner assumes all financial  
20 responsibility for and right to the use of any  
21 telephone number transferred under this paragraph. In  
22 this paragraph, "financial responsibility" includes  
23 monthly service costs and costs associated with any  
24 mobile device associated with the number.

25 (D) A wireless telephone service provider may  
26 apply to the petitioner its routine and customary

1 requirements for establishing an account or  
2 transferring a number, including requiring the  
3 petitioner to provide proof of identification,  
4 financial information, and customer preferences.

5 (E) Except for willful or wanton misconduct, a  
6 wireless telephone service provider is immune from  
7 civil liability for its actions taken in compliance  
8 with a court order issued under this paragraph.

9 (F) All wireless service providers that provide  
10 services to residential customers shall provide to the  
11 Illinois Commerce Commission the name and address of  
12 an agent for service of orders entered under this  
13 paragraph (18). Any change in status of the registered  
14 agent must be reported to the Illinois Commerce  
15 Commission within 30 days of such change.

16 (G) The Illinois Commerce Commission shall  
17 maintain the list of registered agents for service for  
18 each wireless telephone service provider on the  
19 Commission's website. The Commission may consult with  
20 wireless telephone service providers and the Circuit  
21 Court Clerks on the manner in which this information  
22 is provided and displayed.

23 (c) Relevant factors; findings.

24 (1) In determining whether to grant a specific remedy,  
25 other than payment of support, the court shall consider  
26 relevant factors, including, but not limited to, the



1 following:

2 (i) the nature, frequency, severity, pattern, and  
3 consequences of the respondent's past abuse of the  
4 petitioner or any family or household member,  
5 including the concealment of his or her location in  
6 order to evade service of process or notice, and the  
7 likelihood of danger of future abuse to petitioner or  
8 any member of petitioner's or respondent's family or  
9 household; and

10 (ii) the danger that any minor child will be  
11 abused or neglected or improperly relocated from the  
12 jurisdiction, improperly concealed within the State,  
13 or improperly separated from the child's primary  
14 caretaker.

15 (2) In comparing relative hardships resulting to the  
16 parties from loss of possession of the family home, the  
17 court shall consider relevant factors, including, but not  
18 limited to, the following:

19 (i) availability, accessibility, cost, safety,  
20 adequacy, location, and other characteristics of  
21 alternate housing for each party and any minor child  
22 or dependent adult in the party's care;

23 (ii) the effect on the party's employment; and

24 (iii) the effect on the relationship of the party,  
25 and any minor child or dependent adult in the party's  
26 care, to family, school, church, and community.

1           (3) Subject to the exceptions set forth in paragraph  
2           (4) of this subsection (c), the court shall make its  
3 findings in an official record or in writing, and shall at  
4 a minimum set forth the following:

5           (i) That the court has considered the applicable  
6 relevant factors described in paragraphs (1) and (2)  
7 of this subsection (c).

8           (ii) Whether the conduct or actions of respondent,  
9 unless prohibited, will likely cause irreparable harm  
10 or continued abuse.

11           (iii) Whether it is necessary to grant the  
12 requested relief in order to protect petitioner or  
13 other alleged abused persons.

14           (4) (Blank).

15           (5) Never married parties. No rights or  
16 responsibilities for a minor child born outside of  
17 marriage attach to a putative father until a father and  
18 child relationship has been established under the Illinois  
19 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
20 the Illinois Public Aid Code, Section 12 of the Vital  
21 Records Act, the Juvenile Court Act of 1987, the Probate  
22 Act of 1975, the Uniform Interstate Family Support Act,  
23 the Expedited Child Support Act of 1990, any judicial,  
24 administrative, or other act of another state or  
25 territory, any other statute of this State, or by any  
26 foreign nation establishing the father and child

1 relationship, any other proceeding substantially in  
2 conformity with the federal Personal Responsibility and  
3 Work Opportunity Reconciliation Act of 1996, or when both  
4 parties appeared in open court or at an administrative  
5 hearing acknowledging under oath or admitting by  
6 affirmation the existence of a father and child  
7 relationship. Absent such an adjudication, no putative  
8 father shall be granted temporary allocation of parental  
9 responsibilities, including parenting time with the minor  
10 child, or physical care and possession of the minor child,  
11 nor shall an order of payment for support of the minor  
12 child be entered.

13 (d) Balance of hardships; findings. If the court finds  
14 that the balance of hardships does not support the granting of  
15 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
16 subsection (b) of this Section, which may require such  
17 balancing, the court's findings shall so indicate and shall  
18 include a finding as to whether granting the remedy will  
19 result in hardship to respondent that would substantially  
20 outweigh the hardship to petitioner from denial of the remedy.  
21 The findings shall be an official record or in writing.

22 (e) Denial of remedies. Denial of any remedy shall not be  
23 based, in whole or in part, on evidence that:

24 (1) respondent has cause for any use of force, unless  
25 that cause satisfies the standards for justifiable use of  
26 force provided by Article 7 of the Criminal Code of 2012;

1 (2) respondent was voluntarily intoxicated;

2 (3) petitioner acted in self-defense or defense of  
3 another, provided that, if petitioner utilized force, such  
4 force was justifiable under Article 7 of the Criminal Code  
5 of 2012;

6 (4) petitioner did not act in self-defense or defense  
7 of another;

8 (5) petitioner left the residence or household to  
9 avoid further abuse by respondent;

10 (6) petitioner did not leave the residence or  
11 household to avoid further abuse by respondent; or

12 (7) conduct by any family or household member excused  
13 the abuse by respondent, unless that same conduct would  
14 have excused such abuse if the parties had not been family  
15 or household members.

16 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;  
17 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.  
18 1-1-19; 101-81, eff. 7-12-19.)

19 (725 ILCS 5/112A-14.7)

20 Sec. 112A-14.7. Stalking no contact order; remedies.

21 (a) The court may order any of the remedies listed in this  
22 Section. The remedies listed in this Section shall be in  
23 addition to other civil or criminal remedies available to  
24 petitioner. A stalking no contact order shall order one or  
25 more of the following:

1           (1) prohibit the respondent from threatening to commit  
2 or committing stalking;

3           (2) order the respondent not to have any contact with  
4 the petitioner or a third person specifically named by the  
5 court;

6           (3) prohibit the respondent from knowingly coming  
7 within, or knowingly remaining within a specified distance  
8 of the petitioner or the petitioner's residence, school,  
9 daycare, or place of employment, or any specified place  
10 frequented by the petitioner; however, the court may order  
11 the respondent to stay away from the respondent's own  
12 residence, school, or place of employment only if the  
13 respondent has been provided actual notice of the  
14 opportunity to appear and be heard on the petition;

15           (4) prohibit the respondent from ~~possessing a Firearm~~  
16 ~~Owners Identification Card, or~~ possessing or buying  
17 firearms; and

18           (5) order other injunctive relief the court determines  
19 to be necessary to protect the petitioner or third party  
20 specifically named by the court.

21           (b) When the petitioner and the respondent attend the same  
22 public, private, or non-public elementary, middle, or high  
23 school, the court when issuing a stalking no contact order and  
24 providing relief shall consider the severity of the act, any  
25 continuing physical danger or emotional distress to the  
26 petitioner, the educational rights guaranteed to the

1 petitioner and respondent under federal and State law, the  
2 availability of a transfer of the respondent to another  
3 school, a change of placement or a change of program of the  
4 respondent, the expense, difficulty, and educational  
5 disruption that would be caused by a transfer of the  
6 respondent to another school, and any other relevant facts of  
7 the case. The court may order that the respondent not attend  
8 the public, private, or non-public elementary, middle, or high  
9 school attended by the petitioner, order that the respondent  
10 accept a change of placement or program, as determined by the  
11 school district or private or non-public school, or place  
12 restrictions on the respondent's movements within the school  
13 attended by the petitioner. The respondent bears the burden of  
14 proving by a preponderance of the evidence that a transfer,  
15 change of placement, or change of program of the respondent is  
16 not available. The respondent also bears the burden of  
17 production with respect to the expense, difficulty, and  
18 educational disruption that would be caused by a transfer of  
19 the respondent to another school. A transfer, change of  
20 placement, or change of program is not unavailable to the  
21 respondent solely on the ground that the respondent does not  
22 agree with the school district's or private or non-public  
23 school's transfer, change of placement, or change of program  
24 or solely on the ground that the respondent fails or refuses to  
25 consent to or otherwise does not take an action required to  
26 effectuate a transfer, change of placement, or change of

1 program. When a court orders a respondent to stay away from the  
2 public, private, or non-public school attended by the  
3 petitioner and the respondent requests a transfer to another  
4 attendance center within the respondent's school district or  
5 private or non-public school, the school district or private  
6 or non-public school shall have sole discretion to determine  
7 the attendance center to which the respondent is transferred.  
8 If the court order results in a transfer of the minor  
9 respondent to another attendance center, a change in the  
10 respondent's placement, or a change of the respondent's  
11 program, the parents, guardian, or legal custodian of the  
12 respondent is responsible for transportation and other costs  
13 associated with the transfer or change.

14 (c) The court may order the parents, guardian, or legal  
15 custodian of a minor respondent to take certain actions or to  
16 refrain from taking certain actions to ensure that the  
17 respondent complies with the order. If the court orders a  
18 transfer of the respondent to another school, the parents,  
19 guardian, or legal custodian of the respondent are responsible  
20 for transportation and other costs associated with the change  
21 of school by the respondent.

22 (d) The court shall not hold a school district or private  
23 or non-public school or any of its employees in civil or  
24 criminal contempt unless the school district or private or  
25 non-public school has been allowed to intervene.

26 (e) The court may hold the parents, guardian, or legal

1 custodian of a minor respondent in civil or criminal contempt  
2 for a violation of any provision of any order entered under  
3 this Article for conduct of the minor respondent in violation  
4 of this Article if the parents, guardian, or legal custodian  
5 directed, encouraged, or assisted the respondent minor in the  
6 conduct.

7 (f) Monetary damages are not recoverable as a remedy.

8 (g) If the stalking no contact order prohibits the  
9 respondent from ~~possessing a Firearm Owner's Identification~~  
10 ~~Card, or~~ possessing or buying firearms; the court shall  
11 confiscate the respondent's firearms ~~Firearm Owner's~~  
12 ~~Identification Card and immediately return the card to the~~  
13 ~~Department of State Police Firearm Owner's Identification Card~~  
14 ~~Office.~~

15 (Source: P.A. 100-199, eff. 1-1-18.)

16 Section 95. The Unified Code of Corrections is amended by  
17 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as  
18 follows:

19 (730 ILCS 5/5-4.5-110)

20 (Section scheduled to be repealed on January 1, 2023)

21 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH  
22 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

23 (a) DEFINITIONS. For the purposes of this Section:

24 "Firearm" has the meaning ascribed to it in Section



1        2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~  
2        ~~Firearm Owners Identification Card Act.~~

3                "Qualifying predicate offense" means the following  
4        offenses under the Criminal Code of 2012:

5                (A) aggravated unlawful use of a weapon under  
6        Section 24-1.6 or similar offense under the Criminal  
7        Code of 1961, when the weapon is a firearm;

8                (B) unlawful use or possession of a weapon by a  
9        felon under Section 24-1.1 or similar offense under  
10       the Criminal Code of 1961, when the weapon is a  
11       firearm;

12               (C) first degree murder under Section 9-1 or  
13       similar offense under the Criminal Code of 1961;

14               (D) attempted first degree murder with a firearm  
15       or similar offense under the Criminal Code of 1961;

16               (E) aggravated kidnapping with a firearm under  
17       paragraph (6) or (7) of subsection (a) of Section 10-2  
18       or similar offense under the Criminal Code of 1961;

19               (F) aggravated battery with a firearm under  
20       subsection (e) of Section 12-3.05 or similar offense  
21       under the Criminal Code of 1961;

22               (G) aggravated criminal sexual assault under  
23       Section 11-1.30 or similar offense under the Criminal  
24       Code of 1961;

25               (H) predatory criminal sexual assault of a child  
26       under Section 11-1.40 or similar offense under the

1 Criminal Code of 1961;

2 (I) armed robbery under Section 18-2 or similar  
3 offense under the Criminal Code of 1961;

4 (J) vehicular hijacking under Section 18-3 or  
5 similar offense under the Criminal Code of 1961;

6 (K) aggravated vehicular hijacking under Section  
7 18-4 or similar offense under the Criminal Code of  
8 1961;

9 (L) home invasion with a firearm under paragraph  
10 (3), (4), or (5) of subsection (a) of Section 19-6 or  
11 similar offense under the Criminal Code of 1961;

12 (M) aggravated discharge of a firearm under  
13 Section 24-1.2 or similar offense under the Criminal  
14 Code of 1961;

15 (N) aggravated discharge of a machine gun or a  
16 firearm equipped with a device designed or used for  
17 silencing the report of a firearm under Section  
18 24-1.2-5 or similar offense under the Criminal Code of  
19 1961;

20 (O) unlawful use of firearm projectiles under  
21 Section 24-2.1 or similar offense under the Criminal  
22 Code of 1961;

23 (P) manufacture, sale, or transfer of bullets or  
24 shells represented to be armor piercing bullets,  
25 dragon's breath shotgun shells, bolo shells, or  
26 flechette shells under Section 24-2.2 or similar

1 offense under the Criminal Code of 1961;

2 (Q) unlawful sale or delivery of firearms under  
3 Section 24-3 or similar offense under the Criminal  
4 Code of 1961;

5 (R) unlawful discharge of firearm projectiles  
6 under Section 24-3.2 or similar offense under the  
7 Criminal Code of 1961;

8 (S) unlawful sale or delivery of firearms on  
9 school premises of any school under Section 24-3.3 or  
10 similar offense under the Criminal Code of 1961;

11 (T) unlawful purchase of a firearm under Section  
12 24-3.5 or similar offense under the Criminal Code of  
13 1961;

14 (U) use of a stolen firearm in the commission of an  
15 offense under Section 24-3.7 or similar offense under  
16 the Criminal Code of 1961;

17 (V) possession of a stolen firearm under Section  
18 24-3.8 or similar offense under the Criminal Code of  
19 1961;

20 (W) aggravated possession of a stolen firearm  
21 under Section 24-3.9 or similar offense under the  
22 Criminal Code of 1961;

23 (X) gunrunning under Section 24-3A or similar  
24 offense under the Criminal Code of 1961;

25 (Y) defacing identification marks of firearms  
26 under Section 24-5 or similar offense under the

1 Criminal Code of 1961; and

2 (Z) armed violence under Section 33A-2 or similar  
3 offense under the Criminal Code of 1961.

4 (b) APPLICABILITY. For an offense committed on or after  
5 January 1, 2018 (the effective date Public Act 100-3) ~~of this~~  
6 ~~amendatory Act of the 100th General Assembly~~ and before  
7 January 1, 2023, when a person is convicted of unlawful use or  
8 possession of a weapon by a felon, when the weapon is a  
9 firearm, or aggravated unlawful use of a weapon, when the  
10 weapon is a firearm, after being previously convicted of a  
11 qualifying predicate offense the person shall be subject to  
12 the sentencing guidelines under this Section.

13 (c) SENTENCING GUIDELINES.

14 (1) When a person is convicted of unlawful use or  
15 possession of a weapon by a felon, when the weapon is a  
16 firearm, and that person has been previously convicted of  
17 a qualifying predicate offense, the person shall be  
18 sentenced to a term of imprisonment within the sentencing  
19 range of not less than 7 years and not more than 14 years,  
20 unless the court finds that a departure from the  
21 sentencing guidelines under this paragraph is warranted  
22 under subsection (d) of this Section.

23 (2) When a person is convicted of aggravated unlawful  
24 use of a weapon, when the weapon is a firearm, and that  
25 person has been previously convicted of a qualifying  
26 predicate offense, the person shall be sentenced to a term

1 of imprisonment within the sentencing range of not less  
2 than 6 years and not more than 7 years, unless the court  
3 finds that a departure from the sentencing guidelines  
4 under this paragraph is warranted under subsection (d) of  
5 this Section.

6 (3) The sentencing guidelines in paragraphs (1) and  
7 (2) of this subsection (c) apply only to offenses  
8 committed on and after January 1, 2018 (the effective date  
9 of Public Act 100-3) ~~this amendatory Act of the 100th~~  
10 ~~General Assembly~~ and before January 1, 2023.

11 (d) DEPARTURE FROM SENTENCING GUIDELINES.

12 (1) At the sentencing hearing conducted under Section  
13 5-4-1 of this Code, the court may depart from the  
14 sentencing guidelines provided in subsection (c) of this  
15 Section and impose a sentence otherwise authorized by law  
16 for the offense if the court, after considering any factor  
17 under paragraph (2) of this subsection (d) relevant to the  
18 nature and circumstances of the crime and to the history  
19 and character of the defendant, finds on the record  
20 substantial and compelling justification that the sentence  
21 within the sentencing guidelines would be unduly harsh and  
22 that a sentence otherwise authorized by law would be  
23 consistent with public safety and does not deprecate the  
24 seriousness of the offense.

25 (2) In deciding whether to depart from the sentencing  
26 guidelines under this paragraph, the court shall consider:

1           (A) the age, immaturity, or limited mental  
2 capacity of the defendant at the time of commission of  
3 the qualifying predicate or current offense, including  
4 whether the defendant was suffering from a mental or  
5 physical condition insufficient to constitute a  
6 defense but significantly reduced the defendant's  
7 culpability;

8           (B) the nature and circumstances of the qualifying  
9 predicate offense;

10          (C) the time elapsed since the qualifying  
11 predicate offense;

12          (D) the nature and circumstances of the current  
13 offense;

14          (E) the defendant's prior criminal history;

15          (F) whether the defendant committed the qualifying  
16 predicate or current offense under specific and  
17 credible duress, coercion, threat, or compulsion;

18          (G) whether the defendant aided in the  
19 apprehension of another felon or testified truthfully  
20 on behalf of another prosecution of a felony; and

21          (H) whether departure is in the interest of the  
22 person's rehabilitation, including employment or  
23 educational or vocational training, after taking into  
24 account any past rehabilitation efforts or  
25 dispositions of probation or supervision, and the  
26 defendant's cooperation or response to rehabilitation.

