

HB4530



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4530

Introduced 1/21/2022, by Rep. Ryan Spain and Mark Luft

SYNOPSIS AS INTRODUCED:

See Index

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

LRB102 21798 RLC 30918 b

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

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

7 Sec. 2. Open meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (9) Student disciplinary cases.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 as mandated by Section 2.06.

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

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

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

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

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

19 (27) (Blank).

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

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

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

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

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

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

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

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

1 Revenue Law of the Civil Administrative Code of Illinois.

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

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

12 (37) Deliberations for decisions of the Illinois Law
13 Enforcement Training Standards Board, the Certification
14 Review Panel, and the Illinois State Police Merit Board
15 regarding certification and decertification.

16 (38) Meetings of the Ad Hoc Statewide Domestic
17 Violence Fatality Review Committee of the Illinois
18 Criminal Justice Information Authority Board that occur in
19 closed executive session under subsection (d) of Section
20 35 of the Domestic Violence Fatality Review Act.

21 (39) Meetings of the regional review teams under
22 subsection (a) of Section 75 of the Domestic Violence
23 Fatality Review Act.

24 (40) ~~(38)~~ Meetings of the Firearm Owner's
25 Identification Card Review Board under Section 10 of the
26 Firearm Owners Identification Card Act before the

1 effective date of this amendatory Act of the 102nd General
2 Assembly.

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

4 "Employee" means a person employed by a public body whose
5 relationship with the public body constitutes an
6 employer-employee relationship under the usual common law
7 rules, and who is not an independent contractor.

8 "Public office" means a position created by or under the
9 Constitution or laws of this State, the occupant of which is
10 charged with the exercise of some portion of the sovereign
11 power of this State. The term "public office" shall include
12 members of the public body, but it shall not include
13 organizational positions filled by members thereof, whether
14 established by law or by a public body itself, that exist to
15 assist the body in the conduct of its business.

16 "Quasi-adjudicative body" means an administrative body
17 charged by law or ordinance with the responsibility to conduct
18 hearings, receive evidence or testimony and make
19 determinations based thereon, but does not include local
20 electoral boards when such bodies are considering petition
21 challenges.

22 (e) Final action. No final action may be taken at a closed
23 meeting. Final action shall be preceded by a public recital of
24 the nature of the matter being considered and other
25 information that will inform the public of the business being
26 conducted.

1 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;
2 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
3 8-20-21; 102-558, eff. 8-20-21; revised 10-6-21.)

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
24 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is
2 restricted under the Illinois Sexually Transmissible
3 Disease Control Act.

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

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

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

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

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

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

25 (k) Law enforcement officer identification information
26 or driver identification information compiled by a law

1 enforcement agency or the Department of Transportation
2 under Section 11-212 of the Illinois Vehicle Code.

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

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

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

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

21 (p) Security portions of system safety program plans,
22 investigation reports, surveys, schedules, lists, data, or
23 information compiled, collected, or prepared by or for the
24 Department of Transportation under Sections 2705-300 and
25 2705-616 of the Department of Transportation Law of the
26 Civil Administrative Code of Illinois, the Regional

1 Transportation Authority under Section 2.11 of the
2 Regional Transportation Authority Act, or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act.

5 (q) Information prohibited from being disclosed by the
6 Personnel Record Review Act.

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

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

11 (t) All identified or deidentified health information
12 in the form of health data or medical records contained
13 in, stored in, submitted to, transferred by, or released
14 from the Illinois Health Information Exchange, and
15 identified or deidentified health information in the form
16 of health data and medical records of the Illinois Health
17 Information Exchange in the possession of the Illinois
18 Health Information Exchange Office due to its
19 administration of the Illinois Health Information
20 Exchange. The terms "identified" and "deidentified" shall
21 be given the same meaning as in the Health Insurance
22 Portability and Accountability Act of 1996, Public Law
23 104-191, or any subsequent amendments thereto, and any
24 regulations promulgated thereunder.

25 (u) Records and information provided to an independent
26 team of experts under the Developmental Disability and

1 Mental Health Safety Act (also known as Brian's Law).

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

13 (v-5) Records of the Firearm Owner's Identification
14 Card Review Board that are exempted from disclosure under
15 Section 10 of the Firearm Owners Identification Card Act
16 before the effective date of this amendatory Act of the
17 102nd General Assembly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Prevention Act.

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

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

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

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

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

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

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

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

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

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

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

3 (bbb) ~~(ccc)~~ Information that is prohibited from
4 disclosure by the Illinois Police Training Act and the
5 Illinois State Police Act.

6 (ccc) ~~(ddd)~~ Records exempt from disclosure under
7 Section 2605-304 of the Illinois ~~Department of~~ State
8 Police Law of the Civil Administrative Code of Illinois.

9 (ddd) ~~(bbb)~~ Information prohibited from being
10 disclosed under Section 35 of the Address Confidentiality
11 for Victims of Domestic Violence, Sexual Assault, Human
12 Trafficking, or Stalking Act.

13 (eee) ~~(ddd)~~ Information prohibited from being
14 disclosed under subsection (b) of Section 75 of the
15 Domestic Violence Fatality Review Act.

16 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
17 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
18 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
19 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
20 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
21 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
22 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
23 102-559, eff. 8-20-21; revised 10-5-21.)

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

1 (5 ILCS 830/10-5)

2 Sec. 10-5. Gun trafficking information.

3 (a) The Illinois State Police shall use all reasonable
4 efforts in making publicly available, on a regular and ongoing
5 basis, key information related to firearms used in the
6 commission of crimes in this State, including, but not limited
7 to: reports on crimes committed with firearms, locations where
8 the crimes occurred, the number of persons killed or injured
9 in the commission of the crimes, the state where the firearms
10 used originated, the Federal Firearms Licensee that sold the
11 firearm, the type of firearms used, annual statistical
12 information concerning ~~Firearm Owner's Identification Card and~~
13 concealed carry license applications, revocations, and
14 compliance with ~~Section 9.5 of the Firearm Owners~~
15 ~~Identification Card Act,~~ firearm restraining order
16 dispositions, and firearm dealer license certification
17 inspections. The Illinois State Police shall make the
18 information available on its website, which may be presented
19 in a dashboard format, in addition to electronically filing a
20 report with the Governor and the General Assembly. The report
21 to the General Assembly shall be filed with the Clerk of the
22 House of Representatives and the Secretary of the Senate in
23 electronic form only, in the manner that the Clerk and the
24 Secretary shall direct.

25 (b) (Blank). ~~The Illinois State Police shall study, on a~~

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

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

1 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
2 revised 10-5-21.)

3 Section 7. The First Responders Suicide Prevention Act is
4 amended by changing Section 40 as follows:

5 (5 ILCS 840/40)

6 (This Section may contain text from a Public Act with a
7 delayed effective date)

8 Sec. 40. Task Force recommendations.

9 (a) Task Force members shall recommend that agencies and
10 organizations guarantee access to mental health and wellness
11 services, including, but not limited to, peer support programs
12 and providing ongoing education related to the ever-evolving
13 concept of mental health wellness. These recommendations could
14 be accomplished by:

15 (1) Revising agencies' and organizations' employee
16 assistance programs (EAPs).

17 (2) Urging health care providers to replace outdated
18 healthcare plans and include more progressive options
19 catering to the needs and disproportionate risks
20 shouldered by our first responders.

21 (3) Allocating funding or resources for public service
22 announcements (PSA) and messaging campaigns aimed at
23 raising awareness of available assistance options.

24 (4) Encouraging agencies and organizations to attach

1 lists of all available resources to training manuals and
2 continuing education requirements.

3 (b) Task Force members shall recommend agencies and
4 organizations sponsor or facilitate first responders with
5 specialized training in the areas of psychological fitness,
6 depressive disorders, early detection, and mitigation best
7 practices. Such trainings could be accomplished by:

8 (1) Assigning, appointing, or designating one member
9 of an agency or organization to attend specialized
10 training(s) sponsored by an accredited agency,
11 association, or organization recognized in their fields of
12 study.

13 (2) Seeking sponsorships or conducting fund-raisers,
14 to host annual or semiannual on-site visits from qualified
15 clinicians or physicians to provide early detection
16 training techniques, or to provide regular access to
17 mental health professionals.

18 (3) Requiring a minimum number of hours of disorders
19 and wellness training be incorporated into reoccurring,
20 annual or biannual training standards, examinations, and
21 curriculums, taking into close consideration respective
22 agency or organization size, frequency and number of all
23 current federal and state mandatory examinations and
24 trainings expected respectively.

25 (4) Not underestimating the crucial importance of a
26 balanced diet, sleep, mindfulness-based stress reduction

1 techniques, moderate and vigorous intensity activities,
2 and recreational hobbies, which have been scientifically
3 proven to play a major role in brain health and mental
4 wellness.

5 (c) Task Force members shall recommend that administrators
6 and leadership personnel solicit training services from
7 evidence-based, data driven organizations. Organizations with
8 personnel trained on the analytical review and interpretation
9 of specific fields related to the nature of first responders'
10 exploits, such as PTSD, substance abuse, chronic state of
11 duress. Task Force members shall further recommend funding for
12 expansion and messaging campaigns of preliminary
13 self-diagnosing technologies like the one described above.
14 These objectives could be met by:

15 (1) Contacting an accredited agency, association, or
16 organization recognized in the field or fields of specific
17 study. Unbeknownst to the majority, many of the agencies
18 and organizations listed above receive grants and
19 allocations to assist communities with the very issues
20 being discussed in this Section.

21 (2) Normalizing help-seeking behaviors for both first
22 responders and their families through regular messaging
23 and peer support outreach, beginning with academy
24 curricula and continuing education throughout individuals'
25 careers.

26 (3) Funding and implementing PSA campaigns that

1 provide clear and concise calls to action about mental
2 health and wellness, resiliency, help-seeking, treatment
3 and recovery.

4 (4) Promoting and raising awareness of non-for-profit
5 organizations currently available to assist individuals in
6 search of care and treatment. Organizations have intuitive
7 user-friendly sites, most of which have mobile
8 applications, so first responders can access at a moment's
9 notice. However, because of limited funds, these
10 organizations have a challenging time of getting the word
11 out there about their existence.

12 (5) Expanding Family and Medical Leave Act protections
13 for individuals voluntarily seeking preventative
14 treatment.

15 (6) Promoting and ensuring complete patient
16 confidentiality protections.