1           (3) When departing from the sentencing guidelines  
2 under this Section, the court shall specify on the record,  
3 the particular evidence, information, factor or factors,  
4 or other reasons which led to the departure from the  
5 sentencing guidelines. When departing from the sentencing  
6 range in accordance with this subsection (d), the court  
7 shall indicate on the sentencing order which departure  
8 factor or factors outlined in paragraph (2) of this  
9 subsection (d) led to the sentence imposed. The sentencing  
10 order shall be filed with the clerk of the court and shall  
11 be a public record.

12           (e) This Section is repealed on January 1, 2023.

13           (Source: P.A. 100-3, eff. 1-1-18.)

14           (730 ILCS 5/5-5-3)

15           Sec. 5-5-3. Disposition.

16           (a) (Blank).

17           (b) (Blank).

18           (c) (1) (Blank).

19           (2) A period of probation, a term of periodic imprisonment  
20 or conditional discharge shall not be imposed for the  
21 following offenses. The court shall sentence the offender to  
22 not less than the minimum term of imprisonment set forth in  
23 this Code for the following offenses, and may order a fine or  
24 restitution or both in conjunction with such term of  
25 imprisonment:

1 (A) First degree murder where the death penalty is not  
2 imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

5 (D) A violation of Section 401.1 or 407 of the  
6 Illinois Controlled Substances Act, or a violation of  
7 subdivision (c)(1.5) of Section 401 of that Act which  
8 relates to more than 5 grams of a substance containing  
9 fentanyl or an analog thereof.

10 (D-5) A violation of subdivision (c)(1) of Section 401  
11 of the Illinois Controlled Substances Act which relates to  
12 3 or more grams of a substance containing heroin or an  
13 analog thereof.

14 (E) (Blank).

15 (F) A Class 1 or greater felony if the offender had  
16 been convicted of a Class 1 or greater felony, including  
17 any state or federal conviction for an offense that  
18 contained, at the time it was committed, the same elements  
19 as an offense now (the date of the offense committed after  
20 the prior Class 1 or greater felony) classified as a Class  
21 1 or greater felony, within 10 years of the date on which  
22 the offender committed the offense for which he or she is  
23 being sentenced, except as otherwise provided in Section  
24 40-10 of the Substance Use Disorder Act.

25 (F-3) A Class 2 or greater felony sex offense or  
26 felony firearm offense if the offender had been convicted



1 of a Class 2 or greater felony, including any state or  
2 federal conviction for an offense that contained, at the  
3 time it was committed, the same elements as an offense now  
4 (the date of the offense committed after the prior Class 2  
5 or greater felony) classified as a Class 2 or greater  
6 felony, within 10 years of the date on which the offender  
7 committed the offense for which he or she is being  
8 sentenced, except as otherwise provided in Section 40-10  
9 of the Substance Use Disorder Act.

10 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6  
11 of the Criminal Code of 1961 or the Criminal Code of 2012  
12 for which imprisonment is prescribed in those Sections.

13 (G) Residential burglary, except as otherwise provided  
14 in Section 40-10 of the Substance Use Disorder Act.

15 (H) Criminal sexual assault.

16 (I) Aggravated battery of a senior citizen as  
17 described in Section 12-4.6 or subdivision (a)(4) of  
18 Section 12-3.05 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012.

20 (J) A forcible felony if the offense was related to  
21 the activities of an organized gang.

22 Before July 1, 1994, for the purposes of this  
23 paragraph, "organized gang" means an association of 5 or  
24 more persons, with an established hierarchy, that  
25 encourages members of the association to perpetrate crimes  
26 or provides support to the members of the association who

1 do commit crimes.

2 Beginning July 1, 1994, for the purposes of this  
3 paragraph, "organized gang" has the meaning ascribed to it  
4 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
5 Prevention Act.

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the offense  
8 of hate crime when the underlying offense upon which the  
9 hate crime is based is felony aggravated assault or felony  
10 mob action.

11 (M) A second or subsequent conviction for the offense  
12 of institutional vandalism if the damage to the property  
13 exceeds \$300.

14 (N) A Class 3 felony violation of paragraph (1) of  
15 subsection (a) of Section 2 of the Firearm Owners  
16 Identification Card Act committed before the effective  
17 date of this amendatory Act of the 102nd General Assembly.

18 (O) A violation of Section 12-6.1 or 12-6.5 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012.

20 (P) A violation of paragraph (1), (2), (3), (4), (5),  
21 or (7) of subsection (a) of Section 11-20.1 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (Q) A violation of subsection (b) or (b-5) of Section  
24 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012.

26 (R) A violation of Section 24-3A of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (S) (Blank).

3 (T) (Blank).

4 (U) A second or subsequent violation of Section 6-303  
5 of the Illinois Vehicle Code committed while his or her  
6 driver's license, permit, or privilege was revoked because  
7 of a violation of Section 9-3 of the Criminal Code of 1961  
8 or the Criminal Code of 2012, relating to the offense of  
9 reckless homicide, or a similar provision of a law of  
10 another state.

11 (V) A violation of paragraph (4) of subsection (c) of  
12 Section 11-20.1B or paragraph (4) of subsection (c) of  
13 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
14 (6) of subsection (a) of Section 11-20.1 of the Criminal  
15 Code of 2012 when the victim is under 13 years of age and  
16 the defendant has previously been convicted under the laws  
17 of this State or any other state of the offense of child  
18 pornography, aggravated child pornography, aggravated  
19 criminal sexual abuse, aggravated criminal sexual assault,  
20 predatory criminal sexual assault of a child, or any of  
21 the offenses formerly known as rape, deviate sexual  
22 assault, indecent liberties with a child, or aggravated  
23 indecent liberties with a child where the victim was under  
24 the age of 18 years or an offense that is substantially  
25 equivalent to those offenses.

26 (W) A violation of Section 24-3.5 of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (X) A violation of subsection (a) of Section 31-1a of  
3 the Criminal Code of 1961 or the Criminal Code of 2012.

4 (Y) A conviction for unlawful possession of a firearm  
5 by a street gang member when the firearm was loaded or  
6 contained firearm ammunition.

7 (Z) A Class 1 felony committed while he or she was  
8 serving a term of probation or conditional discharge for a  
9 felony.

10 (AA) Theft of property exceeding \$500,000 and not  
11 exceeding \$1,000,000 in value.

12 (BB) Laundering of criminally derived property of a  
13 value exceeding \$500,000.

14 (CC) Knowingly selling, offering for sale, holding for  
15 sale, or using 2,000 or more counterfeit items or  
16 counterfeit items having a retail value in the aggregate  
17 of \$500,000 or more.

18 (DD) A conviction for aggravated assault under  
19 paragraph (6) of subsection (c) of Section 12-2 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012 if the  
21 firearm is aimed toward the person against whom the  
22 firearm is being used.

23 (EE) A conviction for a violation of paragraph (2) of  
24 subsection (a) of Section 24-3B of the Criminal Code of  
25 2012.

26 (3) (Blank).

1           (4) A minimum term of imprisonment of not less than 10  
2 consecutive days or 30 days of community service shall be  
3 imposed for a violation of paragraph (c) of Section 6-303 of  
4 the Illinois Vehicle Code.

5           (4.1) (Blank).

6           (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
7 this subsection (c), a minimum of 100 hours of community  
8 service shall be imposed for a second violation of Section  
9 6-303 of the Illinois Vehicle Code.

10          (4.3) A minimum term of imprisonment of 30 days or 300  
11 hours of community service, as determined by the court, shall  
12 be imposed for a second violation of subsection (c) of Section  
13 6-303 of the Illinois Vehicle Code.

14          (4.4) Except as provided in paragraphs (4.5), (4.6), and  
15 (4.9) of this subsection (c), a minimum term of imprisonment  
16 of 30 days or 300 hours of community service, as determined by  
17 the court, shall be imposed for a third or subsequent  
18 violation of Section 6-303 of the Illinois Vehicle Code. The  
19 court may give credit toward the fulfillment of community  
20 service hours for participation in activities and treatment as  
21 determined by court services.

22          (4.5) A minimum term of imprisonment of 30 days shall be  
23 imposed for a third violation of subsection (c) of Section  
24 6-303 of the Illinois Vehicle Code.

25          (4.6) Except as provided in paragraph (4.10) of this  
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of  
2 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

3 (4.7) A minimum term of imprisonment of not less than 30  
4 consecutive days, or 300 hours of community service, shall be  
5 imposed for a violation of subsection (a-5) of Section 6-303  
6 of the Illinois Vehicle Code, as provided in subsection (b-5)  
7 of that Section.

8 (4.8) A mandatory prison sentence shall be imposed for a  
9 second violation of subsection (a-5) of Section 6-303 of the  
10 Illinois Vehicle Code, as provided in subsection (c-5) of that  
11 Section. The person's driving privileges shall be revoked for  
12 a period of not less than 5 years from the date of his or her  
13 release from prison.

14 (4.9) A mandatory prison sentence of not less than 4 and  
15 not more than 15 years shall be imposed for a third violation  
16 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
17 Code, as provided in subsection (d-2.5) of that Section. The  
18 person's driving privileges shall be revoked for the remainder  
19 of his or her life.

20 (4.10) A mandatory prison sentence for a Class 1 felony  
21 shall be imposed, and the person shall be eligible for an  
22 extended term sentence, for a fourth or subsequent violation  
23 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
24 Code, as provided in subsection (d-3.5) of that Section. The  
25 person's driving privileges shall be revoked for the remainder  
26 of his or her life.

1           (5) The court may sentence a corporation or unincorporated  
2 association convicted of any offense to:

3                   (A) a period of conditional discharge;

4                   (B) a fine;

5                   (C) make restitution to the victim under Section 5-5-6  
6 of this Code.

7           (5.1) In addition to any other penalties imposed, and  
8 except as provided in paragraph (5.2) or (5.3), a person  
9 convicted of violating subsection (c) of Section 11-907 of the  
10 Illinois Vehicle Code shall have his or her driver's license,  
11 permit, or privileges suspended for at least 90 days but not  
12 more than one year, if the violation resulted in damage to the  
13 property of another person.

14           (5.2) In addition to any other penalties imposed, and  
15 except as provided in paragraph (5.3), a person convicted of  
16 violating subsection (c) of Section 11-907 of the Illinois  
17 Vehicle Code shall have his or her driver's license, permit,  
18 or privileges suspended for at least 180 days but not more than  
19 2 years, if the violation resulted in injury to another  
20 person.

21           (5.3) In addition to any other penalties imposed, a person  
22 convicted of violating subsection (c) of Section 11-907 of the  
23 Illinois Vehicle Code shall have his or her driver's license,  
24 permit, or privileges suspended for 2 years, if the violation  
25 resulted in the death of another person.

26           (5.4) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle  
2 Code shall have his or her driver's license, permit, or  
3 privileges suspended for 3 months and until he or she has paid  
4 a reinstatement fee of \$100.

5 (5.5) In addition to any other penalties imposed, a person  
6 convicted of violating Section 3-707 of the Illinois Vehicle  
7 Code during a period in which his or her driver's license,  
8 permit, or privileges were suspended for a previous violation  
9 of that Section shall have his or her driver's license,  
10 permit, or privileges suspended for an additional 6 months  
11 after the expiration of the original 3-month suspension and  
12 until he or she has paid a reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

16 (9) A defendant convicted of a second or subsequent  
17 offense of ritualized abuse of a child may be sentenced to a  
18 term of natural life imprisonment.

19 (10) (Blank).

20 (11) The court shall impose a minimum fine of \$1,000 for a  
21 first offense and \$2,000 for a second or subsequent offense  
22 upon a person convicted of or placed on supervision for  
23 battery when the individual harmed was a sports official or  
24 coach at any level of competition and the act causing harm to  
25 the sports official or coach occurred within an athletic  
26 facility or within the immediate vicinity of the athletic



1 facility at which the sports official or coach was an active  
2 participant of the athletic contest held at the athletic  
3 facility. For the purposes of this paragraph (11), "sports  
4 official" means a person at an athletic contest who enforces  
5 the rules of the contest, such as an umpire or referee;  
6 "athletic facility" means an indoor or outdoor playing field  
7 or recreational area where sports activities are conducted;  
8 and "coach" means a person recognized as a coach by the  
9 sanctioning authority that conducted the sporting event.

10 (12) A person may not receive a disposition of court  
11 supervision for a violation of Section 5-16 of the Boat  
12 Registration and Safety Act if that person has previously  
13 received a disposition of court supervision for a violation of  
14 that Section.

15 (13) A person convicted of or placed on court supervision  
16 for an assault or aggravated assault when the victim and the  
17 offender are family or household members as defined in Section  
18 103 of the Illinois Domestic Violence Act of 1986 or convicted  
19 of domestic battery or aggravated domestic battery may be  
20 required to attend a Partner Abuse Intervention Program under  
21 protocols set forth by the Illinois Department of Human  
22 Services under such terms and conditions imposed by the court.  
23 The costs of such classes shall be paid by the offender.

24 (d) In any case in which a sentence originally imposed is  
25 vacated, the case shall be remanded to the trial court. The  
26 trial court shall hold a hearing under Section 5-4-1 of this

1 Code which may include evidence of the defendant's life, moral  
2 character and occupation during the time since the original  
3 sentence was passed. The trial court shall then impose  
4 sentence upon the defendant. The trial court may impose any  
5 sentence which could have been imposed at the original trial  
6 subject to Section 5-5-4 of this Code. If a sentence is vacated  
7 on appeal or on collateral attack due to the failure of the  
8 trier of fact at trial to determine beyond a reasonable doubt  
9 the existence of a fact (other than a prior conviction)  
10 necessary to increase the punishment for the offense beyond  
11 the statutory maximum otherwise applicable, either the  
12 defendant may be re-sentenced to a term within the range  
13 otherwise provided or, if the State files notice of its  
14 intention to again seek the extended sentence, the defendant  
15 shall be afforded a new trial.

16 (e) In cases where prosecution for aggravated criminal  
17 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012 results in conviction  
19 of a defendant who was a family member of the victim at the  
20 time of the commission of the offense, the court shall  
21 consider the safety and welfare of the victim and may impose a  
22 sentence of probation only where:

23 (1) the court finds (A) or (B) or both are  
24 appropriate:

25 (A) the defendant is willing to undergo a court  
26 approved counseling program for a minimum duration of

1           2 years; or

2                   (B) the defendant is willing to participate in a  
3 court approved plan including but not limited to the  
4 defendant's:

5                           (i) removal from the household;

6                           (ii) restricted contact with the victim;

7                           (iii) continued financial support of the  
8 family;

9                           (iv) restitution for harm done to the victim;

10                   and

11                           (v) compliance with any other measures that  
12 the court may deem appropriate; and

13           (2) the court orders the defendant to pay for the  
14 victim's counseling services, to the extent that the court  
15 finds, after considering the defendant's income and  
16 assets, that the defendant is financially capable of  
17 paying for such services, if the victim was under 18 years  
18 of age at the time the offense was committed and requires  
19 counseling as a result of the offense.

20           Probation may be revoked or modified pursuant to Section  
21 5-6-4; except where the court determines at the hearing that  
22 the defendant violated a condition of his or her probation  
23 restricting contact with the victim or other family members or  
24 commits another offense with the victim or other family  
25 members, the court shall revoke the defendant's probation and  
26 impose a term of imprisonment.

1           For the purposes of this Section, "family member" and  
2 "victim" shall have the meanings ascribed to them in Section  
3 11-0.1 of the Criminal Code of 2012.

4           (f) (Blank).

5           (g) Whenever a defendant is convicted of an offense under  
6 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
7 11-14.3, 11-14.4 except for an offense that involves keeping a  
8 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
9 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
10 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, the defendant shall undergo medical  
12 testing to determine whether the defendant has any sexually  
13 transmissible disease, including a test for infection with  
14 human immunodeficiency virus (HIV) or any other identified  
15 causative agent of acquired immunodeficiency syndrome (AIDS).  
16 Any such medical test shall be performed only by appropriately  
17 licensed medical practitioners and may include an analysis of  
18 any bodily fluids as well as an examination of the defendant's  
19 person. Except as otherwise provided by law, the results of  
20 such test shall be kept strictly confidential by all medical  
21 personnel involved in the testing and must be personally  
22 delivered in a sealed envelope to the judge of the court in  
23 which the conviction was entered for the judge's inspection in  
24 camera. Acting in accordance with the best interests of the  
25 victim and the public, the judge shall have the discretion to  
26 determine to whom, if anyone, the results of the testing may be

1 revealed. The court shall notify the defendant of the test  
2 results. The court shall also notify the victim if requested  
3 by the victim, and if the victim is under the age of 15 and if  
4 requested by the victim's parents or legal guardian, the court  
5 shall notify the victim's parents or legal guardian of the  
6 test results. The court shall provide information on the  
7 availability of HIV testing and counseling at Department of  
8 Public Health facilities to all parties to whom the results of  
9 the testing are revealed and shall direct the State's Attorney  
10 to provide the information to the victim when possible. A  
11 State's Attorney may petition the court to obtain the results  
12 of any HIV test administered under this Section, and the court  
13 shall grant the disclosure if the State's Attorney shows it is  
14 relevant in order to prosecute a charge of criminal  
15 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012 against the  
17 defendant. The court shall order that the cost of any such test  
18 shall be paid by the county and may be taxed as costs against  
19 the convicted defendant.