17 (d) Task Force members shall recommend that agencies and
18 organizations incorporate the following training components
19 into already existing modules and educational curriculums.
20 Doing so could be done by:

21 (1) Bolstering academy and school curricula by
22 requiring depressive disorder training catered to PTSD,
23 substance abuse, and early detection techniques training,
24 taking into close consideration respective agency or
25 organization size, and the frequency and number of all
26 current federal and state mandatory examinations and

1 trainings expected respectively.

2 (2) Continuing to allocate or match federal and state
3 funds to maintain Mobil Training Units (MTUs).

4 (3) Incorporating a state certificate for peer support
5 training into already existing statewide curriculums and
6 mandatory examinations, annual State Fire Marshal
7 examinations, and physical fitness examinations. The
8 subject matter of the certificate should have an emphasis
9 on mental health and wellness, as well as familiarization
10 with topics ranging from clinical social work, clinical
11 psychology, clinical behaviorist, and clinical psychiatry.

12 (4) Incorporating and performing statewide mental
13 health check-ins during the same times as already mandated
14 trainings. These checks are not to be compared or used as
15 measures of fitness for duty evaluations or structured
16 psychological examinations.

17 (5) Recommending comprehensive and evidence-based
18 training on the importance of preventative measures on the
19 topics of sleep, nutrition, mindfulness, and physical
20 movement.

21 (6) (Blank). ~~Law enforcement agencies should provide~~
22 ~~training on the Firearm Owner's Identification Card Act,~~
23 ~~including seeking relief from the Illinois State Police~~
24 ~~under Section 10 of the Firearm Owners Identification Card~~
25 ~~Act and a FOID card being a continued condition of~~
26 ~~employment under Section 7.2 of the Uniform Peace~~

1 ~~Officers' Disciplinary Act.~~

2 (Source: P.A. 102-352, eff. 6-1-22.)

3 Section 10. The Illinois State Police Law of the Civil
4 Administrative Code of Illinois is amended by changing
5 Sections 2605-10, 2605-45, 2605-200, and 2605-595 as follows:

6 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

7 Sec. 2605-10. Powers and duties, generally.

8 (a) The Illinois State Police shall exercise the rights,
9 powers, and duties that have been vested in the Illinois State
10 Police by the following:

11 The Illinois State Police Act.

12 The Illinois State Police Radio Act.

13 The Criminal Identification Act.

14 The Illinois Vehicle Code.

15 ~~The Firearm Owners Identification Card Act.~~

16 The Firearm Concealed Carry Act.

17 The Gun Dealer Licensing Act.

18 The Intergovernmental Missing Child Recovery Act of 1984.

19 The Intergovernmental Drug Laws Enforcement Act.

20 The Narcotic Control Division Abolition Act.

21 (b) The Illinois State Police shall have the powers and
22 duties set forth in the following Sections.

23 (Source: P.A. 102-538, eff. 8-20-21.)

1 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)
2 Sec. 2605-45. Division of Justice Services. The Division
3 of Justice Services shall exercise the following functions:

4 (1) Operate and maintain the Law Enforcement Agencies
5 Data System (LEADS), a statewide, computerized
6 telecommunications system designed to provide services,
7 information, and capabilities to the law enforcement and
8 criminal justice community in the State of Illinois. The
9 Director is responsible for establishing policy,
10 procedures, and regulations consistent with State and
11 federal rules, policies, and law by which LEADS operates.
12 The Director shall designate a statewide LEADS
13 Administrator for management of the system. The Director
14 may appoint a LEADS Advisory Policy Board to reflect the
15 needs and desires of the law enforcement and criminal
16 justice community and to make recommendations concerning
17 policies and procedures.

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

20 (3) Serve as the State's point of contact for the
21 Federal Bureau of Investigation's Uniform Crime Reporting
22 Program and National Incident-Based Reporting System.

23 (4) Operate an electronic data processing and computer
24 center for the storage and retrieval of data pertaining to
25 criminal activity.

26 (5) Exercise the rights, powers, and duties vested in

1 the Illinois State Police by the Cannabis Regulation and
2 Tax Act and the Compassionate Use of Medical Cannabis
3 Program Act.

4 (6) (Blank).

5 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~
6 ~~vested in the Illinois State Police by the Firearm Owners~~
7 ~~Identification Card Act, the Firearm Concealed Carry Act,~~
8 ~~and the Firearm Dealer License Certification Act.~~

9 (7) Exercise other duties that may be assigned by the
10 Director to fulfill the responsibilities and achieve the
11 purposes of the Illinois State Police.

12 (8) Exercise the rights, powers, and duties vested by
13 law in the Illinois State Police by the Criminal
14 Identification Act.

15 (9) Exercise the powers and perform the duties that
16 have been vested in the Illinois State Police by the Sex
17 Offender Registration Act and the Sex Offender Community
18 Notification Law and adopt reasonable rules necessitated
19 thereby.

20 (Source: P.A. 101-378, eff. 1-1-20; 102-538, eff. 8-20-21.)

21 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)

22 Sec. 2605-200. Investigations of crime; enforcement of
23 laws; records; crime laboratories; personnel.

24 (a) To do the following:

25 (1) Investigate the origins, activities, personnel,

1 and incidents of crime and the ways and means to redress
2 the victims of crimes; study the impact, if any, of
3 legislation relative to the effusion of crime and growing
4 crime rates; and enforce the criminal laws of this State
5 related thereto.

6 (2) Enforce all laws regulating the production, sale,
7 prescribing, manufacturing, administering, transporting,
8 having in possession, dispensing, delivering,
9 distributing, or use of controlled substances and
10 cannabis.

11 (3) Employ skilled experts, scientists, technicians,
12 investigators, or otherwise specially qualified persons to
13 aid in preventing or detecting crime, apprehending
14 criminals, or preparing and presenting evidence of
15 violations of the criminal laws of the State.

16 (4) Cooperate with the police of cities, villages, and
17 incorporated towns and with the police officers of any
18 county in enforcing the laws of the State and in making
19 arrests and recovering property.

20 (5) Apprehend and deliver up any person charged in
21 this State or any other state of the United States with
22 treason or a felony or other crime who has fled from
23 justice and is found in this State.

24 (6) Conduct other investigations as provided by law.

25 (7) Be a central repository and custodian of criminal
26 statistics for the State.

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

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

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

8 (11) Establish general and field crime laboratories.

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

14 (13) Employ laboratory technicians and other specially
15 qualified persons to aid in the identification of criminal
16 activity and the identification, collection, and recovery
17 of cyber forensics, including but not limited to digital
18 evidence, and may employ polygraph operators.

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

22 (b) Persons exercising the powers set forth in subsection
23 (a) within the Illinois State Police are conservators of the
24 peace and as such have all the powers possessed by policemen in
25 cities and sheriffs, except that they may exercise those
26 powers anywhere in the State in cooperation with and after

1 contact with the local law enforcement officials. Those
2 persons may use false or fictitious names in the performance
3 of their duties under this Section, upon approval of the
4 Director, and shall not be subject to prosecution under the
5 criminal laws for that use.

6 (Source: P.A. 102-538, eff. 8-20-21.)

7 (20 ILCS 2605/2605-595)

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

9 (a) There is created in the State treasury a special fund
10 known as the State Police Firearm Services Fund. The Fund
11 shall receive revenue under the Firearm Concealed Carry Act
12 and ~~7~~ the Firearm Dealer License Certification Act, ~~and~~
13 ~~Section 5 of the Firearm Owners Identification Card Act.~~ The
14 Fund may also receive revenue from grants, pass-through
15 grants, donations, appropriations, and any other legal source.

16 (a-5) Notwithstanding any other provision of law to the
17 contrary, and in addition to any other transfers that may be
18 provided by law, on the effective date of this amendatory Act
19 of the 102nd General Assembly, or as soon thereafter as
20 practical, the State Comptroller shall direct and the State
21 Treasurer shall transfer the remaining balance from the
22 Firearm Dealer License Certification Fund into the State
23 Police Firearm Services Fund. Upon completion of the transfer,
24 the Firearm Dealer License Certification Fund is dissolved,
25 and any future deposits due to that Fund and any outstanding

1 obligations or liabilities of that Fund shall pass to the
2 State Police Firearm Services Fund.

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

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

22 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21.)

23 (20 ILCS 2605/2605-120 rep.)

24 (20 ILCS 2605/2605-304 rep.)

25 Section 15. The Department of State Police Law of the

1 Civil Administrative Code of Illinois is amended by repealing
2 Sections 2605-120 and 2605-304.

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

5 (20 ILCS 2630/2.2)

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

1 Illinois State Police.

2 (Source: P.A. 102-538, eff. 8-20-21.)

3 Section 21. The Illinois Criminal Justice Information Act
4 is amended by changing Section 7.9 as follows:

5 (20 ILCS 3930/7.9)

6 (This Section may contain text from a Public Act with a
7 delayed effective date)

8 (Section scheduled to be repealed on July 1, 2027)

9 Sec. 7.9. Firearm Prohibitors and Records Improvement Task
10 Force.

11 (a) As used in this Section, "firearms prohibitor" means
12 any factor listed in ~~Section 4 of the Firearm Owners~~
13 ~~Identification Card Act or~~ Section 24-3 or 24-3.1 of the
14 Criminal Code of 2012 that prohibits a person from
15 transferring or possessing a firearm, firearm ammunition,
16 ~~Firearm Owner's Identification Card,~~ or concealed carry
17 license.

18 (b) The Firearm Prohibitors and Records Improvement Task
19 Force is created to identify and research all available
20 grants, resources, and revenue that may be applied for and
21 used by all entities responsible for reporting federal and
22 State firearm prohibitors to the Illinois State Police and the
23 National Instant Criminal Background Check System. These ~~Under~~
24 ~~the Firearm Owners Identification Card Act,~~ these reporting

1 entities include, but are not limited to, hospitals, courts,
2 law enforcement and corrections. The Task Force shall identify
3 weaknesses in reporting and recommend a strategy to direct
4 resources and revenue to ensuring reporting is reliable,
5 accurate, and timely. The Task Force shall inventory all
6 statutorily mandated firearm and gun violence related data
7 collection and reporting requirements, along with the agency
8 responsible for collecting that data, and identify gaps in
9 those requirements. The Task Force shall submit a coordinated
10 application with and through the Illinois Criminal Justice
11 Information Authority for federal funds from the National
12 Criminal History Improvement Program and the NICS Acts Record
13 Improvement Program. The Firearm Prohibitors and Records
14 Improvement Task Force shall be comprised of the following
15 members, all of whom shall serve without compensation:

16 (1) the Executive Director of the Illinois Criminal
17 Justice Information Authority, who shall serve as Chair;

18 (2) the Director of the Illinois State Police, or his
19 or her designee;

20 (3) the Secretary of Human Services, or his or her
21 designee;

22 (4) the Director of Corrections, or his or her
23 designee;

24 (5) the Attorney General, or his or her designee;

25 (6) the Director of the Administrative Office of the
26 Illinois Courts, or his or her designee;

1 (7) a representative of an association representing
2 circuit clerks appointed by the President of the Senate;

3 (8) a representative of an association representing
4 sheriffs appointed by the House Minority Leader;

5 (9) a representative of an association representing
6 State's Attorneys appointed by the House Minority Leader;

7 (10) a representative of an association representing
8 chiefs of police appointed by the Senate Minority Leader;

9 (11) a representative of an association representing
10 hospitals appointed by the Speaker of the House of
11 Representatives;

12 (12) a representative of an association representing
13 counties appointed by the President of the Senate; and

14 (13) a representative of an association representing
15 municipalities appointed by the Speaker of the House of
16 Representatives.

17 (c) The Illinois Criminal Justice Information Authority
18 shall provide administrative and other support to the Task
19 Force. The Illinois State Police Division of Justice Services
20 shall also provide support to the Illinois Criminal Justice
21 Information Authority and the Task Force.

22 (d) The Task Force may meet in person or virtually and
23 shall issue a written report of its findings and
24 recommendations to General Assembly on or before July 1, 2022.
25 The Task Force shall issue an annual report, which shall
26 include information on the state of FOID data, including a

1 review of previous activity by the Task Force to close
2 previously identified gaps; identifying known (or new) gaps; a
3 proposal of policy and practice recommendations to close those
4 gaps; and a preview of expected activities of the Task Force
5 for the coming year.

6 (e) Within 60 days of the effective date of this
7 amendatory Act of the 102nd General Assembly, the Chair shall
8 establish the Task Force.

9 (f) This Section is repealed on July 1, 2027.

10 (Source: P.A. 102-237, eff. 1-1-22.)

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

13 (30 ILCS 105/6z-99)

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

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

20 (b) The Illinois State Police and Department of Human
21 Services shall coordinate to use moneys in the Fund to finance
22 their respective duties of collecting and reporting data on
23 mental health records and ensuring that mental health firearm
24 possession prohibitors are enforced as set forth under the

1 Firearm Concealed Carry Act ~~and the Firearm Owners~~
2 ~~Identification Card Act~~. Any surplus in the Fund beyond what
3 is necessary to ensure compliance with mental health reporting
4 under that Act ~~these Acts~~ shall be used by the Department of
5 Human Services for mental health treatment programs as
6 follows: (1) 50% shall be used to fund community-based mental
7 health programs aimed at reducing gun violence, community
8 integration and education, or mental health awareness and
9 prevention, including administrative costs; and (2) 50% shall
10 be used to award grants that use and promote the National
11 School Mental Health Curriculum model for school-based mental
12 health support, integration, and services.

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

16 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
17 revised 10-26-21.)

18 Section 26. The Intergovernmental Drug Laws Enforcement
19 Act is amended by changing Section 3 as follows:

20 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

21 Sec. 3. A Metropolitan Enforcement Group which meets the
22 minimum criteria established in this Section is eligible to
23 receive State grants to help defray the costs of operation. To
24 be eligible a MEG must:

1 (1) Be established and operating pursuant to
2 intergovernmental contracts written and executed in
3 conformity with the Intergovernmental Cooperation Act, and
4 involve 2 or more units of local government.

5 (2) Establish a MEG Policy Board composed of an
6 elected official, or his designee, and the chief law
7 enforcement officer, or his designee, from each
8 participating unit of local government to oversee the
9 operations of the MEG and make such reports to the
10 Illinois State Police as the Illinois State Police may
11 require.

12 (3) Designate a single appropriate elected official of
13 a participating unit of local government to act as the
14 financial officer of the MEG for all participating units
15 of local government and to receive funds for the operation
16 of the MEG.

17 (4) Limit its operations to enforcement of drug laws;
18 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,
19 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3,
20 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8,
21 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 of the Criminal Code
22 of 2012; ~~Sections 2, 3, 6.1, 14 of the Firearm Owners~~
23 ~~Identification Card Act;~~ and the investigation of
24 streetgang related offenses.

25 (5) Cooperate with the Illinois State Police in order
26 to assure compliance with this Act and to enable the

1 Illinois State Police to fulfill its duties under this
2 Act, and supply the Illinois State Police with all
3 information the Illinois State Police deems necessary
4 therefor.

5 (6) Receive funding of at least 50% of the total
6 operating budget of the MEG from the participating units
7 of local government.

8 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
9 revised 10-6-21.)

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

12 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

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

22 (a-5) "Probation officer" means a county probation officer
23 authorized by the Chief Judge of the Circuit Court to carry a
24 firearm as part of his or her duties under Section 12 of the

1 Probation and Probation Officers Act and Section 24-2 of the
2 Criminal Code of 2012.

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

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

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

12 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

13 (Text of Section before amendment by P.A. 102-466)

14 Sec. 10-22.6. Suspension or expulsion of pupils; school
15 searches.

16 (a) To expel pupils guilty of gross disobedience or
17 misconduct, including gross disobedience or misconduct
18 perpetuated by electronic means, pursuant to subsection (b-20)
19 of this Section, and no action shall lie against them for such
20 expulsion. Expulsion shall take place only after the parents
21 have been requested to appear at a meeting of the board, or
22 with a hearing officer appointed by it, to discuss their
23 child's behavior. Such request shall be made by registered or
24 certified mail and shall state the time, place and purpose of

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

18 (b) To suspend or by policy to authorize the
19 superintendent of the district or the principal, assistant
20 principal, or dean of students of any school to suspend pupils
21 guilty of gross disobedience or misconduct, or to suspend
22 pupils guilty of gross disobedience or misconduct on the
23 school bus from riding the school bus, pursuant to subsections
24 (b-15) and (b-20) of this Section, and no action shall lie
25 against them for such suspension. The board may by policy
26 authorize the superintendent of the district or the principal,

1 assistant principal, or dean of students of any school to
2 suspend pupils guilty of such acts for a period not to exceed
3 10 school days. If a pupil is suspended due to gross
4 disobedience or misconduct on a school bus, the board may
5 suspend the pupil in excess of 10 school days for safety
6 reasons.

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

1 specific duration of the suspension. A pupil who is suspended
2 in excess of 20 school days may be immediately transferred to
3 an alternative program in the manner provided in Article 13A
4 or 13B of this Code. A pupil must not be denied transfer
5 because of the suspension, except in cases in which such
6 transfer is deemed to cause a threat to the safety of students
7 or staff in the alternative program.

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

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

23 (b-15) Out-of-school suspensions of 3 days or less may be
24 used only if the student's continuing presence in school would
25 pose a threat to school safety or a disruption to other
26 students' learning opportunities. For purposes of this

1 subsection (b-15), "threat to school safety or a disruption to
2 other students' learning opportunities" shall be determined on
3 a case-by-case basis by the school board or its designee.
4 School officials shall make all reasonable efforts to resolve
5 such threats, address such disruptions, and minimize the
6 length of suspensions to the greatest extent practicable.

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

1 suspension decision described in subsection (b) of this
2 Section or the expulsion decision described in subsection (a)
3 of this Section, it shall be documented whether other
4 interventions were attempted or whether it was determined that
5 there were no other appropriate and available interventions.

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

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

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

20 (b-30) A school district shall create a policy by which
21 suspended pupils, including those pupils suspended from the
22 school bus who do not have alternate transportation to school,
23 shall have the opportunity to make up work for equivalent
24 academic credit. It shall be the responsibility of a pupil's
25 parent or guardian to notify school officials that a pupil
26 suspended from the school bus does not have alternate

1 transportation to school.

2 (c) A school board must invite a representative from a
3 local mental health agency to consult with the board at the
4 meeting whenever there is evidence that mental illness may be
5 the cause of a student's expulsion or suspension.

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

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

23 (1) A firearm. For the purposes of this Section,
24 "firearm" means any gun, rifle, shotgun, weapon as defined
25 by Section 921 of Title 18 of the United States Code,
26 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~

1 ~~Owners Identification Card Act, or firearm as defined in~~
2 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion
3 period under this subdivision (1) may be modified by the
4 superintendent, and the superintendent's determination may
5 be modified by the board on a case-by-case basis.

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

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

20 (d-5) The board may suspend or by regulation authorize the
21 superintendent of the district or the principal, assistant
22 principal, or dean of students of any school to suspend a
23 student for a period not to exceed 10 school days or may expel
24 a student for a definite period of time not to exceed 2
25 calendar years, as determined on a case-by-case basis, if (i)
26 that student has been determined to have made an explicit

1 threat on an Internet website against a school employee, a
2 student, or any school-related personnel, (ii) the Internet
3 website through which the threat was made is a site that was
4 accessible within the school at the time the threat was made or
5 was available to third parties who worked or studied within
6 the school grounds at the time the threat was made, and (iii)
7 the threat could be reasonably interpreted as threatening to
8 the safety and security of the threatened individual because
9 of his or her duties or employment status or status as a
10 student inside the school.

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

1 If a search conducted in accordance with this Section produces
2 evidence that the student has violated or is violating either
3 the law, local ordinance, or the school's policies or rules,
4 such evidence may be seized by school authorities, and
5 disciplinary action may be taken. School authorities may also
6 turn over such evidence to law enforcement authorities.

7 (f) Suspension or expulsion may include suspension or
8 expulsion from school and all school activities and a
9 prohibition from being present on school grounds.

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

19 (h) School officials shall not advise or encourage
20 students to drop out voluntarily due to behavioral or academic
21 difficulties.

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

26 (j) Subsections (a) through (i) of this Section shall

1 apply to elementary and secondary schools, charter schools,
2 special charter districts, and school districts organized
3 under Article 34 of this Code.

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

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

16 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21.)