20 (g-5) When an inmate is tested for an airborne  
21 communicable disease, as determined by the Illinois Department  
22 of Public Health including but not limited to tuberculosis,  
23 the results of the test shall be personally delivered by the  
24 warden or his or her designee in a sealed envelope to the judge  
25 of the court in which the inmate must appear for the judge's  
26 inspection in camera if requested by the judge. Acting in

1 accordance with the best interests of those in the courtroom,  
2 the judge shall have the discretion to determine what if any  
3 precautions need to be taken to prevent transmission of the  
4 disease in the courtroom.

5 (h) Whenever a defendant is convicted of an offense under  
6 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
7 defendant shall undergo medical testing to determine whether  
8 the defendant has been exposed to human immunodeficiency virus  
9 (HIV) or any other identified causative agent of acquired  
10 immunodeficiency syndrome (AIDS). Except as otherwise provided  
11 by law, the results of such test shall be kept strictly  
12 confidential by all medical personnel involved in the testing  
13 and must be personally delivered in a sealed envelope to the  
14 judge of the court in which the conviction was entered for the  
15 judge's inspection in camera. Acting in accordance with the  
16 best interests of the public, the judge shall have the  
17 discretion to determine to whom, if anyone, the results of the  
18 testing may be revealed. The court shall notify the defendant  
19 of a positive test showing an infection with the human  
20 immunodeficiency virus (HIV). The court shall provide  
21 information on the availability of HIV testing and counseling  
22 at Department of Public Health facilities to all parties to  
23 whom the results of the testing are revealed and shall direct  
24 the State's Attorney to provide the information to the victim  
25 when possible. A State's Attorney may petition the court to  
26 obtain the results of any HIV test administered under this

1 Section, and the court shall grant the disclosure if the  
2 State's Attorney shows it is relevant in order to prosecute a  
3 charge of criminal transmission of HIV under Section 12-5.01  
4 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
5 2012 against the defendant. The court shall order that the  
6 cost of any such test shall be paid by the county and may be  
7 taxed as costs against the convicted defendant.

8 (i) All fines and penalties imposed under this Section for  
9 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
10 Vehicle Code, or a similar provision of a local ordinance, and  
11 any violation of the Child Passenger Protection Act, or a  
12 similar provision of a local ordinance, shall be collected and  
13 disbursed by the circuit clerk as provided under the Criminal  
14 and Traffic Assessment Act.

15 (j) In cases when prosecution for any violation of Section  
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
17 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
18 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
19 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
20 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
21 Code of 2012, any violation of the Illinois Controlled  
22 Substances Act, any violation of the Cannabis Control Act, or  
23 any violation of the Methamphetamine Control and Community  
24 Protection Act results in conviction, a disposition of court  
25 supervision, or an order of probation granted under Section 10  
26 of the Cannabis Control Act, Section 410 of the Illinois

1 Controlled Substances Act, or Section 70 of the  
2 Methamphetamine Control and Community Protection Act of a  
3 defendant, the court shall determine whether the defendant is  
4 employed by a facility or center as defined under the Child  
5 Care Act of 1969, a public or private elementary or secondary  
6 school, or otherwise works with children under 18 years of age  
7 on a daily basis. When a defendant is so employed, the court  
8 shall order the Clerk of the Court to send a copy of the  
9 judgment of conviction or order of supervision or probation to  
10 the defendant's employer by certified mail. If the employer of  
11 the defendant is a school, the Clerk of the Court shall direct  
12 the mailing of a copy of the judgment of conviction or order of  
13 supervision or probation to the appropriate regional  
14 superintendent of schools. The regional superintendent of  
15 schools shall notify the State Board of Education of any  
16 notification under this subsection.

17 (j-5) A defendant at least 17 years of age who is convicted  
18 of a felony and who has not been previously convicted of a  
19 misdemeanor or felony and who is sentenced to a term of  
20 imprisonment in the Illinois Department of Corrections shall  
21 as a condition of his or her sentence be required by the court  
22 to attend educational courses designed to prepare the  
23 defendant for a high school diploma and to work toward a high  
24 school diploma or to work toward passing high school  
25 equivalency testing or to work toward completing a vocational  
26 training program offered by the Department of Corrections. If



1 a defendant fails to complete the educational training  
2 required by his or her sentence during the term of  
3 incarceration, the Prisoner Review Board shall, as a condition  
4 of mandatory supervised release, require the defendant, at his  
5 or her own expense, to pursue a course of study toward a high  
6 school diploma or passage of high school equivalency testing.  
7 The Prisoner Review Board shall revoke the mandatory  
8 supervised release of a defendant who wilfully fails to comply  
9 with this subsection (j-5) upon his or her release from  
10 confinement in a penal institution while serving a mandatory  
11 supervised release term; however, the inability of the  
12 defendant after making a good faith effort to obtain financial  
13 aid or pay for the educational training shall not be deemed a  
14 wilful failure to comply. The Prisoner Review Board shall  
15 recommit the defendant whose mandatory supervised release term  
16 has been revoked under this subsection (j-5) as provided in  
17 Section 3-3-9. This subsection (j-5) does not apply to a  
18 defendant who has a high school diploma or has successfully  
19 passed high school equivalency testing. This subsection (j-5)  
20 does not apply to a defendant who is determined by the court to  
21 be a person with a developmental disability or otherwise  
22 mentally incapable of completing the educational or vocational  
23 program.

24 (k) (Blank).

25 (l) (A) Except as provided in paragraph (C) of subsection  
26 (l), whenever a defendant, who is an alien as defined by the

1 Immigration and Nationality Act, is convicted of any felony or  
2 misdemeanor offense, the court after sentencing the defendant  
3 may, upon motion of the State's Attorney, hold sentence in  
4 abeyance and remand the defendant to the custody of the  
5 Attorney General of the United States or his or her designated  
6 agent to be deported when:

7 (1) a final order of deportation has been issued  
8 against the defendant pursuant to proceedings under the  
9 Immigration and Nationality Act, and

10 (2) the deportation of the defendant would not  
11 deprecate the seriousness of the defendant's conduct and  
12 would not be inconsistent with the ends of justice.

13 Otherwise, the defendant shall be sentenced as provided in  
14 this Chapter V.

15 (B) If the defendant has already been sentenced for a  
16 felony or misdemeanor offense, or has been placed on probation  
17 under Section 10 of the Cannabis Control Act, Section 410 of  
18 the Illinois Controlled Substances Act, or Section 70 of the  
19 Methamphetamine Control and Community Protection Act, the  
20 court may, upon motion of the State's Attorney to suspend the  
21 sentence imposed, commit the defendant to the custody of the  
22 Attorney General of the United States or his or her designated  
23 agent when:

24 (1) a final order of deportation has been issued  
25 against the defendant pursuant to proceedings under the  
26 Immigration and Nationality Act, and

1           (2) the deportation of the defendant would not  
2           deprecate the seriousness of the defendant's conduct and  
3           would not be inconsistent with the ends of justice.

4           (C) This subsection (1) does not apply to offenders who  
5           are subject to the provisions of paragraph (2) of subsection  
6           (a) of Section 3-6-3.

7           (D) Upon motion of the State's Attorney, if a defendant  
8           sentenced under this Section returns to the jurisdiction of  
9           the United States, the defendant shall be recommitted to the  
10          custody of the county from which he or she was sentenced.  
11          Thereafter, the defendant shall be brought before the  
12          sentencing court, which may impose any sentence that was  
13          available under Section 5-5-3 at the time of initial  
14          sentencing. In addition, the defendant shall not be eligible  
15          for additional earned sentence credit as provided under  
16          Section 3-6-3.

17          (m) A person convicted of criminal defacement of property  
18          under Section 21-1.3 of the Criminal Code of 1961 or the  
19          Criminal Code of 2012, in which the property damage exceeds  
20          \$300 and the property damaged is a school building, shall be  
21          ordered to perform community service that may include cleanup,  
22          removal, or painting over the defacement.

23          (n) The court may sentence a person convicted of a  
24          violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
25          subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
26          of 1961 or the Criminal Code of 2012 (i) to an impact

1 incarceration program if the person is otherwise eligible for  
2 that program under Section 5-8-1.1, (ii) to community service,  
3 or (iii) if the person has a substance use disorder, as defined  
4 in the Substance Use Disorder Act, to a treatment program  
5 licensed under that Act.

6 (o) Whenever a person is convicted of a sex offense as  
7 defined in Section 2 of the Sex Offender Registration Act, the  
8 defendant's driver's license or permit shall be subject to  
9 renewal on an annual basis in accordance with the provisions  
10 of license renewal established by the Secretary of State.

11 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;  
12 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

13 (730 ILCS 5/5-5-3.2)

14 Sec. 5-5-3.2. Factors in aggravation and extended-term  
15 sentencing.

16 (a) The following factors shall be accorded weight in  
17 favor of imposing a term of imprisonment or may be considered  
18 by the court as reasons to impose a more severe sentence under  
19 Section 5-8-1 or Article 4.5 of Chapter V:

20 (1) the defendant's conduct caused or threatened  
21 serious harm;

22 (2) the defendant received compensation for committing  
23 the offense;

24 (3) the defendant has a history of prior delinquency  
25 or criminal activity;

1           (4) the defendant, by the duties of his office or by  
2 his position, was obliged to prevent the particular  
3 offense committed or to bring the offenders committing it  
4 to justice;

5           (5) the defendant held public office at the time of  
6 the offense, and the offense related to the conduct of  
7 that office;

8           (6) the defendant utilized his professional reputation  
9 or position in the community to commit the offense, or to  
10 afford him an easier means of committing it;

11           (7) the sentence is necessary to deter others from  
12 committing the same crime;

13           (8) the defendant committed the offense against a  
14 person 60 years of age or older or such person's property;

15           (9) the defendant committed the offense against a  
16 person who has a physical disability or such person's  
17 property;

18           (10) by reason of another individual's actual or  
19 perceived race, color, creed, religion, ancestry, gender,  
20 sexual orientation, physical or mental disability, or  
21 national origin, the defendant committed the offense  
22 against (i) the person or property of that individual;  
23 (ii) the person or property of a person who has an  
24 association with, is married to, or has a friendship with  
25 the other individual; or (iii) the person or property of a  
26 relative (by blood or marriage) of a person described in

1 clause (i) or (ii). For the purposes of this Section,  
2 "sexual orientation" has the meaning ascribed to it in  
3 paragraph (O-1) of Section 1-103 of the Illinois Human  
4 Rights Act;

5 (11) the offense took place in a place of worship or on  
6 the grounds of a place of worship, immediately prior to,  
7 during or immediately following worship services. For  
8 purposes of this subparagraph, "place of worship" shall  
9 mean any church, synagogue or other building, structure or  
10 place used primarily for religious worship;

11 (12) the defendant was convicted of a felony committed  
12 while he was released on bail or his own recognizance  
13 pending trial for a prior felony and was convicted of such  
14 prior felony, or the defendant was convicted of a felony  
15 committed while he was serving a period of probation,  
16 conditional discharge, or mandatory supervised release  
17 under subsection (d) of Section 5-8-1 for a prior felony;

18 (13) the defendant committed or attempted to commit a  
19 felony while he was wearing a bulletproof vest. For the  
20 purposes of this paragraph (13), a bulletproof vest is any  
21 device which is designed for the purpose of protecting the  
22 wearer from bullets, shot or other lethal projectiles;

23 (14) the defendant held a position of trust or  
24 supervision such as, but not limited to, family member as  
25 defined in Section 11-0.1 of the Criminal Code of 2012,  
26 teacher, scout leader, baby sitter, or day care worker, in

1 relation to a victim under 18 years of age, and the  
2 defendant committed an offense in violation of Section  
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
4 11-14.4 except for an offense that involves keeping a  
5 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
6 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
7 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
8 of 2012 against that victim;

9 (15) the defendant committed an offense related to the  
10 activities of an organized gang. For the purposes of this  
11 factor, "organized gang" has the meaning ascribed to it in  
12 Section 10 of the Streetgang Terrorism Omnibus Prevention  
13 Act;

14 (16) the defendant committed an offense in violation  
15 of one of the following Sections while in a school,  
16 regardless of the time of day or time of year; on any  
17 conveyance owned, leased, or contracted by a school to  
18 transport students to or from school or a school related  
19 activity; on the real property of a school; or on a public  
20 way within 1,000 feet of the real property comprising any  
21 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
22 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
23 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
24 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
25 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
26 for subdivision (a)(4) or (g)(1), of the Criminal Code of

1 1961 or the Criminal Code of 2012;

2 (16.5) the defendant committed an offense in violation  
3 of one of the following Sections while in a day care  
4 center, regardless of the time of day or time of year; on  
5 the real property of a day care center, regardless of the  
6 time of day or time of year; or on a public way within  
7 1,000 feet of the real property comprising any day care  
8 center, regardless of the time of day or time of year:  
9 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
10 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
12 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
13 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
14 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
15 Criminal Code of 2012;

16 (17) the defendant committed the offense by reason of  
17 any person's activity as a community policing volunteer or  
18 to prevent any person from engaging in activity as a  
19 community policing volunteer. For the purpose of this  
20 Section, "community policing volunteer" has the meaning  
21 ascribed to it in Section 2-3.5 of the Criminal Code of  
22 2012;

23 (18) the defendant committed the offense in a nursing  
24 home or on the real property comprising a nursing home.  
25 For the purposes of this paragraph (18), "nursing home"  
26 means a skilled nursing or intermediate long term care



1 facility that is subject to license by the Illinois  
2 Department of Public Health under the Nursing Home Care  
3 Act, the Specialized Mental Health Rehabilitation Act of  
4 2013, the ID/DD Community Care Act, or the MC/DD Act;

5 (19) the defendant was a federally licensed firearm  
6 dealer and was previously convicted of a violation of  
7 subsection (a) of Section 3 of the Firearm Owners  
8 Identification Card Act before its repeal by this  
9 amendatory Act of the 102nd General Assembly and has now  
10 committed ~~either a felony violation of the Firearm Owners~~  
11 ~~Identification Card Act or~~ an act of armed violence while  
12 armed with a firearm;

13 (20) the defendant (i) committed the offense of  
14 reckless homicide under Section 9-3 of the Criminal Code  
15 of 1961 or the Criminal Code of 2012 or the offense of  
16 driving under the influence of alcohol, other drug or  
17 drugs, intoxicating compound or compounds or any  
18 combination thereof under Section 11-501 of the Illinois  
19 Vehicle Code or a similar provision of a local ordinance  
20 and (ii) was operating a motor vehicle in excess of 20  
21 miles per hour over the posted speed limit as provided in  
22 Article VI of Chapter 11 of the Illinois Vehicle Code;

23 (21) the defendant (i) committed the offense of  
24 reckless driving or aggravated reckless driving under  
25 Section 11-503 of the Illinois Vehicle Code and (ii) was  
26 operating a motor vehicle in excess of 20 miles per hour

1 over the posted speed limit as provided in Article VI of  
2 Chapter 11 of the Illinois Vehicle Code;

3 (22) the defendant committed the offense against a  
4 person that the defendant knew, or reasonably should have  
5 known, was a member of the Armed Forces of the United  
6 States serving on active duty. For purposes of this clause  
7 (22), the term "Armed Forces" means any of the Armed  
8 Forces of the United States, including a member of any  
9 reserve component thereof or National Guard unit called to  
10 active duty;

11 (23) the defendant committed the offense against a  
12 person who was elderly or infirm or who was a person with a  
13 disability by taking advantage of a family or fiduciary  
14 relationship with the elderly or infirm person or person  
15 with a disability;

16 (24) the defendant committed any offense under Section  
17 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
18 of 2012 and possessed 100 or more images;

19 (25) the defendant committed the offense while the  
20 defendant or the victim was in a train, bus, or other  
21 vehicle used for public transportation;

22 (26) the defendant committed the offense of child  
23 pornography or aggravated child pornography, specifically  
24 including paragraph (1), (2), (3), (4), (5), or (7) of  
25 subsection (a) of Section 11-20.1 of the Criminal Code of  
26 1961 or the Criminal Code of 2012 where a child engaged in,

1 solicited for, depicted in, or posed in any act of sexual  
2 penetration or bound, fettered, or subject to sadistic,  
3 masochistic, or sadomasochistic abuse in a sexual context  
4 and specifically including paragraph (1), (2), (3), (4),  
5 (5), or (7) of subsection (a) of Section 11-20.1B or  
6 Section 11-20.3 of the Criminal Code of 1961 where a child  
7 engaged in, solicited for, depicted in, or posed in any  
8 act of sexual penetration or bound, fettered, or subject  
9 to sadistic, masochistic, or sadomasochistic abuse in a  
10 sexual context;

11 (27) the defendant committed the offense of first  
12 degree murder, assault, aggravated assault, battery,  
13 aggravated battery, robbery, armed robbery, or aggravated  
14 robbery against a person who was a veteran and the  
15 defendant knew, or reasonably should have known, that the  
16 person was a veteran performing duties as a representative  
17 of a veterans' organization. For the purposes of this  
18 paragraph (27), "veteran" means an Illinois resident who  
19 has served as a member of the United States Armed Forces, a  
20 member of the Illinois National Guard, or a member of the  
21 United States Reserve Forces; and "veterans' organization"  
22 means an organization comprised of members of which  
23 substantially all are individuals who are veterans or  
24 spouses, widows, or widowers of veterans, the primary  
25 purpose of which is to promote the welfare of its members  
26 and to provide assistance to the general public in such a

1 way as to confer a public benefit;

2 (28) the defendant committed the offense of assault,  
3 aggravated assault, battery, aggravated battery, robbery,  
4 armed robbery, or aggravated robbery against a person that  
5 the defendant knew or reasonably should have known was a  
6 letter carrier or postal worker while that person was  
7 performing his or her duties delivering mail for the  
8 United States Postal Service;

9 (29) the defendant committed the offense of criminal  
10 sexual assault, aggravated criminal sexual assault,  
11 criminal sexual abuse, or aggravated criminal sexual abuse  
12 against a victim with an intellectual disability, and the  
13 defendant holds a position of trust, authority, or  
14 supervision in relation to the victim;

15 (30) the defendant committed the offense of promoting  
16 juvenile prostitution, patronizing a prostitute, or  
17 patronizing a minor engaged in prostitution and at the  
18 time of the commission of the offense knew that the  
19 prostitute or minor engaged in prostitution was in the  
20 custody or guardianship of the Department of Children and  
21 Family Services;

22 (31) the defendant (i) committed the offense of  
23 driving while under the influence of alcohol, other drug  
24 or drugs, intoxicating compound or compounds or any  
25 combination thereof in violation of Section 11-501 of the  
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance and (ii) the defendant during the commission of  
2 the offense was driving his or her vehicle upon a roadway  
3 designated for one-way traffic in the opposite direction  
4 of the direction indicated by official traffic control  
5 devices; ~~or~~

6 (32) the defendant committed the offense of reckless  
7 homicide while committing a violation of Section 11-907 of  
8 the Illinois Vehicle Code; ~~or~~

9 (33) ~~(32)~~ the defendant was found guilty of an  
10 administrative infraction related to an act or acts of  
11 public indecency or sexual misconduct in the penal  
12 institution. In this paragraph (33) ~~(32)~~, "penal  
13 institution" has the same meaning as in Section 2-14 of  
14 the Criminal Code of 2012; ~~or~~

15 (34) ~~(32)~~ the defendant committed the offense of  
16 leaving the scene of an accident in violation of  
17 subsection (b) of Section 11-401 of the Illinois Vehicle  
18 Code and the accident resulted in the death of a person and  
19 at the time of the offense, the defendant was: (i) driving  
20 under the influence of alcohol, other drug or drugs,  
21 intoxicating compound or compounds or any combination  
22 thereof as defined by Section 11-501 of the Illinois  
23 Vehicle Code; or (ii) operating the motor vehicle while  
24 using an electronic communication device as defined in  
25 Section 12-610.2 of the Illinois Vehicle Code.

26 For the purposes of this Section:

1 "School" is defined as a public or private elementary or  
2 secondary school, community college, college, or university.

3 "Day care center" means a public or private State  
4 certified and licensed day care center as defined in Section  
5 2.09 of the Child Care Act of 1969 that displays a sign in  
6 plain view stating that the property is a day care center.

7 "Intellectual disability" means significantly subaverage  
8 intellectual functioning which exists concurrently with  
9 impairment in adaptive behavior.

10 "Public transportation" means the transportation or  
11 conveyance of persons by means available to the general  
12 public, and includes paratransit services.

13 "Traffic control devices" means all signs, signals,  
14 markings, and devices that conform to the Illinois Manual on  
15 Uniform Traffic Control Devices, placed or erected by  
16 authority of a public body or official having jurisdiction,  
17 for the purpose of regulating, warning, or guiding traffic.

18 (b) The following factors, related to all felonies, may be  
19 considered by the court as reasons to impose an extended term  
20 sentence under Section 5-8-2 upon any offender:

21 (1) When a defendant is convicted of any felony, after  
22 having been previously convicted in Illinois or any other  
23 jurisdiction of the same or similar class felony or  
24 greater class felony, when such conviction has occurred  
25 within 10 years after the previous conviction, excluding  
26 time spent in custody, and such charges are separately

1 brought and tried and arise out of different series of  
2 acts; or

3 (2) When a defendant is convicted of any felony and  
4 the court finds that the offense was accompanied by  
5 exceptionally brutal or heinous behavior indicative of  
6 wanton cruelty; or

7 (3) When a defendant is convicted of any felony  
8 committed against:

9 (i) a person under 12 years of age at the time of  
10 the offense or such person's property;

11 (ii) a person 60 years of age or older at the time  
12 of the offense or such person's property; or

13 (iii) a person who had a physical disability at  
14 the time of the offense or such person's property; or

15 (4) When a defendant is convicted of any felony and  
16 the offense involved any of the following types of  
17 specific misconduct committed as part of a ceremony, rite,  
18 initiation, observance, performance, practice or activity  
19 of any actual or ostensible religious, fraternal, or  
20 social group:

21 (i) the brutalizing or torturing of humans or  
22 animals;

23 (ii) the theft of human corpses;

24 (iii) the kidnapping of humans;

25 (iv) the desecration of any cemetery, religious,  
26 fraternal, business, governmental, educational, or

1 other building or property; or

2 (v) ritualized abuse of a child; or

3 (5) When a defendant is convicted of a felony other  
4 than conspiracy and the court finds that the felony was  
5 committed under an agreement with 2 or more other persons  
6 to commit that offense and the defendant, with respect to  
7 the other individuals, occupied a position of organizer,  
8 supervisor, financier, or any other position of management  
9 or leadership, and the court further finds that the felony  
10 committed was related to or in furtherance of the criminal  
11 activities of an organized gang or was motivated by the  
12 defendant's leadership in an organized gang; or

13 (6) When a defendant is convicted of an offense  
14 committed while using a firearm with a laser sight  
15 attached to it. For purposes of this paragraph, "laser  
16 sight" has the meaning ascribed to it in Section 26-7 of  
17 the Criminal Code of 2012; or

18 (7) When a defendant who was at least 17 years of age  
19 at the time of the commission of the offense is convicted  
20 of a felony and has been previously adjudicated a  
21 delinquent minor under the Juvenile Court Act of 1987 for  
22 an act that if committed by an adult would be a Class X or  
23 Class 1 felony when the conviction has occurred within 10  
24 years after the previous adjudication, excluding time  
25 spent in custody; or

26 (8) When a defendant commits any felony and the



1 defendant used, possessed, exercised control over, or  
2 otherwise directed an animal to assault a law enforcement  
3 officer engaged in the execution of his or her official  
4 duties or in furtherance of the criminal activities of an  
5 organized gang in which the defendant is engaged; or

6 (9) When a defendant commits any felony and the  
7 defendant knowingly video or audio records the offense  
8 with the intent to disseminate the recording.

9 (c) The following factors may be considered by the court  
10 as reasons to impose an extended term sentence under Section  
11 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
12 offenses:

13 (1) When a defendant is convicted of first degree  
14 murder, after having been previously convicted in Illinois  
15 of any offense listed under paragraph (c)(2) of Section  
16 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
17 occurred within 10 years after the previous conviction,  
18 excluding time spent in custody, and the charges are  
19 separately brought and tried and arise out of different  
20 series of acts.

21 (1.5) When a defendant is convicted of first degree  
22 murder, after having been previously convicted of domestic  
23 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
24 (720 ILCS 5/12-3.3) committed on the same victim or after  
25 having been previously convicted of violation of an order  
26 of protection (720 ILCS 5/12-30) in which the same victim

1 was the protected person.

2 (2) When a defendant is convicted of voluntary  
3 manslaughter, second degree murder, involuntary  
4 manslaughter, or reckless homicide in which the defendant  
5 has been convicted of causing the death of more than one  
6 individual.

7 (3) When a defendant is convicted of aggravated  
8 criminal sexual assault or criminal sexual assault, when  
9 there is a finding that aggravated criminal sexual assault  
10 or criminal sexual assault was also committed on the same  
11 victim by one or more other individuals, and the defendant  
12 voluntarily participated in the crime with the knowledge  
13 of the participation of the others in the crime, and the  
14 commission of the crime was part of a single course of  
15 conduct during which there was no substantial change in  
16 the nature of the criminal objective.

17 (4) If the victim was under 18 years of age at the time  
18 of the commission of the offense, when a defendant is  
19 convicted of aggravated criminal sexual assault or  
20 predatory criminal sexual assault of a child under  
21 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
22 of Section 12-14.1 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

24 (5) When a defendant is convicted of a felony  
25 violation of Section 24-1 of the Criminal Code of 1961 or  
26 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a

1 finding that the defendant is a member of an organized  
2 gang.

3 (6) When a defendant was convicted of unlawful use of  
4 weapons under Section 24-1 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
6 a weapon that is not readily distinguishable as one of the  
7 weapons enumerated in Section 24-1 of the Criminal Code of  
8 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

9 (7) When a defendant is convicted of an offense  
10 involving the illegal manufacture of a controlled  
11 substance under Section 401 of the Illinois Controlled  
12 Substances Act (720 ILCS 570/401), the illegal manufacture  
13 of methamphetamine under Section 25 of the Methamphetamine  
14 Control and Community Protection Act (720 ILCS 646/25), or  
15 the illegal possession of explosives and an emergency  
16 response officer in the performance of his or her duties  
17 is killed or injured at the scene of the offense while  
18 responding to the emergency caused by the commission of  
19 the offense. In this paragraph, "emergency" means a  
20 situation in which a person's life, health, or safety is  
21 in jeopardy; and "emergency response officer" means a  
22 peace officer, community policing volunteer, fireman,  
23 emergency medical technician-ambulance, emergency medical  
24 technician-intermediate, emergency medical  
25 technician-paramedic, ambulance driver, other medical  
26 assistance or first aid personnel, or hospital emergency

1 room personnel.

2 (8) When the defendant is convicted of attempted mob  
3 action, solicitation to commit mob action, or conspiracy  
4 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
5 Criminal Code of 2012, where the criminal object is a  
6 violation of Section 25-1 of the Criminal Code of 2012,  
7 and an electronic communication is used in the commission  
8 of the offense. For the purposes of this paragraph (8),  
9 "electronic communication" shall have the meaning provided  
10 in Section 26.5-0.1 of the Criminal Code of 2012.

11 (d) For the purposes of this Section, "organized gang" has  
12 the meaning ascribed to it in Section 10 of the Illinois  
13 Streetgang Terrorism Omnibus Prevention Act.

14 (e) The court may impose an extended term sentence under  
15 Article 4.5 of Chapter V upon an offender who has been  
16 convicted of a felony violation of Section 11-1.20, 11-1.30,  
17 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
18 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
19 when the victim of the offense is under 18 years of age at the  
20 time of the commission of the offense and, during the  
21 commission of the offense, the victim was under the influence  
22 of alcohol, regardless of whether or not the alcohol was  
23 supplied by the offender; and the offender, at the time of the  
24 commission of the offense, knew or should have known that the  
25 victim had consumed alcohol.

26 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;

1 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

2 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

3 Sec. 5-6-3. Conditions of probation and of conditional  
4 discharge.

5 (a) The conditions of probation and of conditional  
6 discharge shall be that the person:

7 (1) not violate any criminal statute of any  
8 jurisdiction;

9 (2) report to or appear in person before such person  
10 or agency as directed by the court;

11 (3) refrain from possessing a firearm or other  
12 dangerous weapon where the offense is a felony or, if a  
13 misdemeanor, the offense involved the intentional or  
14 knowing infliction of bodily harm or threat of bodily  
15 harm;

16 (4) not leave the State without the consent of the  
17 court or, in circumstances in which the reason for the  
18 absence is of such an emergency nature that prior consent  
19 by the court is not possible, without the prior  
20 notification and approval of the person's probation  
21 officer. Transfer of a person's probation or conditional  
22 discharge supervision to another state is subject to  
23 acceptance by the other state pursuant to the Interstate  
24 Compact for Adult Offender Supervision;

25 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his  
2 duties;

3 (6) perform no less than 30 hours of community service  
4 and not more than 120 hours of community service, if  
5 community service is available in the jurisdiction and is  
6 funded and approved by the county board where the offense  
7 was committed, where the offense was related to or in  
8 furtherance of the criminal activities of an organized  
9 gang and was motivated by the offender's membership in or  
10 allegiance to an organized gang. The community service  
11 shall include, but not be limited to, the cleanup and  
12 repair of any damage caused by a violation of Section  
13 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
14 2012 and similar damage to property located within the  
15 municipality or county in which the violation occurred.  
16 When possible and reasonable, the community service should  
17 be performed in the offender's neighborhood. For purposes  
18 of this Section, "organized gang" has the meaning ascribed  
19 to it in Section 10 of the Illinois Streetgang Terrorism  
20 Omnibus Prevention Act. The court may give credit toward  
21 the fulfillment of community service hours for  
22 participation in activities and treatment as determined by  
23 court services;

24 (7) if he or she is at least 17 years of age and has  
25 been sentenced to probation or conditional discharge for a  
26 misdemeanor or felony in a county of 3,000,000 or more

1 inhabitants and has not been previously convicted of a  
2 misdemeanor or felony, may be required by the sentencing  
3 court to attend educational courses designed to prepare  
4 the defendant for a high school diploma and to work toward  
5 a high school diploma or to work toward passing high  
6 school equivalency testing or to work toward completing a  
7 vocational training program approved by the court. The  
8 person on probation or conditional discharge must attend a  
9 public institution of education to obtain the educational  
10 or vocational training required by this paragraph (7). The  
11 court shall revoke the probation or conditional discharge  
12 of a person who wilfully fails to comply with this  
13 paragraph (7). The person on probation or conditional  
14 discharge shall be required to pay for the cost of the  
15 educational courses or high school equivalency testing if  
16 a fee is charged for those courses or testing. The court  
17 shall resentence the offender whose probation or  
18 conditional discharge has been revoked as provided in  
19 Section 5-6-4. This paragraph (7) does not apply to a  
20 person who has a high school diploma or has successfully  
21 passed high school equivalency testing. This paragraph (7)  
22 does not apply to a person who is determined by the court  
23 to be a person with a developmental disability or  
24 otherwise mentally incapable of completing the educational  
25 or vocational program;

26 (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois  
2 Controlled Substances Act, or the Methamphetamine Control  
3 and Community Protection Act after a previous conviction  
4 or disposition of supervision for possession of a  
5 substance prohibited by the Cannabis Control Act or  
6 Illinois Controlled Substances Act or after a sentence of  
7 probation under Section 10 of the Cannabis Control Act,  
8 Section 410 of the Illinois Controlled Substances Act, or  
9 Section 70 of the Methamphetamine Control and Community  
10 Protection Act and upon a finding by the court that the  
11 person is addicted, undergo treatment at a substance abuse  
12 program approved by the court;

13 (8.5) if convicted of a felony sex offense as defined  
14 in the Sex Offender Management Board Act, the person shall  
15 undergo and successfully complete sex offender treatment  
16 by a treatment provider approved by the Board and  
17 conducted in conformance with the standards developed  
18 under the Sex Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the  
20 Sex Offender Management Board Act, refrain from residing  
21 at the same address or in the same condominium unit or  
22 apartment unit or in the same condominium complex or  
23 apartment complex with another person he or she knows or  
24 reasonably should know is a convicted sex offender or has  
25 been placed on supervision for a sex offense; the  
26 provisions of this paragraph do not apply to a person



1 convicted of a sex offense who is placed in a Department of  
2 Corrections licensed transitional housing facility for sex  
3 offenders;

4 (8.7) if convicted for an offense committed on or  
5 after June 1, 2008 (the effective date of Public Act  
6 95-464) that would qualify the accused as a child sex  
7 offender as defined in Section 11-9.3 or 11-9.4 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012,  
9 refrain from communicating with or contacting, by means of  
10 the Internet, a person who is not related to the accused  
11 and whom the accused reasonably believes to be under 18  
12 years of age; for purposes of this paragraph (8.7),  
13 "Internet" has the meaning ascribed to it in Section  
14 16-0.1 of the Criminal Code of 2012; and a person is not  
15 related to the accused if the person is not: (i) the  
16 spouse, brother, or sister of the accused; (ii) a  
17 descendant of the accused; (iii) a first or second cousin  
18 of the accused; or (iv) a step-child or adopted child of  
19 the accused;

20 (8.8) if convicted for an offense under Section 11-6,  
21 11-9.1, 11-14.4 that involves soliciting for a juvenile  
22 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
23 of the Criminal Code of 1961 or the Criminal Code of 2012,  
24 or any attempt to commit any of these offenses, committed  
25 on or after June 1, 2009 (the effective date of Public Act  
26 95-983):

1 (i) not access or use a computer or any other  
2 device with Internet capability without the prior  
3 written approval of the offender's probation officer,  
4 except in connection with the offender's employment or  
5 search for employment with the prior approval of the  
6 offender's probation officer;

7 (ii) submit to periodic unannounced examinations  
8 of the offender's computer or any other device with  
9 Internet capability by the offender's probation  
10 officer, a law enforcement officer, or assigned  
11 computer or information technology specialist,  
12 including the retrieval and copying of all data from  
13 the computer or device and any internal or external  
14 peripherals and removal of such information,  
15 equipment, or device to conduct a more thorough  
16 inspection;

17 (iii) submit to the installation on the offender's  
18 computer or device with Internet capability, at the  
19 offender's expense, of one or more hardware or  
20 software systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions  
22 concerning the offender's use of or access to a  
23 computer or any other device with Internet capability  
24 imposed by the offender's probation officer;

25 (8.9) if convicted of a sex offense as defined in the  
26 Sex Offender Registration Act committed on or after

1 January 1, 2010 (the effective date of Public Act 96-262),  
2 refrain from accessing or using a social networking  
3 website as defined in Section 17-0.5 of the Criminal Code  
4 of 2012;

5 (9) if convicted of a felony or of any misdemeanor  
6 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
7 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
8 2012 that was determined, pursuant to Section 112A-11.1 of  
9 the Code of Criminal Procedure of 1963, to trigger the  
10 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
11 at a time and place designated by the court, ~~his or her~~  
12 ~~Firearm Owner's Identification Card~~ and any and all  
13 firearms in his or her possession. ~~The Court shall return~~  
14 ~~to the Department of State Police Firearm Owner's~~  
15 ~~Identification Card Office the person's Firearm Owner's~~  
16 ~~Identification Card;~~

17 (10) if convicted of a sex offense as defined in  
18 subsection (a-5) of Section 3-1-2 of this Code, unless the  
19 offender is a parent or guardian of the person under 18  
20 years of age present in the home and no non-familial  
21 minors are present, not participate in a holiday event  
22 involving children under 18 years of age, such as  
23 distributing candy or other items to children on  
24 Halloween, wearing a Santa Claus costume on or preceding  
25 Christmas, being employed as a department store Santa  
26 Claus, or wearing an Easter Bunny costume on or preceding

1 Easter;

2 (11) if convicted of a sex offense as defined in  
3 Section 2 of the Sex Offender Registration Act committed  
4 on or after January 1, 2010 (the effective date of Public  
5 Act 96-362) that requires the person to register as a sex  
6 offender under that Act, may not knowingly use any  
7 computer scrub software on any computer that the sex  
8 offender uses;

9 (12) if convicted of a violation of the  
10 Methamphetamine Control and Community Protection Act, the  
11 Methamphetamine Precursor Control Act, or a  
12 methamphetamine related offense:

13 (A) prohibited from purchasing, possessing, or  
14 having under his or her control any product containing  
15 pseudoephedrine unless prescribed by a physician; and

16 (B) prohibited from purchasing, possessing, or  
17 having under his or her control any product containing  
18 ammonium nitrate; and

19 (13) if convicted of a hate crime involving the  
20 protected class identified in subsection (a) of Section  
21 12-7.1 of the Criminal Code of 2012 that gave rise to the  
22 offense the offender committed, perform public or  
23 community service of no less than 200 hours and enroll in  
24 an educational program discouraging hate crimes that  
25 includes racial, ethnic, and cultural sensitivity training  
26 ordered by the court.