17 (Text of Section after amendment by P.A. 102-466)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (b-35) In all suspension review hearings conducted under
6 subsection (b) or expulsion hearings conducted under
7 subsection (a), a student may disclose any factor to be
8 considered in mitigation, including his or her status as a
9 parent, expectant parent, or victim of domestic or sexual
10 violence, as defined in Article 26A. A representative of the
11 parent's or guardian's choice, or of the student's choice if
12 emancipated, must be permitted to represent the student
13 throughout the proceedings and to address the school board or
14 its appointed hearing officer. With the approval of the
15 student's parent or guardian, or of the student if
16 emancipated, a support person must be permitted to accompany
17 the student to any disciplinary hearings or proceedings. The
18 representative or support person must comply with any rules of
19 the school district's hearing process. If the representative
20 or support person violates the rules or engages in behavior or
21 advocacy that harasses, abuses, or intimidates either party, a
22 witness, or anyone else in attendance at the hearing, the
23 representative or support person may be prohibited from
24 further participation in the hearing or proceeding. A
25 suspension or expulsion proceeding under this subsection
26 (b-35) must be conducted independently from any ongoing

1 criminal investigation or proceeding, and an absence of
2 pending or possible criminal charges, criminal investigations,
3 or proceedings may not be a factor in school disciplinary
4 decisions.

5 (b-40) During a suspension review hearing conducted under
6 subsection (b) or an expulsion hearing conducted under
7 subsection (a) that involves allegations of sexual violence by
8 the student who is subject to discipline, neither the student
9 nor his or her representative shall directly question nor have
10 direct contact with the alleged victim. The student who is
11 subject to discipline or his or her representative may, at the
12 discretion and direction of the school board or its appointed
13 hearing officer, suggest questions to be posed by the school
14 board or its appointed hearing officer to the alleged victim.

15 (c) A school board must invite a representative from a
16 local mental health agency to consult with the board at the
17 meeting whenever there is evidence that mental illness may be
18 the cause of a student's expulsion or suspension.

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

1 developmentally appropriate disciplinary methods that promote
2 positive and healthy school climates.

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

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

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

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

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

24 (e) To maintain order and security in the schools, school
25 authorities may inspect and search places and areas such as
26 lockers, desks, parking lots, and other school property and

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

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

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

1 expulsion in an alternative school program under Article 13A
2 of this Code or an alternative learning opportunities program
3 under Article 13B of this Code before being admitted into the
4 school district if there is no threat to the safety of students
5 or staff in the alternative program. A school district that
6 adopts a policy under this subsection (g) must include a
7 provision allowing for consideration of any mitigating
8 factors, including, but not limited to, a student's status as
9 a parent, expectant parent, or victim of domestic or sexual
10 violence, as defined in Article 26A.

11 (h) School officials shall not advise or encourage
12 students to drop out voluntarily due to behavioral or academic
13 difficulties.

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

18 (j) Subsections (a) through (i) of this Section shall
19 apply to elementary and secondary schools, charter schools,
20 special charter districts, and school districts organized
21 under Article 34 of this Code.

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

26 (l) Beginning with the 2018-2019 school year, an in-school

1 suspension program provided by a school district for any
2 students in kindergarten through grade 12 may focus on
3 promoting non-violent conflict resolution and positive
4 interaction with other students and school personnel. A school
5 district may employ a school social worker or a licensed
6 mental health professional to oversee an in-school suspension
7 program in kindergarten through grade 12.

8 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
9 102-539, eff. 8-20-21; revised 9-23-21.)

10 (105 ILCS 5/10-27.1A)

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

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

1 that the person in possession of the firearm is a law
2 enforcement official engaged in the conduct of his or her
3 official duties. Any school official acting in good faith who
4 makes such a report under this Section shall have immunity
5 from any civil or criminal liability that might otherwise be
6 incurred as a result of making the report. The identity of the
7 school official making such report shall not be disclosed
8 except as expressly and specifically authorized by law.
9 Knowingly and willfully failing to comply with this Section is
10 a petty offense. A second or subsequent offense is a Class C
11 misdemeanor.

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

1 until such time as the agency makes a determination pursuant
2 to clause (a) of subsection (1) of Section 5-401 of the
3 Juvenile Court Act of 1987, as to whether the agency
4 reasonably believes that the minor is delinquent. If the law
5 enforcement agency determines that probable cause exists to
6 believe that the minor committed a violation of item (4) of
7 subsection (a) of Section 24-1 of the Criminal Code of 2012
8 while on school grounds, the agency shall detain the minor for
9 processing pursuant to Section 5-407 of the Juvenile Court Act
10 of 1987.

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

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

1 public.

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

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

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

14 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
15 revised 10-6-21.)

16 (105 ILCS 5/34-8.05)

17 Sec. 34-8.05. Reporting firearms in schools. On or after
18 January 1, 1997, upon receipt of any written, electronic, or
19 verbal report from any school personnel regarding a verified
20 incident involving a firearm in a school or on school owned or
21 leased property, including any conveyance owned, leased, or
22 used by the school for the transport of students or school
23 personnel, the general superintendent or his or her designee
24 shall report all such firearm-related incidents occurring in a
25 school or on school property to the local law enforcement

1 authorities no later than 24 hours after the occurrence of the
2 incident and to the Illinois State Police in a form, manner,
3 and frequency as prescribed by the Illinois State Police.

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

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 Section 40. The Illinois Explosives Act is amended by
13 changing Section 2005 as follows:

14 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

15 Sec. 2005. Qualifications for licensure.

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

17 (1) is under 21 years of age;

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

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

22 (4) is a fugitive from justice;

23 (5) is an unlawful user of or addicted to any
24 controlled substance as defined in Section 102 of the

1 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
2 seq.);

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

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

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

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

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

18 (225 ILCS 447/35-30)

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

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

1 employees under the following provisions:

2 (a) No person shall be issued a permanent employee
3 registration card who:

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

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

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

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

1 25-10, item (7) of subsection (a) of Section 30-10,
2 subsection (b) of Section 30-10, or Section 10-40.

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

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

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

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

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

21 (3) That the person has not had a license or employee
22 registration denied, revoked, or suspended under this Act
23 (i) within one year before the date the person's
24 application for permanent employee registration card is
25 received by the Department; and (ii) that refusal, denial,
26 suspension, or revocation was based on any provision of

1 this Act other than Section 40-50, item (6) or (8) of
2 subsection (a) of Section 15-10, subsection (b) of Section
3 15-10, item (6) or (8) of subsection (a) of Section 20-10,
4 subsection (b) of Section 20-10, item (6) or (8) of
5 subsection (a) of Section 25-10, subsection (b) of Section
6 25-10, item (7) of subsection (a) of Section 30-10,
7 subsection (b) of Section 30-10, or Section 10-40.

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

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

11 (6) Any dishonorable discharge from the armed services
12 of the United States.

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

17 (c) Each applicant for a permanent employee registration
18 card shall have his or her fingerprints submitted to the
19 Illinois State Police in an electronic format that complies
20 with the form and manner for requesting and furnishing
21 criminal history record information as prescribed by the
22 Illinois State Police. These fingerprints shall be checked
23 against the Illinois State Police and Federal Bureau of
24 Investigation criminal history record databases now and
25 hereafter filed. The Illinois State Police shall charge
26 applicants a fee for conducting the criminal history records

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

20 (d) The Department shall issue a permanent employee
21 registration card, in a form the Department prescribes, to all
22 qualified applicants. The holder of a permanent employee
23 registration card shall carry the card at all times while
24 actually engaged in the performance of the duties of his or her
25 employment. Expiration and requirements for renewal of
26 permanent employee registration cards shall be established by

1 rule of the Department. Possession of a permanent employee
2 registration card does not in any way imply that the holder of
3 the card is employed by an agency unless the permanent
4 employee registration card is accompanied by the employee
5 identification card required by subsection (f) of this
6 Section.

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

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

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

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

21 (4) In the case of former employees, the employee
22 identification card of that person issued under subsection
23 (f) of this Section. Each employee record shall duly note
24 if the employee is employed in an armed capacity. Armed
25 employee files shall contain ~~a copy of an active firearm~~
26 ~~owner's identification card~~ and a copy of an active

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

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

23 The Department may, by rule, prescribe further record
24 requirements.

25 (f) Every employer shall furnish an employee
26 identification card to each of his or her employees. This

1 employee identification card shall contain a recent photograph
2 of the employee, the employee's name, the name and agency
3 license number of the employer, the employee's personal
4 description, the signature of the employer, the signature of
5 that employee, the date of issuance, and an employee
6 identification card number.

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

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

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

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

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

26 (1) The agency completes in its entirety and submits

1 to the Department an application for a permanent employee
2 registration card, including the required fingerprint
3 receipt and fees.

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

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

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

21 An agency may employ only a permanent employee applicant
22 for which it either submitted a permanent employee application
23 and all required forms and fees or it confirms with the
24 Department that a permanent employee application and all
25 required forms and fees have been submitted by another agency,
26 licensee or the permanent employee and all other requirements

1 of this Section are met.

2 The Department shall have the authority to revoke, without
3 a hearing, the temporary authority of an individual to work
4 upon receipt of Federal Bureau of Investigation fingerprint
5 data or a report of another official authority indicating a
6 criminal conviction. If the Department has not received a
7 temporary employee's Federal Bureau of Investigation
8 fingerprint data within 120 days of the date the Department
9 received the Illinois State Police fingerprint data, the
10 Department may, at its discretion, revoke the employee's
11 temporary authority to work with 15 days written notice to the
12 individual and the employing agency.

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

26 (1) No person may be employed under this Section in any

1 capacity if:

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

6 (2) the person wears any portion of his or her
7 official uniform, emblem of authority, or equipment while
8 so employed.

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

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

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

1 that which pertains to employee files, scheduling, client
2 contracts, or technical security and alarm data.

3 (p) An applicant who is 21 years of age or older seeking a
4 religious exemption to the photograph requirement of this
5 Section shall furnish with the application an approved copy of
6 United States Department of the Treasury Internal Revenue
7 Service Form 4029. Regardless of age, an applicant seeking a
8 religious exemption to this photograph requirement shall
9 submit fingerprints in a form and manner prescribed by the
10 Department with his or her application in lieu of a
11 photograph.

12 (Source: P.A. 102-538, eff. 8-20-21.)