1           (b) The Court may in addition to other reasonable  
2 conditions relating to the nature of the offense or the  
3 rehabilitation of the defendant as determined for each  
4 defendant in the proper discretion of the Court require that  
5 the person:

6           (1) serve a term of periodic imprisonment under  
7 Article 7 for a period not to exceed that specified in  
8 paragraph (d) of Section 5-7-1;

9           (2) pay a fine and costs;

10          (3) work or pursue a course of study or vocational  
11 training;

12          (4) undergo medical, psychological or psychiatric  
13 treatment; or treatment for drug addiction or alcoholism;

14          (5) attend or reside in a facility established for the  
15 instruction or residence of defendants on probation;

16          (6) support his dependents;

17          (7) and in addition, if a minor:

18           (i) reside with his parents or in a foster home;

19           (ii) attend school;

20           (iii) attend a non-residential program for youth;

21           (iv) contribute to his own support at home or in a  
22 foster home;

23           (v) with the consent of the superintendent of the  
24 facility, attend an educational program at a facility  
25 other than the school in which the offense was  
26 committed if he or she is convicted of a crime of

1 violence as defined in Section 2 of the Crime Victims  
2 Compensation Act committed in a school, on the real  
3 property comprising a school, or within 1,000 feet of  
4 the real property comprising a school;

5 (8) make restitution as provided in Section 5-5-6 of  
6 this Code;

7 (9) perform some reasonable public or community  
8 service;

9 (10) serve a term of home confinement. In addition to  
10 any other applicable condition of probation or conditional  
11 discharge, the conditions of home confinement shall be  
12 that the offender:

13 (i) remain within the interior premises of the  
14 place designated for his confinement during the hours  
15 designated by the court;

16 (ii) admit any person or agent designated by the  
17 court into the offender's place of confinement at any  
18 time for purposes of verifying the offender's  
19 compliance with the conditions of his confinement; and

20 (iii) if further deemed necessary by the court or  
21 the Probation or Court Services Department, be placed  
22 on an approved electronic monitoring device, subject  
23 to Article 8A of Chapter V;

24 (iv) for persons convicted of any alcohol,  
25 cannabis or controlled substance violation who are  
26 placed on an approved monitoring device as a condition

1 of probation or conditional discharge, the court shall  
2 impose a reasonable fee for each day of the use of the  
3 device, as established by the county board in  
4 subsection (g) of this Section, unless after  
5 determining the inability of the offender to pay the  
6 fee, the court assesses a lesser fee or no fee as the  
7 case may be. This fee shall be imposed in addition to  
8 the fees imposed under subsections (g) and (i) of this  
9 Section. The fee shall be collected by the clerk of the  
10 circuit court, except as provided in an administrative  
11 order of the Chief Judge of the circuit court. The  
12 clerk of the circuit court shall pay all monies  
13 collected from this fee to the county treasurer for  
14 deposit in the substance abuse services fund under  
15 Section 5-1086.1 of the Counties Code, except as  
16 provided in an administrative order of the Chief Judge  
17 of the circuit court.

18 The Chief Judge of the circuit court of the county  
19 may by administrative order establish a program for  
20 electronic monitoring of offenders, in which a vendor  
21 supplies and monitors the operation of the electronic  
22 monitoring device, and collects the fees on behalf of  
23 the county. The program shall include provisions for  
24 indigent offenders and the collection of unpaid fees.  
25 The program shall not unduly burden the offender and  
26 shall be subject to review by the Chief Judge.

1           The Chief Judge of the circuit court may suspend  
2 any additional charges or fees for late payment,  
3 interest, or damage to any device; and

4           (v) for persons convicted of offenses other than  
5 those referenced in clause (iv) above and who are  
6 placed on an approved monitoring device as a condition  
7 of probation or conditional discharge, the court shall  
8 impose a reasonable fee for each day of the use of the  
9 device, as established by the county board in  
10 subsection (g) of this Section, unless after  
11 determining the inability of the defendant to pay the  
12 fee, the court assesses a lesser fee or no fee as the  
13 case may be. This fee shall be imposed in addition to  
14 the fees imposed under subsections (g) and (i) of this  
15 Section. The fee shall be collected by the clerk of the  
16 circuit court, except as provided in an administrative  
17 order of the Chief Judge of the circuit court. The  
18 clerk of the circuit court shall pay all monies  
19 collected from this fee to the county treasurer who  
20 shall use the monies collected to defray the costs of  
21 corrections. The county treasurer shall deposit the  
22 fee collected in the probation and court services  
23 fund. The Chief Judge of the circuit court of the  
24 county may by administrative order establish a program  
25 for electronic monitoring of offenders, in which a  
26 vendor supplies and monitors the operation of the



1 electronic monitoring device, and collects the fees on  
2 behalf of the county. The program shall include  
3 provisions for indigent offenders and the collection  
4 of unpaid fees. The program shall not unduly burden  
5 the offender and shall be subject to review by the  
6 Chief Judge.

7 The Chief Judge of the circuit court may suspend  
8 any additional charges or fees for late payment,  
9 interest, or damage to any device.

10 (11) comply with the terms and conditions of an order  
11 of protection issued by the court pursuant to the Illinois  
12 Domestic Violence Act of 1986, as now or hereafter  
13 amended, or an order of protection issued by the court of  
14 another state, tribe, or United States territory. A copy  
15 of the order of protection shall be transmitted to the  
16 probation officer or agency having responsibility for the  
17 case;

18 (12) reimburse any "local anti-crime program" as  
19 defined in Section 7 of the Anti-Crime Advisory Council  
20 Act for any reasonable expenses incurred by the program on  
21 the offender's case, not to exceed the maximum amount of  
22 the fine authorized for the offense for which the  
23 defendant was sentenced;

24 (13) contribute a reasonable sum of money, not to  
25 exceed the maximum amount of the fine authorized for the  
26 offense for which the defendant was sentenced, (i) to a

1 "local anti-crime program", as defined in Section 7 of the  
2 Anti-Crime Advisory Council Act, or (ii) for offenses  
3 under the jurisdiction of the Department of Natural  
4 Resources, to the fund established by the Department of  
5 Natural Resources for the purchase of evidence for  
6 investigation purposes and to conduct investigations as  
7 outlined in Section 805-105 of the Department of Natural  
8 Resources (Conservation) Law;

9 (14) refrain from entering into a designated  
10 geographic area except upon such terms as the court finds  
11 appropriate. Such terms may include consideration of the  
12 purpose of the entry, the time of day, other persons  
13 accompanying the defendant, and advance approval by a  
14 probation officer, if the defendant has been placed on  
15 probation or advance approval by the court, if the  
16 defendant was placed on conditional discharge;

17 (15) refrain from having any contact, directly or  
18 indirectly, with certain specified persons or particular  
19 types of persons, including but not limited to members of  
20 street gangs and drug users or dealers;

21 (16) refrain from having in his or her body the  
22 presence of any illicit drug prohibited by the Cannabis  
23 Control Act, the Illinois Controlled Substances Act, or  
24 the Methamphetamine Control and Community Protection Act,  
25 unless prescribed by a physician, and submit samples of  
26 his or her blood or urine or both for tests to determine

1 the presence of any illicit drug;

2 (17) if convicted for an offense committed on or after  
3 June 1, 2008 (the effective date of Public Act 95-464)  
4 that would qualify the accused as a child sex offender as  
5 defined in Section 11-9.3 or 11-9.4 of the Criminal Code  
6 of 1961 or the Criminal Code of 2012, refrain from  
7 communicating with or contacting, by means of the  
8 Internet, a person who is related to the accused and whom  
9 the accused reasonably believes to be under 18 years of  
10 age; for purposes of this paragraph (17), "Internet" has  
11 the meaning ascribed to it in Section 16-0.1 of the  
12 Criminal Code of 2012; and a person is related to the  
13 accused if the person is: (i) the spouse, brother, or  
14 sister of the accused; (ii) a descendant of the accused;  
15 (iii) a first or second cousin of the accused; or (iv) a  
16 step-child or adopted child of the accused;

17 (18) if convicted for an offense committed on or after  
18 June 1, 2009 (the effective date of Public Act 95-983)  
19 that would qualify as a sex offense as defined in the Sex  
20 Offender Registration Act:

21 (i) not access or use a computer or any other  
22 device with Internet capability without the prior  
23 written approval of the offender's probation officer,  
24 except in connection with the offender's employment or  
25 search for employment with the prior approval of the  
26 offender's probation officer;

1           (ii) submit to periodic unannounced examinations  
2 of the offender's computer or any other device with  
3 Internet capability by the offender's probation  
4 officer, a law enforcement officer, or assigned  
5 computer or information technology specialist,  
6 including the retrieval and copying of all data from  
7 the computer or device and any internal or external  
8 peripherals and removal of such information,  
9 equipment, or device to conduct a more thorough  
10 inspection;

11           (iii) submit to the installation on the offender's  
12 computer or device with Internet capability, at the  
13 subject's expense, of one or more hardware or software  
14 systems to monitor the Internet use; and

15           (iv) submit to any other appropriate restrictions  
16 concerning the offender's use of or access to a  
17 computer or any other device with Internet capability  
18 imposed by the offender's probation officer; and

19           (19) refrain from possessing a firearm or other  
20 dangerous weapon where the offense is a misdemeanor that  
21 did not involve the intentional or knowing infliction of  
22 bodily harm or threat of bodily harm.

23           (c) The court may as a condition of probation or of  
24 conditional discharge require that a person under 18 years of  
25 age found guilty of any alcohol, cannabis or controlled  
26 substance violation, refrain from acquiring a driver's license

1 during the period of probation or conditional discharge. If  
2 such person is in possession of a permit or license, the court  
3 may require that the minor refrain from driving or operating  
4 any motor vehicle during the period of probation or  
5 conditional discharge, except as may be necessary in the  
6 course of the minor's lawful employment.

7 (d) An offender sentenced to probation or to conditional  
8 discharge shall be given a certificate setting forth the  
9 conditions thereof.

10 (e) Except where the offender has committed a fourth or  
11 subsequent violation of subsection (c) of Section 6-303 of the  
12 Illinois Vehicle Code, the court shall not require as a  
13 condition of the sentence of probation or conditional  
14 discharge that the offender be committed to a period of  
15 imprisonment in excess of 6 months. This 6-month limit shall  
16 not include periods of confinement given pursuant to a  
17 sentence of county impact incarceration under Section 5-8-1.2.

18 Persons committed to imprisonment as a condition of  
19 probation or conditional discharge shall not be committed to  
20 the Department of Corrections.

21 (f) The court may combine a sentence of periodic  
22 imprisonment under Article 7 or a sentence to a county impact  
23 incarceration program under Article 8 with a sentence of  
24 probation or conditional discharge.

25 (g) An offender sentenced to probation or to conditional  
26 discharge and who during the term of either undergoes

1 mandatory drug or alcohol testing, or both, or is assigned to  
2 be placed on an approved electronic monitoring device, shall  
3 be ordered to pay all costs incidental to such mandatory drug  
4 or alcohol testing, or both, and all costs incidental to such  
5 approved electronic monitoring in accordance with the  
6 defendant's ability to pay those costs. The county board with  
7 the concurrence of the Chief Judge of the judicial circuit in  
8 which the county is located shall establish reasonable fees  
9 for the cost of maintenance, testing, and incidental expenses  
10 related to the mandatory drug or alcohol testing, or both, and  
11 all costs incidental to approved electronic monitoring,  
12 involved in a successful probation program for the county. The  
13 concurrence of the Chief Judge shall be in the form of an  
14 administrative order. The fees shall be collected by the clerk  
15 of the circuit court, except as provided in an administrative  
16 order of the Chief Judge of the circuit court. The clerk of the  
17 circuit court shall pay all moneys collected from these fees  
18 to the county treasurer who shall use the moneys collected to  
19 defray the costs of drug testing, alcohol testing, and  
20 electronic monitoring. The county treasurer shall deposit the  
21 fees collected in the county working cash fund under Section  
22 6-27001 or Section 6-29002 of the Counties Code, as the case  
23 may be. The Chief Judge of the circuit court of the county may  
24 by administrative order establish a program for electronic  
25 monitoring of offenders, in which a vendor supplies and  
26 monitors the operation of the electronic monitoring device,

1 and collects the fees on behalf of the county. The program  
2 shall include provisions for indigent offenders and the  
3 collection of unpaid fees. The program shall not unduly burden  
4 the offender and shall be subject to review by the Chief Judge.

5 The Chief Judge of the circuit court may suspend any  
6 additional charges or fees for late payment, interest, or  
7 damage to any device.

8 (h) Jurisdiction over an offender may be transferred from  
9 the sentencing court to the court of another circuit with the  
10 concurrence of both courts. Further transfers or retransfers  
11 of jurisdiction are also authorized in the same manner. The  
12 court to which jurisdiction has been transferred shall have  
13 the same powers as the sentencing court. The probation  
14 department within the circuit to which jurisdiction has been  
15 transferred, or which has agreed to provide supervision, may  
16 impose probation fees upon receiving the transferred offender,  
17 as provided in subsection (i). For all transfer cases, as  
18 defined in Section 9b of the Probation and Probation Officers  
19 Act, the probation department from the original sentencing  
20 court shall retain all probation fees collected prior to the  
21 transfer. After the transfer, all probation fees shall be paid  
22 to the probation department within the circuit to which  
23 jurisdiction has been transferred.

24 (i) The court shall impose upon an offender sentenced to  
25 probation after January 1, 1989 or to conditional discharge  
26 after January 1, 1992 or to community service under the

1 supervision of a probation or court services department after  
2 January 1, 2004, as a condition of such probation or  
3 conditional discharge or supervised community service, a fee  
4 of \$50 for each month of probation or conditional discharge  
5 supervision or supervised community service ordered by the  
6 court, unless after determining the inability of the person  
7 sentenced to probation or conditional discharge or supervised  
8 community service to pay the fee, the court assesses a lesser  
9 fee. The court may not impose the fee on a minor who is placed  
10 in the guardianship or custody of the Department of Children  
11 and Family Services under the Juvenile Court Act of 1987 while  
12 the minor is in placement. The fee shall be imposed only upon  
13 an offender who is actively supervised by the probation and  
14 court services department. The fee shall be collected by the  
15 clerk of the circuit court. The clerk of the circuit court  
16 shall pay all monies collected from this fee to the county  
17 treasurer for deposit in the probation and court services fund  
18 under Section 15.1 of the Probation and Probation Officers  
19 Act.

20 A circuit court may not impose a probation fee under this  
21 subsection (i) in excess of \$25 per month unless the circuit  
22 court has adopted, by administrative order issued by the chief  
23 judge, a standard probation fee guide determining an  
24 offender's ability to pay. Of the amount collected as a  
25 probation fee, up to \$5 of that fee collected per month may be  
26 used to provide services to crime victims and their families.



1           The Court may only waive probation fees based on an  
2 offender's ability to pay. The probation department may  
3 re-evaluate an offender's ability to pay every 6 months, and,  
4 with the approval of the Director of Court Services or the  
5 Chief Probation Officer, adjust the monthly fee amount. An  
6 offender may elect to pay probation fees due in a lump sum. Any  
7 offender that has been assigned to the supervision of a  
8 probation department, or has been transferred either under  
9 subsection (h) of this Section or under any interstate  
10 compact, shall be required to pay probation fees to the  
11 department supervising the offender, based on the offender's  
12 ability to pay.

13           Public Act 93-970 deletes the \$10 increase in the fee  
14 under this subsection that was imposed by Public Act 93-616.  
15 This deletion is intended to control over any other Act of the  
16 93rd General Assembly that retains or incorporates that fee  
17 increase.

18           (i-5) In addition to the fees imposed under subsection (i)  
19 of this Section, in the case of an offender convicted of a  
20 felony sex offense (as defined in the Sex Offender Management  
21 Board Act) or an offense that the court or probation  
22 department has determined to be sexually motivated (as defined  
23 in the Sex Offender Management Board Act), the court or the  
24 probation department shall assess additional fees to pay for  
25 all costs of treatment, assessment, evaluation for risk and  
26 treatment, and monitoring the offender, based on that

1 offender's ability to pay those costs either as they occur or  
2 under a payment plan.

3 (j) All fines and costs imposed under this Section for any  
4 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
5 Code, or a similar provision of a local ordinance, and any  
6 violation of the Child Passenger Protection Act, or a similar  
7 provision of a local ordinance, shall be collected and  
8 disbursed by the circuit clerk as provided under the Criminal  
9 and Traffic Assessment Act.