13 (225 ILCS 447/35-35)

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

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

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

21 (b) No employer shall employ any person to perform the
22 duties for which licensure or employee registration is
23 required and allow that person to carry a firearm unless that
24 person has complied with all the firearm training requirements
25 of this Section and has been issued a firearm control card.

1 This Act permits only the following to carry firearms while
2 actually engaged in the performance of their duties or while
3 commuting directly to or from their places of employment:
4 persons licensed as private detectives and their registered
5 employees; persons licensed as private security contractors
6 and their registered employees; persons licensed as private
7 alarm contractors and their registered employees; and
8 employees of a registered armed proprietary security force.

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

15 (d) The Department shall issue a firearm control card to a
16 person who has passed an approved firearm training course, who
17 is currently licensed or employed by an agency licensed by
18 this Act and has met all the requirements of this Act, and who
19 is not prohibited under State or federal law from possessing a
20 firearm ~~possesses a valid firearm owner identification card.~~
21 Application for the firearm control card shall be made by the
22 employer to the Department on forms provided by the
23 Department. The Department shall forward the card to the
24 employer who shall be responsible for its issuance to the
25 licensee or employee. The firearm control card shall be issued
26 by the Department and shall identify the person holding it and

1 the name of the course where the licensee or employee received
2 firearm instruction and shall specify the type of weapon or
3 weapons the person is authorized by the Department to carry
4 and for which the person has been trained.

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

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

22 (g) Notwithstanding any other provision of this Act to the
23 contrary, all requirements relating to firearms control cards
24 do not apply to a peace officer. If an individual ceases to be
25 employed as a peace officer and continues to perform services
26 in an armed capacity under this Act that are licensed

1 activities, then the individual is required to obtain a
2 permanent employee registration card pursuant to Section 35-30
3 of this Act ~~and must possess a valid Firearm Owner's~~
4 ~~Identification Card~~, but is not required to obtain a firearm
5 control card if the individual is otherwise in continuing
6 compliance with the federal Law Enforcement Officers Safety
7 Act of 2004. If an individual elects to carry a firearm
8 pursuant to the federal Law Enforcement Officers Safety Act of
9 2004, then the agency employing the officer is required to
10 submit a notice of that election to the Department along with a
11 fee specified by rule.

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

26 (i) The Department shall not issue a firearm control card

1 to a licensed fingerprint vendor or a licensed locksmith or
2 employees of a licensed fingerprint vendor agency or a
3 licensed locksmith agency.

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

5 Section 50. The Mental Health and Developmental
6 Disabilities Code is amended by changing Sections 6-103.1,
7 6-103.2, and 6-103.3 as follows:

8 (405 ILCS 5/6-103.1)

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

1 authority that the person, as a result of marked subnormal
2 intelligence, or mental illness, mental impairment,
3 incompetency, condition, or disease:

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

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

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

11 (3.5) is guilty but mentally ill, as provided in
12 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

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

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

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

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

1 an inpatient basis as defined in Section 1-119 of the
2 Mental Health and Developmental Disabilities Code;

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

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

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

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 (405 ILCS 5/6-103.2)

13 Sec. 6-103.2. Developmental disability; notice. If a
14 person 14 years old or older is determined to be a person with
15 a developmental disability by a physician, clinical
16 psychologist, or qualified examiner, the physician, clinical
17 psychologist, or qualified examiner shall notify the
18 Department of Human Services within 7 days of making the
19 determination that the person has a developmental disability.
20 The Department of Human Services shall immediately update its
21 records and information relating to mental health and
22 developmental disabilities, and if appropriate, shall notify
23 the Illinois State Police in a form and manner prescribed by
24 the Illinois State Police. Information disclosed under this
25 Section shall remain privileged and confidential, and shall

1 not be redisclosed, except as required under paragraph (2) of
2 subsection (e) of Section 24-4.5 of the Criminal Code of 2012
3 ~~subsection (c) of Section 3.1 of the Firearm Owners~~
4 ~~Identification Card Act~~, nor used for any other purpose. The
5 method of providing this information shall guarantee that the
6 information is not released beyond that which is necessary for
7 the purpose of this Section and shall be provided by rule by
8 the Department of Human Services. The identity of the person
9 reporting under this Section shall not be disclosed to the
10 subject of the report.

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

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

19 In ~~For purposes of~~ this Section, "developmental
20 disability" means a disability which is attributable to any
21 other condition which results in impairment similar to that
22 caused by an intellectual disability and which requires
23 services similar to those required by intellectually disabled
24 persons. The disability must originate before the age of 18
25 years, be expected to continue indefinitely, and constitute a
26 substantial disability. This disability results, in the

1 professional opinion of a physician, clinical psychologist, or
2 qualified examiner, in significant functional limitations in 3
3 or more of the following areas of major life activity:

- 4 (i) self-care;
5 (ii) receptive and expressive language;
6 (iii) learning;
7 (iv) mobility; or
8 (v) self-direction.

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

14 (Source: P.A. 102-538, eff. 8-20-21.)

15 (405 ILCS 5/6-103.3)

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

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

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

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

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

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

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

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

26 "School administrator" means the person required to

1 report under the School Administrator Reporting of Mental
2 Health Clear and Present Danger Determinations Law.

3 (Source: P.A. 102-538, eff. 8-20-21.)

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

6 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

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

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

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

20 "Department" means the Department of Public Health.

21 "Director" means the Director of Public Health.

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

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

3 "Exposed surface" means any interior or exterior surface
4 of a regulated facility.

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

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

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

26 "Lead abatement supervisor" means any person employed by a

1 lead abatement contractor and licensed by the Department to
2 perform lead abatement and lead mitigation and to supervise
3 lead workers who perform lead abatement and lead mitigation.

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

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

11 "Lead-bearing substance" means any item containing or
12 coated with lead such that the lead content is more than
13 six-hundredths of one percent (0.06%) lead by total weight; or
14 any dust on surfaces or in furniture or other nonpermanent
15 elements of the regulated facility; or any paint or other
16 surface coating material containing more than five-tenths of
17 one percent (0.5%) lead by total weight (calculated as lead
18 metal) in the total non-volatile content of liquid paint; or
19 lead-bearing substances containing greater than one milligram
20 per square centimeter or any lower standard for lead content
21 in residential paint as may be established by federal law or
22 rule; or more than 1 milligram per square centimeter in the
23 dried film of paint or previously applied substance; or item
24 or dust on item containing lead in excess of the amount
25 specified in the rules authorized by this Act or a lower
26 standard for lead content as may be established by federal law

1 or rule. "Lead-bearing substance" does not include firearm
2 ammunition or components as defined by Section 2-7.1 of the
3 Criminal Code of 2012 ~~the Firearm Owners Identification Card~~
4 ~~Act.~~

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

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

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

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

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

24 "Lead poisoning" means having an elevated blood lead
25 level.

26 "Lead risk assessment" means an on-site investigation to

1 determine the existence, nature, severity, and location of
2 lead hazards. "Lead risk assessment" includes any lead
3 sampling and visual assessment associated with conducting a
4 lead risk assessment and lead hazard screen and all lead
5 sampling associated with compliance investigations.

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

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

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

20 "Owner" means any person, who alone, jointly, or severally
21 with others:

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

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

1 owner.

2 "Person" means any individual, partnership, firm, company,
3 limited liability company, corporation, association, joint
4 stock company, trust, estate, political subdivision, State
5 agency, or any other legal entity, or their legal
6 representative, agent, or assign.

7 "Regulated facility" means a residential building or child
8 care facility.

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

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

14 (430 ILCS 65/Act rep.)

15 Section 60. The Firearm Owners Identification Card Act is
16 repealed.

17 Section 65. The Firearm Concealed Carry Act is amended by
18 changing Sections 25, 30, 40, 66, 70, 80, and 105 as follows:

19 (430 ILCS 66/25)

20 Sec. 25. Qualifications for a license.

21 The Illinois State Police shall issue a license to an
22 applicant completing an application in accordance with Section
23 30 of this Act if the person:

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

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

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

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

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

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

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

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

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (430 ILCS 66/30)

5 Sec. 30. Contents of license application.

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

14 (b) The application shall contain the following:

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

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

23 (3) a waiver of the applicant's privacy and
24 confidentiality rights and privileges under all federal
25 and state laws, including those limiting access to

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

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

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

21 (A) a felony;

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

25 (C) 2 or more violations related to driving while
26 under the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds, or any combination
2 thereof, within the 5 years preceding the date of the
3 license application; ~~and~~

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

9 (7) written consent for the Illinois State Police to
10 review and use the applicant's Illinois digital driver's
11 license or Illinois identification card photograph and
12 signature;

13 (8) a ~~unless submitted under subsection (a-25) of~~
14 ~~Section 4 of the Firearm Owners Identification Card Act, a~~
15 full set of fingerprints submitted to the Illinois State
16 Police in electronic format, provided the Illinois State
17 Police may accept an application submitted without a set
18 of fingerprints, l in which case the Illinois State Police
19 shall be granted 30 days in addition to the 90 days
20 provided under subsection (e) of Section 10 of this Act to
21 issue or deny a license;

22 (9) a head and shoulder color photograph in a size
23 specified by the Illinois State Police taken within the 30
24 days preceding the date of the license application; and

25 (10) a photocopy of any certificates or other evidence
26 of compliance with the training requirements under this

1 Act.

2 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
3 revised 10-12-21.)

4 (430 ILCS 66/40)

5 Sec. 40. Non-resident license applications.

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

9 (b) The Illinois State Police shall by rule allow for
10 non-resident license applications from any state or territory
11 of the United States with laws related to firearm ownership,
12 possession, and carrying, that are substantially similar to
13 the requirements to obtain a license under this Act.

14 (c) A resident of a state or territory approved by the
15 Illinois State Police under subsection (b) of this Section may
16 apply for a non-resident license. The applicant shall apply to
17 the Illinois State Police and must meet all of the
18 qualifications established in Section 25 of this Act, ~~except~~
19 ~~for the Illinois residency requirement in item (xiv) of~~
20 ~~paragraph (2) of subsection (a) of Section 4 of the Firearm~~
21 ~~Owners Identification Card Act.~~ The applicant shall submit:

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

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

25 (A) is eligible under federal law and the laws of

1 his or her state or territory of residence to own or
2 possess a firearm;

3 (B) if applicable, has a license or permit to
4 carry a firearm or concealed firearm issued by his or
5 her state or territory of residence and attach a copy
6 of the license or permit to the application;

7 (C) understands Illinois laws pertaining to the
8 possession and transport of firearms; and

9 (D) acknowledges that the applicant is subject to
10 the jurisdiction of the Illinois State Police and
11 Illinois courts for any violation of this Act;

12 (3) a photocopy of any certificates or other evidence
13 of compliance with the training requirements under Section
14 75 of this Act; and

15 (4) a head and shoulder color photograph in a size
16 specified by the Illinois State Police taken within the 30
17 days preceding the date of the application.

18 (d) In lieu of an Illinois driver's license or Illinois
19 identification card, a non-resident applicant shall provide
20 similar documentation from his or her state or territory of
21 residence. The applicant shall submit ~~In lieu of a valid~~
22 ~~Firearm Owner's Identification Card, the applicant shall~~
23 ~~submit documentation and information required by the Illinois~~
24 ~~State Police to obtain a Firearm Owner's Identification Card,~~
25 ~~including~~ an affidavit that the non-resident meets the mental
26 health standards to obtain a firearm under Illinois law, and

1 the Illinois State Police shall ensure that the applicant
2 would meet the eligibility criteria under State law to possess
3 a firearm ~~to obtain a Firearm Owner's Identification card~~ if
4 he or she was a resident of this State.

5 (e) Nothing in this Act shall prohibit a non-resident from
6 transporting a concealed firearm within his or her vehicle in
7 Illinois, if the concealed firearm remains within his or her
8 vehicle and the non-resident:

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

11 (2) is eligible to carry a firearm in public under the
12 laws of his or her state or territory of residence, as
13 evidenced by the possession of a concealed carry license
14 or permit issued by his or her state of residence, if
15 applicable; and

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

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

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 (430 ILCS 66/66)

23 (This Section may contain text from a Public Act with a
24 delayed effective date)

25 Sec. 66. Illinois State Police to monitor databases for

1 firearms prohibitors. The Illinois State Police shall
2 continuously monitor relevant State and federal databases for
3 firearms prohibitors and correlate those records with
4 concealed carry license holders to ensure compliance with this
5 Act and any other State and federal laws. As used in this
6 Section, "firearms prohibitor" means any factor listed in
7 ~~Section 8 or Section 8.2 of the Firearm Owners Identification~~
8 ~~Card Act or~~ Section 24-3 or 24-3.1 of the Criminal Code of 2012
9 that prohibits a person from transferring or possessing a
10 firearm, firearm ammunition, ~~Firearm Owner's Identification~~
11 ~~Card~~, or concealed carry license.

12 (Source: P.A. 102-237, eff. 1-1-22.)

13 (430 ILCS 66/70)

14 Sec. 70. Violations.

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

21 (b) A license shall be suspended if an order of
22 protection, including an emergency order of protection,
23 plenary order of protection, or interim order of protection
24 under Article 112A of the Code of Criminal Procedure of 1963 or
25 under the Illinois Domestic Violence Act of 1986, or if a

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

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

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

23 A licensee in violation of this subsection (d) shall be
24 guilty of a Class A misdemeanor for a first or second violation
25 and a Class 4 felony for a third violation. The Illinois State
26 Police may suspend a license for up to 6 months for a second

1 violation and shall permanently revoke a license for a third
2 violation.

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

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

23 (g) A licensee whose license is revoked, suspended, or
24 denied shall, within 48 hours of receiving notice of the
25 revocation, suspension, or denial, surrender his or her
26 concealed carry license to the local law enforcement agency

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

16 (h) (Blank). ~~Except as otherwise provided in subsection~~
17 ~~(h 5), a license issued or renewed under this Act shall be~~
18 ~~revoked if, at any time, the licensee is found ineligible for a~~
19 ~~Firearm Owner's Identification Card, or the licensee no longer~~
20 ~~possesses a valid Firearm Owner's Identification Card. If the~~
21 ~~Firearm Owner's Identification Card is expired or suspended~~
22 ~~rather than denied or revoked, the license may be suspended~~
23 ~~for a period of up to one year to allow the licensee to~~
24 ~~reinstate his or her Firearm Owner's Identification Card. The~~
25 ~~Illinois State Police shall adopt rules to enforce this~~
26 ~~subsection. A licensee whose license is revoked under this~~

1 ~~subsection (h) shall surrender his or her concealed carry~~
2 ~~license as provided for in subsection (g) of this Section.~~

3 ~~This subsection shall not apply to a person who has filed~~
4 ~~an application with the Illinois State Police for renewal of a~~
5 ~~Firearm Owner's Identification Card and who is not otherwise~~
6 ~~ineligible to obtain a Firearm Owner's Identification Card.~~

7 (h-5) (Blank). ~~If the Firearm Owner's Identification Card~~
8 ~~of a licensee under this Act expires during the term of the~~
9 ~~license issued under this Act, the license and the Firearm~~
10 ~~Owner's Identification Card remain valid, and the Illinois~~
11 ~~State Police may automatically renew the licensee's Firearm~~
12 ~~Owner's Identification Card as provided in subsection (c) of~~
13 ~~Section 5 of the Firearm Owners Identification Card Act.~~

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

22 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
23 revised 10-15-21.)

24 (430 ILCS 66/80)

25 Sec. 80. Certified firearms instructors.

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

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

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

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

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

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

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

25 (1) possess a high school diploma or high school
26 equivalency certificate; and

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

3 (A) certification from a law enforcement agency;

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

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

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

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

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 (430 ILCS 66/105)

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

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

10 (Source: P.A. 102-538, eff. 8-20-21.)

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

13 (430 ILCS 67/35)

14 (Text of Section before amendment by P.A. 102-345)

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

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

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

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

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

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

1 that the court is in session.

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

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

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

17 (1) the respondent to refrain from having in his or
18 her custody or control, purchasing, possessing, or
19 receiving additional firearms for the duration of the
20 order under Section 8.2 of the Firearm Owners
21 Identification Card Act; and

22 (2) the respondent to comply with Section 9.5 of the
23 Firearm Owners Identification Card Act and subsection (g)
24 of Section 70 of the Firearm Concealed Carry Act ~~Illinois~~.

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

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

11 (h-5) On or before January 1, 2022, a respondent whose
12 firearms have been turned over to a local law enforcement
13 agency ~~Firearm Owner's Identification Card has been revoked or~~
14 ~~suspended~~ may petition the court, if the petitioner is present
15 in court or has notice of the respondent's petition, to
16 transfer the respondent's firearm to a person who is lawfully
17 able to possess the firearm if the person does not reside at
18 the same address as the respondent. Notice of the petition
19 shall be served upon the person protected by the emergency
20 firearms restraining order. While the order is in effect, the
21 transferee who receives the respondent's firearms must swear
22 or affirm by affidavit that he or she shall not transfer the
23 firearm to the respondent or to anyone residing in the same
24 residence as the respondent.

25 (h-6) If a person other than the respondent claims title
26 to any firearms surrendered under this Section, he or she may

1 petition the court, if the petitioner is present in court or
2 has notice of the petition, to have the firearm returned to him
3 or her. If the court determines that person to be the lawful
4 owner of the firearm, the firearm shall be returned to him or
5 her, provided that:

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

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

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

19 (i) In accordance with subsection (e) of this Section, the
20 court shall schedule a full hearing as soon as possible, but no
21 longer than 14 days from the issuance of an ex parte firearms
22 restraining order, to determine if a 6-month firearms
23 restraining order shall be issued. The court may extend an ex
24 parte order as needed, but not to exceed 14 days, to effectuate
25 service of the order or if necessary to continue protection.
26 The court may extend the order for a greater length of time by

1 mutual agreement of the parties.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
3 102-538, eff. 8-20-21; revised 11-9-21.)

4 (Text of Section after amendment by P.A. 102-345)

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

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

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

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

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

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

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

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

1 emergency order.

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

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

19 (1) the respondent to refrain from having in his or
20 her custody or control, purchasing, possessing, or
21 receiving additional firearms, ammunition, or firearm
22 parts that could be assembled to make an operable firearm,
23 or removing firearm parts that could be assembled to make
24 an operable firearm for the duration of the order ~~under~~
25 ~~Section 8.2 of the Firearm Owners Identification Card Act;~~
26 and

1 (2) the respondent to comply with ~~Section 9.5 of the~~
2 ~~Firearm Owners Identification Card Act~~ and subsection (g)
3 of Section 70 of the Firearm Concealed Carry Act ~~Illinois,~~
4 ~~ammunition, and firearm parts that could be assembled to~~
5 ~~make an operable firearm.~~

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

25 (h-5) On or before January 1, 2022, a respondent whose
26 firearms have been turned over to a local law enforcement

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

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

1 firearm, ammunition, and firearm parts that could be assembled
2 to make an operable firearm, the firearm, ammunition, and
3 firearm parts that could be assembled to make an operable
4 firearm shall be returned to him or her, provided that:

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

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

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

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

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

13 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
14 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; revised 11-9-21.)

15 (430 ILCS 67/40)

16 (Text of Section before amendment by P.A. 102-237)

17 Sec. 40. Six-month orders.

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

1 or controlled by the respondent.

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

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

22 (d) Upon receipt of a petition for a 6-month firearms
23 restraining order, the court shall order a hearing within 30
24 days.

25 (e) In determining whether to issue a firearms restraining
26 order under this Section, the court shall consider evidence

1 including, but not limited to, the following:

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

4 (2) The history of use, attempted use, or threatened
5 use of physical force by the respondent against another
6 person.

7 (3) Any prior arrest of the respondent for a felony
8 offense.

9 (4) Evidence of the abuse of controlled substances or
10 alcohol by the respondent.

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

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

21 (7) A pattern of violent acts or violent threats,
22 including, but not limited to, threats of violence or acts
23 of violence by the respondent directed toward himself,
24 herself, or another.

25 (f) At the hearing, the petitioner shall have the burden
26 of proving, by clear and convincing evidence, that the

1 respondent poses a significant danger of personal injury to
2 himself, herself, or another by having in his or her custody or
3 control, purchasing, possessing, or receiving a firearm.