10 (k) Any offender who is sentenced to probation or  
11 conditional discharge for a felony sex offense as defined in  
12 the Sex Offender Management Board Act or any offense that the  
13 court or probation department has determined to be sexually  
14 motivated as defined in the Sex Offender Management Board Act  
15 shall be required to refrain from any contact, directly or  
16 indirectly, with any persons specified by the court and shall  
17 be available for all evaluations and treatment programs  
18 required by the court or the probation department.

19 (l) The court may order an offender who is sentenced to  
20 probation or conditional discharge for a violation of an order  
21 of protection be placed under electronic surveillance as  
22 provided in Section 5-8A-7 of this Code.

23 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
24 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.  
25 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

1           Section 100. The Stalking No Contact Order Act is amended  
2 by changing Section 80 as follows:

3           (740 ILCS 21/80)

4           Sec. 80. Stalking no contact orders; remedies.

5           (a) If the court finds that the petitioner has been a  
6 victim of stalking, a stalking no contact order shall issue;  
7 provided that the petitioner must also satisfy the  
8 requirements of Section 95 on emergency orders or Section 100  
9 on plenary orders. The petitioner shall not be denied a  
10 stalking no contact order because the petitioner or the  
11 respondent is a minor. The court, when determining whether or  
12 not to issue a stalking no contact order, may not require  
13 physical injury on the person of the petitioner. Modification  
14 and extension of prior stalking no contact orders shall be in  
15 accordance with this Act.

16           (b) A stalking no contact order shall order one or more of  
17 the following:

18                 (1) prohibit the respondent from threatening to commit  
19 or committing stalking;

20                 (2) order the respondent not to have any contact with  
21 the petitioner or a third person specifically named by the  
22 court;

23                 (3) prohibit the respondent from knowingly coming  
24 within, or knowingly remaining within a specified distance  
25 of the petitioner or the petitioner's residence, school,

1 daycare, or place of employment, or any specified place  
2 frequented by the petitioner; however, the court may order  
3 the respondent to stay away from the respondent's own  
4 residence, school, or place of employment only if the  
5 respondent has been provided actual notice of the  
6 opportunity to appear and be heard on the petition;

7 (4) prohibit the respondent from ~~possessing a Firearm~~  
8 ~~Owners Identification Card,~~ or possessing or buying  
9 firearms; and

10 (5) order other injunctive relief the court determines  
11 to be necessary to protect the petitioner or third party  
12 specifically named by the court.

13 (b-5) When the petitioner and the respondent attend the  
14 same public, private, or non-public elementary, middle, or  
15 high school, the court when issuing a stalking no contact  
16 order and providing relief shall consider the severity of the  
17 act, any continuing physical danger or emotional distress to  
18 the petitioner, the educational rights guaranteed to the  
19 petitioner and respondent under federal and State law, the  
20 availability of a transfer of the respondent to another  
21 school, a change of placement or a change of program of the  
22 respondent, the expense, difficulty, and educational  
23 disruption that would be caused by a transfer of the  
24 respondent to another school, and any other relevant facts of  
25 the case. The court may order that the respondent not attend  
26 the public, private, or non-public elementary, middle, or high

1 school attended by the petitioner, order that the respondent  
2 accept a change of placement or program, as determined by the  
3 school district or private or non-public school, or place  
4 restrictions on the respondent's movements within the school  
5 attended by the petitioner. The respondent bears the burden of  
6 proving by a preponderance of the evidence that a transfer,  
7 change of placement, or change of program of the respondent is  
8 not available. The respondent also bears the burden of  
9 production with respect to the expense, difficulty, and  
10 educational disruption that would be caused by a transfer of  
11 the respondent to another school. A transfer, change of  
12 placement, or change of program is not unavailable to the  
13 respondent solely on the ground that the respondent does not  
14 agree with the school district's or private or non-public  
15 school's transfer, change of placement, or change of program  
16 or solely on the ground that the respondent fails or refuses to  
17 consent to or otherwise does not take an action required to  
18 effectuate a transfer, change of placement, or change of  
19 program. When a court orders a respondent to stay away from the  
20 public, private, or non-public school attended by the  
21 petitioner and the respondent requests a transfer to another  
22 attendance center within the respondent's school district or  
23 private or non-public school, the school district or private  
24 or non-public school shall have sole discretion to determine  
25 the attendance center to which the respondent is transferred.  
26 In the event the court order results in a transfer of the minor

1 respondent to another attendance center, a change in the  
2 respondent's placement, or a change of the respondent's  
3 program, the parents, guardian, or legal custodian of the  
4 respondent is responsible for transportation and other costs  
5 associated with the transfer or change.

6 (b-6) The court may order the parents, guardian, or legal  
7 custodian of a minor respondent to take certain actions or to  
8 refrain from taking certain actions to ensure that the  
9 respondent complies with the order. In the event the court  
10 orders a transfer of the respondent to another school, the  
11 parents, guardian, or legal custodian of the respondent are  
12 responsible for transportation and other costs associated with  
13 the change of school by the respondent.

14 (b-7) The court shall not hold a school district or  
15 private or non-public school or any of its employees in civil  
16 or criminal contempt unless the school district or private or  
17 non-public school has been allowed to intervene.

18 (b-8) The court may hold the parents, guardian, or legal  
19 custodian of a minor respondent in civil or criminal contempt  
20 for a violation of any provision of any order entered under  
21 this Act for conduct of the minor respondent in violation of  
22 this Act if the parents, guardian, or legal custodian  
23 directed, encouraged, or assisted the respondent minor in such  
24 conduct.

25 (c) The court may award the petitioner costs and attorneys  
26 fees if a stalking no contact order is granted.

1 (d) Monetary damages are not recoverable as a remedy.

2 (e) If the stalking no contact order prohibits the  
3 respondent from ~~possessing a Firearm Owner's Identification~~  
4 ~~Card, or~~ possessing or buying firearms; the court shall  
5 confiscate the respondent's firearms ~~Firearm Owner's~~  
6 ~~Identification Card and immediately return the card to the~~  
7 ~~Department of State Police Firearm Owner's Identification Card~~  
8 ~~Office.~~

9 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
10 97-1131, eff. 1-1-13.)

11 Section 105. The Mental Health and Developmental  
12 Disabilities Confidentiality Act is amended by changing  
13 Section 12 as follows:

14 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

15 Sec. 12. (a) If the United States Secret Service or the  
16 Department of State Police requests information from a mental  
17 health or developmental disability facility, as defined in  
18 Section 1-107 and 1-114 of the Mental Health and Developmental  
19 Disabilities Code, relating to a specific recipient and the  
20 facility director determines that disclosure of such  
21 information may be necessary to protect the life of, or to  
22 prevent the infliction of great bodily harm to, a public  
23 official, or a person under the protection of the United  
24 States Secret Service, only the following information may be

1 disclosed: the recipient's name, address, and age and the date  
2 of any admission to or discharge from a facility; and any  
3 information which would indicate whether or not the recipient  
4 has a history of violence or presents a danger of violence to  
5 the person under protection. Any information so disclosed  
6 shall be used for investigative purposes only and shall not be  
7 publicly disseminated. Any person participating in good faith  
8 in the disclosure of such information in accordance with this  
9 provision shall have immunity from any liability, civil,  
10 criminal or otherwise, if such information is disclosed  
11 relying upon the representation of an officer of the United  
12 States Secret Service or the Department of State Police that a  
13 person is under the protection of the United States Secret  
14 Service or is a public official.

15 For the purpose of this subsection (a), the term "public  
16 official" means the Governor, Lieutenant Governor, Attorney  
17 General, Secretary of State, State Comptroller, State  
18 Treasurer, member of the General Assembly, member of the  
19 United States Congress, Judge of the United States as defined  
20 in 28 U.S.C. 451, Justice of the United States as defined in 28  
21 U.S.C. 451, United States Magistrate Judge as defined in 28  
22 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
23 Supreme, Appellate, Circuit, or Associate Judge of the State  
24 of Illinois. The term shall also include the spouse, child or  
25 children of a public official.

26 (b) The Department of Human Services (acting as successor



1 to the Department of Mental Health and Developmental  
2 Disabilities) and all public or private hospitals and mental  
3 health facilities are required, as hereafter described in this  
4 subsection, to furnish the Department of State Police only  
5 such information as may be required for the sole purpose of  
6 determining whether an individual who may be or may have been a  
7 patient is disqualified because of that status from receiving  
8 or retaining a firearm under paragraph (4) of subsection (a)  
9 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~  
10 ~~Identification Card or falls within the federal prohibitors~~  
11 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~  
12 ~~of the Firearm Owners Identification Card Act~~, or falls within  
13 the federal prohibitors in 18 U.S.C. 922(g) and (n). All  
14 physicians, clinical psychologists, or qualified examiners at  
15 public or private mental health facilities or parts thereof as  
16 defined in this subsection shall, in the form and manner  
17 required by the Department, provide notice directly to the  
18 Department of Human Services, or to his or her employer who  
19 shall then report to the Department, within 24 hours after  
20 determining that a person poses a clear and present danger to  
21 himself, herself, or others, or within 7 days after a person 14  
22 years or older is determined to be a person with a  
23 developmental disability by a physician, clinical  
24 psychologist, or qualified examiner as described in this  
25 subsection (b) Section 1.1 of the Firearm Owners  
26 ~~Identification Card Act~~. If a person is a patient as described

1 in clause (2)(A) ~~(1)~~ of the definition of "patient" in (2)(A)  
2 ~~Section 1.1 of the Firearm Owners Identification Card Act,~~  
3 this information shall be furnished within 7 days after  
4 admission to a public or private hospital or mental health  
5 facility or the provision of services. Any such information  
6 disclosed under this subsection shall remain privileged and  
7 confidential, and shall not be redisclosed, except as required  
8 by clause (e)(2) of Section 24-4.5 of the Criminal Code of 2012  
9 ~~subsection (e) of Section 3.1 of the Firearm Owners~~  
10 ~~Identification Card Act,~~ nor utilized for any other purpose.  
11 The method of requiring the providing of such information  
12 shall guarantee that no information is released beyond what is  
13 necessary for this purpose. In addition, the information  
14 disclosed shall be provided by the Department within the time  
15 period established by Section 24-3 of the Criminal Code of  
16 2012 regarding the delivery of firearms. The method used shall  
17 be sufficient to provide the necessary information within the  
18 prescribed time period, which may include periodically  
19 providing lists to the Department of Human Services or any  
20 public or private hospital or mental health facility of  
21 ~~Firearm Owner's Identification Card~~ applicants for firearm  
22 purchases on which the Department or hospital shall indicate  
23 the identities of those individuals who are to its knowledge  
24 disqualified from having a firearm ~~Firearm Owner's~~  
25 ~~Identification Card~~ for reasons described herein. The  
26 Department may provide for a centralized source of information

1 for the State on this subject under its jurisdiction. The  
2 identity of the person reporting under this subsection shall  
3 not be disclosed to the subject of the report. For the purposes  
4 of this subsection, the physician, clinical psychologist, or  
5 qualified examiner making the determination and his or her  
6 employer shall not be held criminally, civilly, or  
7 professionally liable for making or not making the  
8 notification required under this subsection, except for  
9 willful or wanton misconduct.

10 Any person, institution, or agency, under this Act,  
11 participating in good faith in the reporting or disclosure of  
12 records and communications otherwise in accordance with this  
13 provision or with rules, regulations or guidelines issued by  
14 the Department shall have immunity from any liability, civil,  
15 criminal or otherwise, that might result by reason of the  
16 action. For the purpose of any proceeding, civil or criminal,  
17 arising out of a report or disclosure in accordance with this  
18 provision, the good faith of any person, institution, or  
19 agency so reporting or disclosing shall be presumed. The full  
20 extent of the immunity provided in this subsection (b) shall  
21 apply to any person, institution or agency that fails to make a  
22 report or disclosure in the good faith belief that the report  
23 or disclosure would violate federal regulations governing the  
24 confidentiality of alcohol and drug abuse patient records  
25 implementing 42 U.S.C. 290dd-3 and 290ee-3.

26 For purposes of this subsection (b) only, the following

1 terms shall have the meaning prescribed:

2 (1) (Blank).

3 (1.3) "Clear and present danger" has the meaning as  
4 defined in Section 6-103.3 of the Mental Health and  
5 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~  
6 ~~Identification Card Act.~~

7 (1.5) "Person with a developmental disability" has the  
8 meaning as defined in Section 6-103.3 of the Mental Health  
9 and Developmental Disabilities Code ~~1.1 of the Firearm~~  
10 ~~Owners Identification Card Act.~~

11 (2) "Patient" means (A) a person who voluntarily  
12 receives mental health treatment as an in-patient or  
13 resident of any public or private mental health facility,  
14 unless the treatment was solely for an alcohol abuse  
15 disorder and no other secondary substance abuse disorder  
16 or mental illness; or (B) a person who voluntarily  
17 receives mental health treatment as an out-patient or is  
18 provided services by a public or private mental health  
19 facility, and who poses a clear and present danger to  
20 himself, herself, or to others ~~has the meaning as defined~~  
21 ~~in Section 1.1 of the Firearm Owners Identification Card~~  
22 ~~Act.~~

23 (3) "Mental health facility" means any licensed  
24 private hospital or hospital affiliate, institution, or  
25 facility, or part thereof, and any facility, or part  
26 thereof, operated by the State or a political subdivision

1 thereof which provide treatment of persons with mental  
2 illness and includes all hospitals, institutions, clinics,  
3 evaluation facilities, mental health centers, colleges,  
4 universities, long-term care facilities, and nursing  
5 homes, or parts thereof, which provide treatment of  
6 persons with mental illness whether or not the primary  
7 purpose is to provide treatment of persons with mental  
8 illness ~~has the meaning as defined in Section 1.1 of the~~  
9 ~~Firearm Owners Identification Card Act.~~

10 (c) Upon the request of a peace officer who takes a person  
11 into custody and transports such person to a mental health or  
12 developmental disability facility pursuant to Section 3-606 or  
13 4-404 of the Mental Health and Developmental Disabilities Code  
14 or who transports a person from such facility, a facility  
15 director shall furnish said peace officer the name, address,  
16 age and name of the nearest relative of the person transported  
17 to or from the mental health or developmental disability  
18 facility. In no case shall the facility director disclose to  
19 the peace officer any information relating to the diagnosis,  
20 treatment or evaluation of the person's mental or physical  
21 health.

22 For the purposes of this subsection (c), the terms "mental  
23 health or developmental disability facility", "peace officer"  
24 and "facility director" shall have the meanings ascribed to  
25 them in the Mental Health and Developmental Disabilities Code.

26 (d) Upon the request of a peace officer or prosecuting

1 authority who is conducting a bona fide investigation of a  
2 criminal offense, or attempting to apprehend a fugitive from  
3 justice, a facility director may disclose whether a person is  
4 present at the facility. Upon request of a peace officer or  
5 prosecuting authority who has a valid forcible felony warrant  
6 issued, a facility director shall disclose: (1) whether the  
7 person who is the subject of the warrant is present at the  
8 facility and (2) the date of that person's discharge or future  
9 discharge from the facility. The requesting peace officer or  
10 prosecuting authority must furnish a case number and the  
11 purpose of the investigation or an outstanding arrest warrant  
12 at the time of the request. Any person, institution, or agency  
13 participating in good faith in disclosing such information in  
14 accordance with this subsection (d) is immune from any  
15 liability, civil, criminal or otherwise, that might result by  
16 reason of the action.

17 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
18 eff. 7-27-15; 99-642, eff. 7-28-16.)

19 Section 110. The Illinois Domestic Violence Act of 1986 is  
20 amended by changing Sections 210 and 214 as follows:

21 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

22 Sec. 210. Process.

23 (a) Summons. Any action for an order of protection,  
24 whether commenced alone or in conjunction with another

1 proceeding, is a distinct cause of action and requires that a  
2 separate summons be issued and served, except that in pending  
3 cases the following methods may be used:

4 (1) By delivery of the summons to respondent  
5 personally in open court in pending civil or criminal  
6 cases.

7 (2) By notice in accordance with Section 210.1 in  
8 civil cases in which the defendant has filed a general  
9 appearance.

10 The summons shall be in the form prescribed by Supreme  
11 Court Rule 101(d), except that it shall require respondent to  
12 answer or appear within 7 days. Attachments to the summons or  
13 notice shall include the petition for order of protection and  
14 supporting affidavits, if any, and any emergency order of  
15 protection that has been issued. The enforcement of an order  
16 of protection under Section 223 shall not be affected by the  
17 lack of service, delivery, or notice, provided the  
18 requirements of subsection (d) of that Section are otherwise  
19 met.

20 (b) Blank.

21 (c) Expedited service. The summons shall be served by the  
22 sheriff or other law enforcement officer at the earliest time  
23 and shall take precedence over other summonses except those of  
24 a similar emergency nature. Special process servers may be  
25 appointed at any time, and their designation shall not affect  
26 the responsibilities and authority of the sheriff or other

1 official process servers. In counties with a population over  
2 3,000,000, a special process server may not be appointed if  
3 the order of protection grants the surrender of a child, the  
4 surrender of a firearm ~~or firearm owners identification card,~~  
5 or the exclusive possession of a shared residence.

6 (d) Remedies requiring actual notice. The counseling,  
7 payment of support, payment of shelter services, and payment  
8 of losses remedies provided by paragraphs 4, 12, 13, and 16 of  
9 subsection (b) of Section 214 may be granted only if  
10 respondent has been personally served with process, has  
11 answered or has made a general appearance.

12 (e) Remedies upon constructive notice. Service of process  
13 on a member of respondent's household or by publication shall  
14 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,  
15 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section  
16 214, but only if: (i) petitioner has made all reasonable  
17 efforts to accomplish actual service of process personally  
18 upon respondent, but respondent cannot be found to effect such  
19 service and (ii) petitioner files an affidavit or presents  
20 sworn testimony as to those efforts.