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

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

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

18 (1) the respondent to refrain from having in his or
19 her custody or control, purchasing, possessing, or
20 receiving additional firearms for the duration of the
21 order under Section 8.2 of the Firearm Owners
22 Identification Card Act; and

23 (2) the respondent to comply with Section 9.5 of the
24 Firearm Owners Identification Card Act and subsection (g)
25 of Section 70 of the Firearm Concealed Carry Act. ~~Illinois~~

26 (i) Except as otherwise provided in subsection (i-5) of

1 this Section, upon expiration of the period of safekeeping, if
2 the firearms ~~or Firearm Owner's Identification Card~~ cannot be
3 returned to the respondent because the respondent cannot be
4 located, fails to respond to requests to retrieve the
5 firearms, or is not lawfully eligible to possess a firearm,
6 upon petition from the local law enforcement agency, the court
7 may order the local law enforcement agency to destroy the
8 firearms, use the firearms for training purposes, or use the
9 firearms for any other application as deemed appropriate by
10 the local law enforcement agency.

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

24 (i-6) If a person other than the respondent claims title
25 to any firearms surrendered under this Section, he or she may
26 petition the court, if the petitioner is present in court or

1 has notice of the petition, to have the firearm returned to him
2 or her. If the court determines that person to be the lawful
3 owner of the firearm, the firearm shall be returned to him or
4 her, provided that:

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

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

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

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

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

1 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
2 102-538, eff. 8-20-21; revised 11-3-21.)

3 (Text of Section after amendment by P.A. 102-345)

4 Sec. 40. Six-month orders.

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

17 (b) If the respondent is alleged to pose a significant
18 danger of causing personal injury to an intimate partner, or
19 an intimate partner is alleged to have been the target of a
20 threat or act of violence by the respondent, the petitioner
21 shall make a good faith effort to provide notice to any and all
22 intimate partners of the respondent. The notice must include
23 that the petitioner intends to petition the court for a
24 6-month firearms restraining order, and, if the petitioner is
25 a law enforcement officer, referral to relevant domestic

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

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

12 (d) Upon receipt of a petition for a 6-month firearms
13 restraining order, the court shall order a hearing within 30
14 days.

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

18 (1) The unlawful and reckless use, display, or
19 brandishing of a firearm, ammunition, and firearm parts
20 that could be assembled to make an operable firearm by the
21 respondent.

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

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

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

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

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

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

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

24 (g) If the court finds that there is clear and convincing
25 evidence to issue a firearms restraining order, the court
26 shall issue a firearms restraining order that shall be in

1 effect for 6 months subject to renewal under Section 45 of this
2 Act or termination under that Section.

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

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

20 (1) the respondent to refrain from having in his or
21 her custody or control, purchasing, possessing, or
22 receiving additional firearms, ammunition, and firearm
23 parts that could be assembled to make an operable firearm
24 for the duration of the order ~~under Section 8.2 of the~~
25 ~~Firearm Owners Identification Card Act;~~ and

26 (2) the respondent to comply with ~~Section 9.5 of the~~

1 ~~Firearm Owners Identification Card Act~~ and subsection (g)
2 of Section 70 of the Firearm Concealed Carry Act,
3 ~~ammunition, and firearm parts that could be assembled to~~
4 ~~make an operable firearm. Illinois, ammunition, and~~
5 ~~firearm parts that could be assembled to make an operable~~
6 ~~firearm~~

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

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

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

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

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

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

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

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

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

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

14 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
15 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; revised 11-3-21.)

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

19 (430 ILCS 68/5-20)

20 Sec. 5-20. Additional licensee requirements.

21 (a) A certified licensee shall make a photo copy of a
22 buyer's or transferee's valid photo identification card
23 whenever a firearm sale transaction takes place. The photo
24 copy shall be attached to the documentation detailing the

1 record of sale.

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

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

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

11 ~~(B) sell or transfer your firearm to someone else~~
12 ~~without receiving approval for the transfer from the~~
13 ~~Illinois State Police, or~~

14 (B) ~~(C)~~ fail to report the loss or theft of your
15 firearm to local law enforcement within 72 hours."

16 This sign shall be created by the Illinois State Police and
17 made available for printing or downloading from the Illinois
18 State Police's website.

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

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 (430 ILCS 68/5-25)

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

6 (1) temporary transfers of firearms solely for use at
7 the location or on the premises where the transfer takes
8 place, such as transfers at a shooting range for use at
9 that location;

10 (2) temporary transfers of firearms solely for use
11 while in the presence of the transferor or transfers for
12 the purposes of firearm safety training by a firearms
13 safety training instructor;

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

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

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

7 (6) transfers of firearms that have been rendered
8 permanently inoperable to a nonprofit historical society,
9 museum, or institutional collection;

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

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

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

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

21 (10.5) transfers of firearms to a resident registered
22 competitor or attendee or non-resident registered
23 competitor or attendee by a licensed federal firearms
24 dealer under Section 923 of the federal Gun Control Act of
25 1968 at a competitive shooting event held at the World
26 Shooting and Recreational Complex that is sanctioned by a

1 national governing body; or

2 (11) transfers between a pawnshop and a customer which
3 amount to a bailment. For purposes of this paragraph (11),
4 "bailment" means the act of placing property in the
5 custody and control of another, by agreement in which the
6 holder is responsible for the safekeeping and return of
7 the property.

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

9 (430 ILCS 68/5-40)

10 Sec. 5-40. Qualifications for operation.

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

1 is not prohibited from owning or possessing firearms.

2 (b) In addition to the affidavit required under subsection
3 (a), within 30 days of a new owner, employee, or other agent
4 beginning selling or conducting transfers of firearms for the
5 certified licensee, the certified licensee shall submit an
6 affidavit to the Illinois State Police stating the date that
7 the new owner, employee, or other agent began selling or
8 conducting transfers of firearms for the certified licensee,
9 and providing the information required in subsection (a) for
10 that new owner, employee, or other agent.

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

24 (d) Applications and affidavits required under this
25 Section are not subject to disclosure by the Illinois State
26 Police under the Freedom of Information Act.

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 (430 ILCS 68/5-85)

3 Sec. 5-85. Disciplinary sanctions.

4 (a) For violations of this Act not penalized under Section
5 5-15, the Illinois State Police may refuse to renew or
6 restore, or may reprimand, place on probation, suspend,
7 revoke, or take other disciplinary or non-disciplinary action
8 against any licensee, and may impose a fine commensurate with
9 the severity of the violation not to exceed \$10,000 for each
10 violation for any of the following, consistent with the
11 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901
12 through 7903:

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

15 (2) A pattern of practice or other behavior which
16 demonstrates incapacity or incompetency to practice under
17 this Act.

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

20 (4) Failing, within 60 days, to provide information in
21 response to a written request made by the Illinois State
22 Police.

23 (5) Conviction of, plea of guilty to, or plea of nolo
24 contendere to any crime that disqualifies the person from
25 obtaining a firearm ~~valid Firearm Owner's Identification~~

1 ~~Card.~~

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

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

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

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

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

17 (9) Violation of any disciplinary order imposed on a
18 licensee by the Illinois State Police.

19 (10) A finding by the Illinois State Police that the
20 licensee, after having his or her certified license placed
21 on probationary status, has violated the terms of
22 probation.

23 (11) A fraudulent or material misstatement in the
24 completion of an affirmative obligation or inquiry by law
25 enforcement.

26 (b) All fines imposed under this Section shall be paid

1 within 90 days after the effective date of the final order
2 imposing the fine.

3 (Source: P.A. 102-538, eff. 8-20-21.)

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

6 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

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

1 applicant and place of residence.

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

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

25 The Department of Natural Resources shall designate any
26 person found by it to be competent to give instruction in the

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

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

1 over 75 years of age. Nonresidents shall be charged \$57 for a
2 hunting license.

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

6 A special nonresident hunting license authorizing a
7 nonresident to take game birds by hunting on a game breeding
8 and hunting preserve area only, established under Section
9 3.27, shall be issued upon proper application being made and
10 payment of a fee equal to that for a resident hunting license.
11 The expiration date of this license shall be on the same date
12 each year that game breeding and hunting preserve area
13 licenses expire.

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

22 Each applicant for a State Habitat Stamp, regardless of
23 his residence or other condition, shall pay a fee of \$5 and
24 shall receive a stamp. The fee for a State Habitat Stamp shall
25 be waived for residents over 75 years of age. Except as
26 provided under Section 20-45 of the Fish and Aquatic Life

1 Code, the stamp shall be signed by the person or affixed to his
2 license or permit in a space designated by the Department for
3 that purpose.

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

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

9 The Department shall furnish the holders of hunting
10 licenses and stamps with an insignia as evidence of possession
11 of license, or license and stamp, as the Department may
12 consider advisable. The insignia shall be exhibited and used
13 as the Department may order.

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

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

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

1 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

2 Sec. 3.2a. Every person holding any license, permit or
3 stamp issued under the provisions hereof shall have it in his
4 possession for immediate presentation for inspection to the
5 officers and authorized employees of the Department, any
6 sheriff, deputy sheriff or any other peace officer making a
7 demand for it. This provision shall not apply to Department
8 owned or managed sites where it is required that all hunters
9 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~
10 ~~Identification Card~~ at the check station upon entering the
11 hunting areas.

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

13 Section 75. The Criminal Code of 2012 is amended by
14 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
15 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,
16 24-3.5, 24-3B, 24-4.1, and 24-9 and adding Section 24-4.5 as
17 follows:

18 (720 ILCS 5/2-7.1)

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

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

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

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

10 (720 ILCS 5/2-7.5)

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

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

20 (1.1) any pneumatic gun, spring gun, paint ball gun, or
21 B-B gun which expels breakable paint balls containing washable
22 marking colors;

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

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

4 (4) an antique firearm (other than a machine-gun) which,
5 although designed as a weapon, the Illinois State Police finds
6 by reason of the date of its manufacture, value, design, and
7 other characteristics is primarily a collector's item and is
8 not likely to be used as a weapon ~~has the meaning ascribed to~~
9 ~~it in Section 1.1 of the Firearm Owners Identification Card~~
10 ~~Act.~~

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

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

13 Sec. 12-3.05. Aggravated battery.

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

18 (1) Causes great bodily harm or permanent disability
19 or disfigurement.

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

25 (3) Causes great bodily harm or permanent disability

1 or disfigurement to an individual whom the person knows to
2 be a peace officer, community policing volunteer, fireman,
3 private security officer, correctional institution
4 employee, or Department of Human Services employee
5 supervising or controlling sexually dangerous persons or
6 sexually violent persons:

7 (i) performing his or her official duties;

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

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

12 (4) Causes great bodily harm or permanent disability
13 or disfigurement to an individual 60 years of age or
14 older.