21 (f) Default. A plenary order of protection may be entered  
22 by default as follows:

23 (1) For any of the remedies sought in the petition, if  
24 respondent has been served or given notice in accordance  
25 with subsection (a) and if respondent then fails to appear  
26 as directed or fails to appear on any subsequent



1 appearance or hearing date agreed to by the parties or set  
2 by the court; or

3 (2) For any of the remedies provided in accordance  
4 with subsection (e), if respondent fails to answer or  
5 appear in accordance with the date set in the publication  
6 notice or the return date indicated on the service of a  
7 household member.

8 (g) Emergency orders. If an order is granted under  
9 subsection (c) of Section 217, the court shall immediately  
10 file a certified copy of the order with the sheriff or other  
11 law enforcement official charged with maintaining Department  
12 of State Police records.

13 (Source: P.A. 101-508, eff. 1-1-20.)

14 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

15 Sec. 214. Order of protection; remedies.

16 (a) Issuance of order. If the court finds that petitioner  
17 has been abused by a family or household member or that  
18 petitioner is a high-risk adult who has been abused,  
19 neglected, or exploited, as defined in this Act, an order of  
20 protection prohibiting the abuse, neglect, or exploitation  
21 shall issue; provided that petitioner must also satisfy the  
22 requirements of one of the following Sections, as appropriate:  
23 Section 217 on emergency orders, Section 218 on interim  
24 orders, or Section 219 on plenary orders. Petitioner shall not  
25 be denied an order of protection because petitioner or

1 respondent is a minor. The court, when determining whether or  
2 not to issue an order of protection, shall not require  
3 physical manifestations of abuse on the person of the victim.  
4 Modification and extension of prior orders of protection shall  
5 be in accordance with this Act.

6 (b) Remedies and standards. The remedies to be included in  
7 an order of protection shall be determined in accordance with  
8 this Section and one of the following Sections, as  
9 appropriate: Section 217 on emergency orders, Section 218 on  
10 interim orders, and Section 219 on plenary orders. The  
11 remedies listed in this subsection shall be in addition to  
12 other civil or criminal remedies available to petitioner.

13 (1) Prohibition of abuse, neglect, or exploitation.  
14 Prohibit respondent's harassment, interference with  
15 personal liberty, intimidation of a dependent, physical  
16 abuse, or willful deprivation, neglect or exploitation, as  
17 defined in this Act, or stalking of the petitioner, as  
18 defined in Section 12-7.3 of the Criminal Code of 2012, if  
19 such abuse, neglect, exploitation, or stalking has  
20 occurred or otherwise appears likely to occur if not  
21 prohibited.

22 (2) Grant of exclusive possession of residence.  
23 Prohibit respondent from entering or remaining in any  
24 residence, household, or premises of the petitioner,  
25 including one owned or leased by respondent, if petitioner  
26 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall  
2 not affect title to real property, nor shall the court be  
3 limited by the standard set forth in subsection (c-2) of  
4 Section 501 of the Illinois Marriage and Dissolution of  
5 Marriage Act.

6 (A) Right to occupancy. A party has a right to  
7 occupancy of a residence or household if it is solely  
8 or jointly owned or leased by that party, that party's  
9 spouse, a person with a legal duty to support that  
10 party or a minor child in that party's care, or by any  
11 person or entity other than the opposing party that  
12 authorizes that party's occupancy (e.g., a domestic  
13 violence shelter). Standards set forth in subparagraph  
14 (B) shall not preclude equitable relief.

15 (B) Presumption of hardships. If petitioner and  
16 respondent each has the right to occupancy of a  
17 residence or household, the court shall balance (i)  
18 the hardships to respondent and any minor child or  
19 dependent adult in respondent's care resulting from  
20 entry of this remedy with (ii) the hardships to  
21 petitioner and any minor child or dependent adult in  
22 petitioner's care resulting from continued exposure to  
23 the risk of abuse (should petitioner remain at the  
24 residence or household) or from loss of possession of  
25 the residence or household (should petitioner leave to  
26 avoid the risk of abuse). When determining the balance

1 of hardships, the court shall also take into account  
2 the accessibility of the residence or household.  
3 Hardships need not be balanced if respondent does not  
4 have a right to occupancy.

5 The balance of hardships is presumed to favor  
6 possession by petitioner unless the presumption is  
7 rebutted by a preponderance of the evidence, showing  
8 that the hardships to respondent substantially  
9 outweigh the hardships to petitioner and any minor  
10 child or dependent adult in petitioner's care. The  
11 court, on the request of petitioner or on its own  
12 motion, may order respondent to provide suitable,  
13 accessible, alternate housing for petitioner instead  
14 of excluding respondent from a mutual residence or  
15 household.

16 (3) Stay away order and additional prohibitions. Order  
17 respondent to stay away from petitioner or any other  
18 person protected by the order of protection, or prohibit  
19 respondent from entering or remaining present at  
20 petitioner's school, place of employment, or other  
21 specified places at times when petitioner is present, or  
22 both, if reasonable, given the balance of hardships.  
23 Hardships need not be balanced for the court to enter a  
24 stay away order or prohibit entry if respondent has no  
25 right to enter the premises.

26 (A) If an order of protection grants petitioner

1 exclusive possession of the residence, or prohibits  
2 respondent from entering the residence, or orders  
3 respondent to stay away from petitioner or other  
4 protected persons, then the court may allow respondent  
5 access to the residence to remove items of clothing  
6 and personal adornment used exclusively by respondent,  
7 medications, and other items as the court directs. The  
8 right to access shall be exercised on only one  
9 occasion as the court directs and in the presence of an  
10 agreed-upon adult third party or law enforcement  
11 officer.

12 (B) When the petitioner and the respondent attend  
13 the same public, private, or non-public elementary,  
14 middle, or high school, the court when issuing an  
15 order of protection and providing relief shall  
16 consider the severity of the act, any continuing  
17 physical danger or emotional distress to the  
18 petitioner, the educational rights guaranteed to the  
19 petitioner and respondent under federal and State law,  
20 the availability of a transfer of the respondent to  
21 another school, a change of placement or a change of  
22 program of the respondent, the expense, difficulty,  
23 and educational disruption that would be caused by a  
24 transfer of the respondent to another school, and any  
25 other relevant facts of the case. The court may order  
26 that the respondent not attend the public, private, or

1 non-public elementary, middle, or high school attended  
2 by the petitioner, order that the respondent accept a  
3 change of placement or change of program, as  
4 determined by the school district or private or  
5 non-public school, or place restrictions on the  
6 respondent's movements within the school attended by  
7 the petitioner. The respondent bears the burden of  
8 proving by a preponderance of the evidence that a  
9 transfer, change of placement, or change of program of  
10 the respondent is not available. The respondent also  
11 bears the burden of production with respect to the  
12 expense, difficulty, and educational disruption that  
13 would be caused by a transfer of the respondent to  
14 another school. A transfer, change of placement, or  
15 change of program is not unavailable to the respondent  
16 solely on the ground that the respondent does not  
17 agree with the school district's or private or  
18 non-public school's transfer, change of placement, or  
19 change of program or solely on the ground that the  
20 respondent fails or refuses to consent or otherwise  
21 does not take an action required to effectuate a  
22 transfer, change of placement, or change of program.  
23 When a court orders a respondent to stay away from the  
24 public, private, or non-public school attended by the  
25 petitioner and the respondent requests a transfer to  
26 another attendance center within the respondent's

1 school district or private or non-public school, the  
2 school district or private or non-public school shall  
3 have sole discretion to determine the attendance  
4 center to which the respondent is transferred. In the  
5 event the court order results in a transfer of the  
6 minor respondent to another attendance center, a  
7 change in the respondent's placement, or a change of  
8 the respondent's program, the parents, guardian, or  
9 legal custodian of the respondent is responsible for  
10 transportation and other costs associated with the  
11 transfer or change.

12 (C) The court may order the parents, guardian, or  
13 legal custodian of a minor respondent to take certain  
14 actions or to refrain from taking certain actions to  
15 ensure that the respondent complies with the order. In  
16 the event the court orders a transfer of the  
17 respondent to another school, the parents, guardian,  
18 or legal custodian of the respondent is responsible  
19 for transportation and other costs associated with the  
20 change of school by the respondent.

21 (4) Counseling. Require or recommend the respondent to  
22 undergo counseling for a specified duration with a social  
23 worker, psychologist, clinical psychologist,  
24 psychiatrist, family service agency, alcohol or substance  
25 abuse program, mental health center guidance counselor,  
26 agency providing services to elders, program designed for

1 domestic violence abusers or any other guidance service  
2 the court deems appropriate. The Court may order the  
3 respondent in any intimate partner relationship to report  
4 to an Illinois Department of Human Services protocol  
5 approved partner abuse intervention program for an  
6 assessment and to follow all recommended treatment.

7 (5) Physical care and possession of the minor child.  
8 In order to protect the minor child from abuse, neglect,  
9 or unwarranted separation from the person who has been the  
10 minor child's primary caretaker, or to otherwise protect  
11 the well-being of the minor child, the court may do either  
12 or both of the following: (i) grant petitioner physical  
13 care or possession of the minor child, or both, or (ii)  
14 order respondent to return a minor child to, or not remove  
15 a minor child from, the physical care of a parent or person  
16 in loco parentis.

17 If a court finds, after a hearing, that respondent has  
18 committed abuse (as defined in Section 103) of a minor  
19 child, there shall be a rebuttable presumption that  
20 awarding physical care to respondent would not be in the  
21 minor child's best interest.

22 (6) Temporary allocation of parental responsibilities:  
23 significant decision-making. Award temporary  
24 decision-making responsibility to petitioner in accordance  
25 with this Section, the Illinois Marriage and Dissolution  
26 of Marriage Act, the Illinois Parentage Act of 2015, and



1           this State's Uniform Child-Custody Jurisdiction and  
2           Enforcement Act.

3           If a court finds, after a hearing, that respondent has  
4           committed abuse (as defined in Section 103) of a minor  
5           child, there shall be a rebuttable presumption that  
6           awarding temporary significant decision-making  
7           responsibility to respondent would not be in the child's  
8           best interest.

9           (7) Parenting time. Determine the parenting time, if  
10          any, of respondent in any case in which the court awards  
11          physical care or allocates temporary significant  
12          decision-making responsibility of a minor child to  
13          petitioner. The court shall restrict or deny respondent's  
14          parenting time with a minor child if the court finds that  
15          respondent has done or is likely to do any of the  
16          following: (i) abuse or endanger the minor child during  
17          parenting time; (ii) use the parenting time as an  
18          opportunity to abuse or harass petitioner or petitioner's  
19          family or household members; (iii) improperly conceal or  
20          detain the minor child; or (iv) otherwise act in a manner  
21          that is not in the best interests of the minor child. The  
22          court shall not be limited by the standards set forth in  
23          Section 603.10 of the Illinois Marriage and Dissolution of  
24          Marriage Act. If the court grants parenting time, the  
25          order shall specify dates and times for the parenting time  
26          to take place or other specific parameters or conditions

1 that are appropriate. No order for parenting time shall  
2 refer merely to the term "reasonable parenting time".

3 Petitioner may deny respondent access to the minor  
4 child if, when respondent arrives for parenting time,  
5 respondent is under the influence of drugs or alcohol and  
6 constitutes a threat to the safety and well-being of  
7 petitioner or petitioner's minor children or is behaving  
8 in a violent or abusive manner.

9 If necessary to protect any member of petitioner's  
10 family or household from future abuse, respondent shall be  
11 prohibited from coming to petitioner's residence to meet  
12 the minor child for parenting time, and the parties shall  
13 submit to the court their recommendations for reasonable  
14 alternative arrangements for parenting time. A person may  
15 be approved to supervise parenting time only after filing  
16 an affidavit accepting that responsibility and  
17 acknowledging accountability to the court.

18 (8) Removal or concealment of minor child. Prohibit  
19 respondent from removing a minor child from the State or  
20 concealing the child within the State.

21 (9) Order to appear. Order the respondent to appear in  
22 court, alone or with a minor child, to prevent abuse,  
23 neglect, removal or concealment of the child, to return  
24 the child to the custody or care of the petitioner or to  
25 permit any court-ordered interview or examination of the  
26 child or the respondent.

1           (10) Possession of personal property. Grant petitioner  
2 exclusive possession of personal property and, if  
3 respondent has possession or control, direct respondent to  
4 promptly make it available to petitioner, if:

5           (i) petitioner, but not respondent, owns the  
6 property; or

7           (ii) the parties own the property jointly; sharing  
8 it would risk abuse of petitioner by respondent or is  
9 impracticable; and the balance of hardships favors  
10 temporary possession by petitioner.

11           If petitioner's sole claim to ownership of the  
12 property is that it is marital property, the court may  
13 award petitioner temporary possession thereof under the  
14 standards of subparagraph (ii) of this paragraph only if a  
15 proper proceeding has been filed under the Illinois  
16 Marriage and Dissolution of Marriage Act, as now or  
17 hereafter amended.

18           No order under this provision shall affect title to  
19 property.

20           (11) Protection of property. Forbid the respondent  
21 from taking, transferring, encumbering, concealing,  
22 damaging or otherwise disposing of any real or personal  
23 property, except as explicitly authorized by the court,  
24 if:

25           (i) petitioner, but not respondent, owns the  
26 property; or

1           (ii) the parties own the property jointly, and the  
2           balance of hardships favors granting this remedy.

3           If petitioner's sole claim to ownership of the  
4           property is that it is marital property, the court may  
5           grant petitioner relief under subparagraph (ii) of this  
6           paragraph only if a proper proceeding has been filed under  
7           the Illinois Marriage and Dissolution of Marriage Act, as  
8           now or hereafter amended.

9           The court may further prohibit respondent from  
10          improperly using the financial or other resources of an  
11          aged member of the family or household for the profit or  
12          advantage of respondent or of any other person.

13          (11.5) Protection of animals. Grant the petitioner the  
14          exclusive care, custody, or control of any animal owned,  
15          possessed, leased, kept, or held by either the petitioner  
16          or the respondent or a minor child residing in the  
17          residence or household of either the petitioner or the  
18          respondent and order the respondent to stay away from the  
19          animal and forbid the respondent from taking,  
20          transferring, encumbering, concealing, harming, or  
21          otherwise disposing of the animal.

22          (12) Order for payment of support. Order respondent to  
23          pay temporary support for the petitioner or any child in  
24          the petitioner's care or over whom the petitioner has been  
25          allocated parental responsibility, when the respondent has  
26          a legal obligation to support that person, in accordance

1 with the Illinois Marriage and Dissolution of Marriage  
2 Act, which shall govern, among other matters, the amount  
3 of support, payment through the clerk and withholding of  
4 income to secure payment. An order for child support may  
5 be granted to a petitioner with lawful physical care of a  
6 child, or an order or agreement for physical care of a  
7 child, prior to entry of an order allocating significant  
8 decision-making responsibility. Such a support order shall  
9 expire upon entry of a valid order allocating parental  
10 responsibility differently and vacating the petitioner's  
11 significant decision-making authority, unless otherwise  
12 provided in the order.

13 (13) Order for payment of losses. Order respondent to  
14 pay petitioner for losses suffered as a direct result of  
15 the abuse, neglect, or exploitation. Such losses shall  
16 include, but not be limited to, medical expenses, lost  
17 earnings or other support, repair or replacement of  
18 property damaged or taken, reasonable attorney's fees,  
19 court costs and moving or other travel expenses, including  
20 additional reasonable expenses for temporary shelter and  
21 restaurant meals.

22 (i) Losses affecting family needs. If a party is  
23 entitled to seek maintenance, child support or  
24 property distribution from the other party under the  
25 Illinois Marriage and Dissolution of Marriage Act, as  
26 now or hereafter amended, the court may order

1           respondent to reimburse petitioner's actual losses, to  
2           the extent that such reimbursement would be  
3           "appropriate temporary relief", as authorized by  
4           subsection (a) (3) of Section 501 of that Act.

5           (ii) Recovery of expenses. In the case of an  
6           improper concealment or removal of a minor child, the  
7           court may order respondent to pay the reasonable  
8           expenses incurred or to be incurred in the search for  
9           and recovery of the minor child, including but not  
10          limited to legal fees, court costs, private  
11          investigator fees, and travel costs.

12          (14) Prohibition of entry. Prohibit the respondent  
13          from entering or remaining in the residence or household  
14          while the respondent is under the influence of alcohol or  
15          drugs and constitutes a threat to the safety and  
16          well-being of the petitioner or the petitioner's children.

17          (14.5) Prohibition of firearm possession.

18          (a) Prohibit a respondent against whom an order of  
19          protection was issued from possessing any firearms  
20          during the duration of the order if the order:

21                  (1) was issued after a hearing of which such  
22                  person received actual notice, and at which such  
23                  person had an opportunity to participate;

24                  (2) restrains such person from harassing,  
25                  stalking, or threatening an intimate partner of  
26                  such person or child of such intimate partner or

1 person, or engaging in other conduct that would  
2 place an intimate partner in reasonable fear of  
3 bodily injury to the partner or child; and

4 (3)(i) includes a finding that such person  
5 represents a credible threat to the physical  
6 safety of such intimate partner or child; or (ii)  
7 by its terms explicitly prohibits the use,  
8 attempted use, or threatened use of physical force  
9 against such intimate partner or child that would  
10 reasonably be expected to cause bodily injury.

11 ~~Any Firearm Owner's Identification Card in the~~  
12 ~~possession of the respondent, except as provided in~~  
13 ~~subsection (b), shall be ordered by the court to be~~  
14 ~~turned over to the local law enforcement agency. The~~  
15 ~~local law enforcement agency shall immediately mail~~  
16 ~~the card to the Department of State Police Firearm~~  
17 ~~Owner's Identification Card Office for safekeeping.~~

18 The court shall issue a warrant for seizure of any  
19 firearm in the possession of the respondent, to be  
20 kept by the local law enforcement agency for  
21 safekeeping, except as provided in subsection (b). The  
22 period of safekeeping shall be for the duration of the  
23 order of protection. The firearm or firearms ~~and~~  
24 ~~Firearm Owner's Identification Card, if unexpired,~~  
25 shall at the respondent's request, be returned to the  
26 respondent at the end of the order of protection. It is

1 the respondent's responsibility to notify the  
2 Department of State Police ~~Firearm Owner's~~  
3 ~~Identification Card Office.~~

4 (b) If the respondent is a peace officer as  
5 defined in Section 2-13 of the Criminal Code of 2012,  
6 the court shall order that any firearms used by the  
7 respondent in the performance of his or her duties as a  
8 peace officer be surrendered to the chief law  
9 enforcement executive of the agency in which the  
10 respondent is employed, who shall retain the firearms  
11 for safekeeping for the duration of the order of  
12 protection.

13 (c) Upon expiration of the period of safekeeping,  
14 if the firearms ~~or Firearm Owner's Identification Card~~  
15 cannot be returned to respondent because respondent  
16 cannot be located, fails to respond to requests to  
17 retrieve the firearms, or is not lawfully eligible to  
18 possess a firearm, upon petition from the local law  
19 enforcement agency, the court may order the local law  
20 enforcement agency to destroy the firearms, use the  
21 firearms for training purposes, or for any other  
22 application as deemed appropriate by the local law  
23 enforcement agency; or that the firearms be turned  
24 over to a third party who is lawfully eligible to  
25 possess firearms, and who does not reside with  
26 respondent.



1           (15) Prohibition of access to records. If an order of  
2 protection prohibits respondent from having contact with  
3 the minor child, or if petitioner's address is omitted  
4 under subsection (b) of Section 203, or if necessary to  
5 prevent abuse or wrongful removal or concealment of a  
6 minor child, the order shall deny respondent access to,  
7 and prohibit respondent from inspecting, obtaining, or  
8 attempting to inspect or obtain, school or any other  
9 records of the minor child who is in the care of  
10 petitioner.

11           (16) Order for payment of shelter services. Order  
12 respondent to reimburse a shelter providing temporary  
13 housing and counseling services to the petitioner for the  
14 cost of the services, as certified by the shelter and  
15 deemed reasonable by the court.

16           (17) Order for injunctive relief. Enter injunctive  
17 relief necessary or appropriate to prevent further abuse  
18 of a family or household member or further abuse, neglect,  
19 or exploitation of a high-risk adult with disabilities or  
20 to effectuate one of the granted remedies, if supported by  
21 the balance of hardships. If the harm to be prevented by  
22 the injunction is abuse or any other harm that one of the  
23 remedies listed in paragraphs (1) through (16) of this  
24 subsection is designed to prevent, no further evidence is  
25 necessary that the harm is an irreparable injury.

26           (18) Telephone services.

1 (A) Unless a condition described in subparagraph  
2 (B) of this paragraph exists, the court may, upon  
3 request by the petitioner, order a wireless telephone  
4 service provider to transfer to the petitioner the  
5 right to continue to use a telephone number or numbers  
6 indicated by the petitioner and the financial  
7 responsibility associated with the number or numbers,  
8 as set forth in subparagraph (C) of this paragraph.  
9 For purposes of this paragraph (18), the term  
10 "wireless telephone service provider" means a provider  
11 of commercial mobile service as defined in 47 U.S.C.  
12 332. The petitioner may request the transfer of each  
13 telephone number that the petitioner, or a minor child  
14 in his or her custody, uses. The clerk of the court  
15 shall serve the order on the wireless telephone  
16 service provider's agent for service of process  
17 provided to the Illinois Commerce Commission. The  
18 order shall contain all of the following:

19 (i) The name and billing telephone number of  
20 the account holder including the name of the  
21 wireless telephone service provider that serves  
22 the account.

23 (ii) Each telephone number that will be  
24 transferred.

25 (iii) A statement that the provider transfers  
26 to the petitioner all financial responsibility for

1           and right to the use of any telephone number  
2           transferred under this paragraph.

3           (B) A wireless telephone service provider shall  
4           terminate the respondent's use of, and shall transfer  
5           to the petitioner use of, the telephone number or  
6           numbers indicated in subparagraph (A) of this  
7           paragraph unless it notifies the petitioner, within 72  
8           hours after it receives the order, that one of the  
9           following applies:

10                  (i) The account holder named in the order has  
11                  terminated the account.

12                  (ii) A difference in network technology would  
13                  prevent or impair the functionality of a device on  
14                  a network if the transfer occurs.

15                  (iii) The transfer would cause a geographic or  
16                  other limitation on network or service provision  
17                  to the petitioner.

18                  (iv) Another technological or operational  
19                  issue would prevent or impair the use of the  
20                  telephone number if the transfer occurs.

21           (C) The petitioner assumes all financial  
22           responsibility for and right to the use of any  
23           telephone number transferred under this paragraph. In  
24           this paragraph, "financial responsibility" includes  
25           monthly service costs and costs associated with any  
26           mobile device associated with the number.

1           (D) A wireless telephone service provider may  
2 apply to the petitioner its routine and customary  
3 requirements for establishing an account or  
4 transferring a number, including requiring the  
5 petitioner to provide proof of identification,  
6 financial information, and customer preferences.

7           (E) Except for willful or wanton misconduct, a  
8 wireless telephone service provider is immune from  
9 civil liability for its actions taken in compliance  
10 with a court order issued under this paragraph.

11           (F) All wireless service providers that provide  
12 services to residential customers shall provide to the  
13 Illinois Commerce Commission the name and address of  
14 an agent for service of orders entered under this  
15 paragraph (18). Any change in status of the registered  
16 agent must be reported to the Illinois Commerce  
17 Commission within 30 days of such change.

18           (G) The Illinois Commerce Commission shall  
19 maintain the list of registered agents for service for  
20 each wireless telephone service provider on the  
21 Commission's website. The Commission may consult with  
22 wireless telephone service providers and the Circuit  
23 Court Clerks on the manner in which this information  
24 is provided and displayed.

25       (c) Relevant factors; findings.

26           (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider  
2 relevant factors, including but not limited to the  
3 following:

4 (i) the nature, frequency, severity, pattern and  
5 consequences of the respondent's past abuse, neglect  
6 or exploitation of the petitioner or any family or  
7 household member, including the concealment of his or  
8 her location in order to evade service of process or  
9 notice, and the likelihood of danger of future abuse,  
10 neglect, or exploitation to petitioner or any member  
11 of petitioner's or respondent's family or household;  
12 and

13 (ii) the danger that any minor child will be  
14 abused or neglected or improperly relocated from the  
15 jurisdiction, improperly concealed within the State or  
16 improperly separated from the child's primary  
17 caretaker.

18 (2) In comparing relative hardships resulting to the  
19 parties from loss of possession of the family home, the  
20 court shall consider relevant factors, including but not  
21 limited to the following:

22 (i) availability, accessibility, cost, safety,  
23 adequacy, location and other characteristics of  
24 alternate housing for each party and any minor child  
25 or dependent adult in the party's care;

26 (ii) the effect on the party's employment; and

1           (iii) the effect on the relationship of the party,  
2           and any minor child or dependent adult in the party's  
3           care, to family, school, church and community.

4           (3) Subject to the exceptions set forth in paragraph  
5           (4) of this subsection, the court shall make its findings  
6           in an official record or in writing, and shall at a minimum  
7           set forth the following:

8           (i) That the court has considered the applicable  
9           relevant factors described in paragraphs (1) and (2)  
10          of this subsection.

11          (ii) Whether the conduct or actions of respondent,  
12          unless prohibited, will likely cause irreparable harm  
13          or continued abuse.

14          (iii) Whether it is necessary to grant the  
15          requested relief in order to protect petitioner or  
16          other alleged abused persons.

17          (4) For purposes of issuing an ex parte emergency  
18          order of protection, the court, as an alternative to or as  
19          a supplement to making the findings described in  
20          paragraphs (c)(3)(i) through (c)(3)(iii) of this  
21          subsection, may use the following procedure:

22          When a verified petition for an emergency order of  
23          protection in accordance with the requirements of Sections  
24          203 and 217 is presented to the court, the court shall  
25          examine petitioner on oath or affirmation. An emergency  
26          order of protection shall be issued by the court if it

1 appears from the contents of the petition and the  
2 examination of petitioner that the averments are  
3 sufficient to indicate abuse by respondent and to support  
4 the granting of relief under the issuance of the emergency  
5 order of protection.

6 (5) Never married parties. No rights or  
7 responsibilities for a minor child born outside of  
8 marriage attach to a putative father until a father and  
9 child relationship has been established under the Illinois  
10 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
11 the Illinois Public Aid Code, Section 12 of the Vital  
12 Records Act, the Juvenile Court Act of 1987, the Probate  
13 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
14 Support Act, the Uniform Interstate Family Support Act,  
15 the Expedited Child Support Act of 1990, any judicial,  
16 administrative, or other act of another state or  
17 territory, any other Illinois statute, or by any foreign  
18 nation establishing the father and child relationship, any  
19 other proceeding substantially in conformity with the  
20 Personal Responsibility and Work Opportunity  
21 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
22 both parties appeared in open court or at an  
23 administrative hearing acknowledging under oath or  
24 admitting by affirmation the existence of a father and  
25 child relationship. Absent such an adjudication, finding,  
26 or acknowledgment, no putative father shall be granted

1 temporary allocation of parental responsibilities,  
2 including parenting time with the minor child, or physical  
3 care and possession of the minor child, nor shall an order  
4 of payment for support of the minor child be entered.

5 (d) Balance of hardships; findings. If the court finds  
6 that the balance of hardships does not support the granting of  
7 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
8 subsection (b) of this Section, which may require such  
9 balancing, the court's findings shall so indicate and shall  
10 include a finding as to whether granting the remedy will  
11 result in hardship to respondent that would substantially  
12 outweigh the hardship to petitioner from denial of the remedy.  
13 The findings shall be an official record or in writing.

14 (e) Denial of remedies. Denial of any remedy shall not be  
15 based, in whole or in part, on evidence that:

16 (1) Respondent has cause for any use of force, unless  
17 that cause satisfies the standards for justifiable use of  
18 force provided by Article 7 of the Criminal Code of 2012;

19 (2) Respondent was voluntarily intoxicated;

20 (3) Petitioner acted in self-defense or defense of  
21 another, provided that, if petitioner utilized force, such  
22 force was justifiable under Article 7 of the Criminal Code  
23 of 2012;

24 (4) Petitioner did not act in self-defense or defense  
25 of another;

26 (5) Petitioner left the residence or household to



1           avoid further abuse, neglect, or exploitation by  
2           respondent;

3           (6) Petitioner did not leave the residence or  
4           household to avoid further abuse, neglect, or exploitation  
5           by respondent;

6           (7) Conduct by any family or household member excused  
7           the abuse, neglect, or exploitation by respondent, unless  
8           that same conduct would have excused such abuse, neglect,  
9           or exploitation if the parties had not been family or  
10          household members.

11          (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,  
12          eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;  
13          100-923, eff. 1-1-19.)

14          Section 115. The Uniform Disposition of Unclaimed Property  
15          Act is amended by changing Section 1 as follows:

16                 (765 ILCS 1025/1) (from Ch. 141, par. 101)

17          Sec. 1. As used in this Act, unless the context otherwise  
18          requires:

19                 (a) "Banking organization" means any bank, trust company,  
20                 savings bank, industrial bank, land bank, safe deposit  
21                 company, or a private banker.

22                 (b) "Business association" means any corporation, joint  
23                 stock company, business trust, partnership, or any  
24                 association, limited liability company, or other business

1 entity consisting of one or more persons, whether or not for  
2 profit.

3 (c) "Financial organization" means any savings and loan  
4 association, building and loan association, credit union,  
5 currency exchange, co-operative bank, mutual funds, or  
6 investment company.

7 (d) "Holder" means any person in possession of property  
8 subject to this Act belonging to another, or who is trustee in  
9 case of a trust, or is indebted to another on an obligation  
10 subject to this Act.

11 (e) "Life insurance corporation" means any association or  
12 corporation transacting the business of insurance on the lives  
13 of persons or insurance appertaining thereto, including, but  
14 not by way of limitation, endowments and annuities.

15 (f) "Owner" means a depositor in case of a deposit, a  
16 beneficiary in case of a trust, a creditor, claimant, or payee  
17 in case of other property, or any person having a legal or  
18 equitable interest in property subject to this Act, or his  
19 legal representative.

20 (g) "Person" means any individual, business association,  
21 financial organization, government or political subdivision or  
22 agency, public authority, estate, trust, or any other legal or  
23 commercial entity.

24 (h) "Utility" means any person who owns or operates, for  
25 public use, any plant, equipment, property, franchise, or  
26 license for the transmission of communications or the

1 production, storage, transmission, sale, delivery, or  
2 furnishing of electricity, water, steam, oil or gas.

3 (i) (Blank).

4 (j) "Insurance company" means any person transacting the  
5 kinds of business enumerated in Section 4 of the Illinois  
6 Insurance Code other than life insurance.

7 (k) "Economic loss", as used in Sections 2a and 9 of this  
8 Act includes, but is not limited to, delivery charges,  
9 mark-downs and write-offs, carrying costs, restocking charges,  
10 lay-aways, special orders, issuance of credit memos, and the  
11 costs of special services or goods provided that reduce the  
12 property value or that result in lost sales opportunity.

13 (l) "Reportable property" means property, tangible or  
14 intangible, presumed abandoned under this Act that must be  
15 appropriately and timely reported and remitted to the Office  
16 of the State Treasurer under this Act. Interest, dividends,  
17 stock splits, warrants, or other rights that become reportable  
18 property under this Act include the underlying security or  
19 commodity giving rise to the interest, dividend, split,  
20 warrant, or other right to which the owner would be entitled.

21 (m) "Firearm" has the meaning ascribed to that term in  
22 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~  
23 ~~Identification Card Act.~~

24 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99;  
25 91-748, eff. 6-2-00.)

1 Section 120. The Revised Uniform Unclaimed Property Act is  
2 amended by changing Section 15-705 as follows:

3 (765 ILCS 1026/15-705)

4 Sec. 15-705. Exceptions to the sale of tangible property.  
5 The administrator shall dispose of tangible property  
6 identified by this Section in accordance with this Section.

7 (a) Military medals or decorations. The administrator may  
8 not sell a medal or decoration awarded for military service in  
9 the armed forces of the United States. Instead, the  
10 administrator, with the consent of the respective organization  
11 under paragraph (1), agency under paragraph (2), or entity  
12 under paragraph (3), may deliver a medal or decoration to be  
13 held in custody for the owner, to:

14 (1) a military veterans organization qualified under  
15 Section 501(c)(19) of the Internal Revenue Code;

16 (2) the agency that awarded the medal or decoration;  
17 or

18 (3) a governmental entity.

19 After delivery, the administrator is not responsible for  
20 the safekeeping of the medal or decoration.

21 (b) Property with historical value. Property that the  
22 administrator reasonably believes may have historical value  
23 may be, at his or her discretion, loaned to an accredited  
24 museum in the United States where it will be kept until such  
25 time as the administrator orders it to be returned to his or

1 her custody.

2 (c) Human remains. If human remains are delivered to the  
3 administrator under this Act, the administrator shall deliver  
4 those human remains to the coroner of the county in which the  
5 human remains were abandoned for disposition under Section  
6 3-3034 of the Counties Code. The only human remains that may be  
7 delivered to the administrator under this Act and that the  
8 administrator may receive are those that are reported and  
9 delivered as contents of a safe deposit box.

10 (d) Evidence in a criminal investigation. Property that  
11 may have been used in the commission of a crime or that may  
12 assist in the investigation of a crime, as determined after  
13 consulting with the Department of State Police, shall be  
14 delivered to the Department of State Police or other  
15 appropriate law enforcement authority to allow law enforcement  
16 to determine whether a criminal investigation should take  
17 place. Any such property delivered to a law enforcement  
18 authority shall be held in accordance with existing statutes  
19 and rules related to the gathering, retention, and release of  
20 evidence.

21 (e) Firearms.

22 (1) The administrator, in cooperation with the  
23 Department of State Police, shall develop a procedure to  
24 determine whether a firearm delivered to the administrator  
25 under this Act has been stolen or used in the commission of  
26 a crime. The Department of State Police shall determine

1 the appropriate disposition of a firearm that has been  
2 stolen or used in the commission of a crime. The  
3 administrator shall attempt to return a firearm that has  
4 not been stolen or used in the commission of a crime to the  
5 rightful owner if the Department of State Police  
6 determines that the owner may lawfully possess the  
7 firearm.

8 (2) If the administrator is unable to return a firearm  
9 to its owner, the administrator shall transfer custody of  
10 the firearm to the Department of State Police. Legal title  
11 to a firearm transferred to the Department of State Police  
12 under this subsection (e) is vested in the Department of  
13 State Police by operation of law if:

14 (i) the administrator cannot locate the owner of  
15 the firearm;

16 (ii) the owner of the firearm may not lawfully  
17 possess the firearm;

18 (iii) the apparent owner does not respond to  
19 notice published under Section 15-503 of this Act; or

20 (iv) the apparent owner responds to notice  
21 published under Section 15-502 and states that he or  
22 she no longer claims an interest in the firearm.

23 (3) With respect to a firearm whose title is  
24 transferred to the Department of State Police under this  
25 subsection (e), the Department of State Police may:

26 (i) retain the firearm for use by the crime

1 laboratory system, for training purposes, or for any  
2 other application as deemed appropriate by the  
3 Department;

4 (ii) transfer the firearm to the Illinois State  
5 Museum if the firearm has historical value; or

6 (iii) destroy the firearm if it is not retained  
7 pursuant to subparagraph (i) or transferred pursuant  
8 to subparagraph (ii).

9 As used in this subsection, "firearm" has the meaning  
10 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~  
11 ~~Firearm Owners Identification Card Act.~~

12 (Source: P.A. 100-22, eff. 1-1-18.)

13 Section 999. Effective date. This Act takes effect upon  
14 becoming law.

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