15 (5) Strangles another individual.

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

21 (1) causes great bodily harm or permanent disability
22 or disfigurement to any child under the age of 13 years, or
23 to any person with a severe or profound intellectual
24 disability; or

25 (2) causes bodily harm or disability or disfigurement
26 to any child under the age of 13 years or to any person

1 with a severe or profound intellectual disability.

2 (c) Offense based on location of conduct. A person commits
3 aggravated battery when, in committing a battery, other than
4 by the discharge of a firearm, he or she is or the person
5 battered is on or about a public way, public property, a public
6 place of accommodation or amusement, a sports venue, or a
7 domestic violence shelter, or in a church, synagogue, mosque,
8 or other building, structure, or place used for religious
9 worship.

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

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

15 (2) A person who is pregnant or has a physical
16 disability.

17 (3) A teacher or school employee upon school grounds
18 or grounds adjacent to a school or in any part of a
19 building used for school purposes.

20 (4) A peace officer, community policing volunteer,
21 fireman, private security officer, correctional
22 institution employee, or Department of Human Services
23 employee supervising or controlling sexually dangerous
24 persons or sexually violent persons:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

2 (iii) battered in retaliation for performing his
3 or her official duties.

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

6 (i) performing his or her official duties;

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

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

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

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

16 (8) A taxi driver on duty.

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

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

26 (11) A nurse while in the performance of his or her

1 duties as a nurse.

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

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

15 (1) Discharges a firearm, other than a machine gun or
16 a firearm equipped with a silencer, and causes any injury
17 to another person.

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

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her
26 official duties; or

1 (iii) battered in retaliation for performing his
2 or her official duties.

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

7 (i) performing his or her official duties;

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

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

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

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

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

26 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

3 (iii) battered in retaliation for performing his
4 or her official duties.

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

8 (i) performing his or her official duties;

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

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

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

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

22 (1) Uses a deadly weapon other than by discharge of a
23 firearm, or uses an air rifle as defined in Section
24 24.8-0.1 of this Code.

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

1 (3) Knowingly and without lawful justification shines
2 or flashes a laser gunsight or other laser device attached
3 to a firearm, or used in concert with a firearm, so that
4 the laser beam strikes upon or against the person of
5 another.

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

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

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

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

24 (3) Knowingly causes or attempts to cause a
25 correctional institution employee or Department of Human
26 Services employee to come into contact with blood, seminal

1 fluid, urine, or feces by throwing, tossing, or expelling
2 the fluid or material, and the person is an inmate of a
3 penal institution or is a sexually dangerous person or
4 sexually violent person in the custody of the Department
5 of Human Services.

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

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

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

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

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

25 Aggravated battery under subdivision (a)(5) is a Class 1
26 felony if:

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

3 (B) the person caused great bodily harm or permanent
4 disability or disfigurement to the other person while
5 committing the offense; or

6 (C) the person has been previously convicted of a
7 violation of subdivision (a)(5) under the laws of this
8 State or laws similar to subdivision (a)(5) of any other
9 state.

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

12 Aggravated battery as defined in subdivision (a)(2) is a
13 Class X felony for which a person shall be sentenced to a term
14 of imprisonment of a minimum of 6 years and a maximum of 45
15 years.

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

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

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

1 and a maximum of 60 years.

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

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

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

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

16 (i) Definitions. In this Section:

17 "Building or other structure used to provide shelter" has
18 the meaning ascribed to "shelter" in Section 1 of the Domestic
19 Violence Shelters Act.

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

22 "Domestic violence shelter" means any building or other
23 structure used to provide shelter or other services to victims
24 or to the dependent children of victims of domestic violence
25 pursuant to the Illinois Domestic Violence Act of 1986 or the
26 Domestic Violence Shelters Act, or any place within 500 feet

1 of such a building or other structure in the case of a person
2 who is going to or from such a building or other structure.

3 "Firearm" has the meaning provided under Section 2-7.5 of
4 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
5 and does not include an air rifle as defined by Section
6 24.8-0.1 of this Code.

7 "Machine gun" has the meaning ascribed to it in Section
8 24-1 of this Code.

9 "Merchant" has the meaning ascribed to it in Section
10 16-0.1 of this Code.

11 "Strangle" means intentionally impeding the normal
12 breathing or circulation of the blood of an individual by
13 applying pressure on the throat or neck of that individual or
14 by blocking the nose or mouth of that individual.

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

16 (720 ILCS 5/16-0.1)

17 Sec. 16-0.1. Definitions. In this Article, unless the
18 context clearly requires otherwise, the following terms are
19 defined as indicated:

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

23 "Coin-operated machine" includes any automatic vending
24 machine or any part thereof, parking meter, coin telephone,
25 coin-operated transit turnstile, transit fare box, coin

1 laundry machine, coin dry cleaning machine, amusement machine,
2 music machine, vending machine dispensing goods or services,
3 or money changer.

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

21 "Communication service" means any service lawfully
22 provided for a charge or compensation to facilitate the lawful
23 origination, transmission, emission, or reception of signs,
24 signals, data, writings, images, and sounds or intelligence of
25 any nature by telephone, including cellular telephones or a
26 wire, wireless, radio, electromagnetic, photo-electronic or

1 photo-optical system; and also any service lawfully provided
2 by any radio, telephone, cable television, fiber optic,
3 satellite, microwave, Internet-based or wireless distribution
4 network, system, facility or technology, including, but not
5 limited to, any and all electronic, data, video, audio,
6 Internet access, telephonic, microwave and radio
7 communications, transmissions, signals and services, and any
8 such communications, transmissions, signals and services
9 lawfully provided directly or indirectly by or through any of
10 those networks, systems, facilities or technologies.

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

24 "Computer" means a device that accepts, processes, stores,
25 retrieves or outputs data, and includes but is not limited to
26 auxiliary storage and telecommunications devices connected to

1 computers.

2 "Continuing course of conduct" means a series of acts, and
3 the accompanying mental state necessary for the crime in
4 question, irrespective of whether the series of acts are
5 continuous or intermittent.

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

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

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

17 (1) An electronic funds transfer card.

18 (2) A credit card.

19 (3) A debit card.

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

21 (5) Any instrument, device, card, plate, code, account
22 number, personal identification number, or a record or
23 copy of a code, account number, or personal identification
24 number or other means of access to a credit account or
25 deposit account, or a driver's license or State
26 identification card used to access a proprietary account,

1 other than access originated solely by a paper instrument,
2 that can be used alone or in conjunction with another
3 access device, for any of the following purposes:

4 (A) Obtaining money, cash refund or credit
5 account, credit, goods, services, or any other thing
6 of value.

7 (B) Certifying or guaranteeing to a person or
8 business the availability to the device holder of
9 funds on deposit to honor a draft or check payable to
10 the order of that person or business.

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

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

24 "Internet" means an interactive computer service or system
25 or an information service, system, or access software provider
26 that provides or enables computer access by multiple users to

1 a computer server, and includes, but is not limited to, an
2 information service, system, or access software provider that
3 provides access to a network system commonly known as the
4 Internet, or any comparable system or service and also
5 includes, but is not limited to, a World Wide Web page,
6 newsgroup, message board, mailing list, or chat area on any
7 interactive computer service or system or other online
8 service.

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

14 "Library facility" includes any public library or museum,
15 or any library or museum of an educational, historical or
16 eleemosynary institution, organization or society.

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

26 "Manufacture or assembly of an unlawful access device"

1 means to make, produce or assemble an unlawful access device
2 or to modify, alter, program or re-program any instrument,
3 device, machine, equipment or software so that it is capable
4 of defeating or circumventing any technology, device or
5 software used by the provider, owner or licensee of a
6 communication service or of any data, audio or video programs
7 or transmissions to protect any such communication, data,
8 audio or video services, programs or transmissions from
9 unauthorized access, acquisition, disclosure, receipt,
10 decryption, communication, transmission or re-transmission.

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

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

26 "Merchandise" means any item of tangible personal

1 property, including motor fuel.

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

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

15 "Online" means the use of any electronic or wireless
16 device to access the Internet.

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

22 "Person with a disability" means a person who suffers from
23 a physical or mental impairment resulting from disease,
24 injury, functional disorder or congenital condition that
25 impairs the individual's mental or physical ability to
26 independently manage his or her property or financial

1 resources, or both.

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

19 "Personal identifying information" means any of the
20 following information:

- 21 (1) A person's name.
- 22 (2) A person's address.
- 23 (3) A person's date of birth.
- 24 (4) A person's telephone number.
- 25 (5) A person's driver's license number or State of
26 Illinois identification card as assigned by the Secretary

1 of State of the State of Illinois or a similar agency of
2 another state.

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

4 (7) A person's public, private, or government
5 employer, place of employment, or employment
6 identification number.

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

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

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

15 (11) Personal identification numbers.

16 (12) Electronic identification numbers.

17 (13) Digital signals.

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

24 (15) Any other numbers or information which can be
25 used to access a person's financial resources, or to
26 identify a specific individual, or the actions taken,

1 communications made or received, or other activities or
2 transactions of a specific individual.

3 "Premises of a retail mercantile establishment" includes,
4 but is not limited to, the retail mercantile establishment;
5 any common use areas in shopping centers; and all parking
6 areas set aside by a merchant or on behalf of a merchant for
7 the parking of vehicles for the convenience of the patrons of
8 such retail mercantile establishment.

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

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

1 "Radio frequency identification device" means any
2 implement, computer file, computer disc, electronic device,
3 computer hardware, computer software, or instrument that is
4 used to activate, read, receive, or decode information stored
5 on a RFID tag or transponder attached to a personal
6 identification document.

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

13 "Reencoder" means an electronic device that places encoded
14 information from the magnetic strip or stripe of a payment
15 card onto the magnetic strip or stripe of a different payment
16 card.

17 "Retail mercantile establishment" means any place where
18 merchandise is displayed, held, stored or offered for sale to
19 the public.

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

24 "Shopping cart" means those push carts of the type or
25 types which are commonly provided by grocery stores, drug
26 stores or other retail mercantile establishments for the use

1 of the public in transporting commodities in stores and
2 markets and, incidentally, from the stores to a place outside
3 the store.

4 "Sound or audio visual recording" means any sound or audio
5 visual phonograph record, disc, pre-recorded tape, film, wire,
6 magnetic tape or other object, device or medium, now known or
7 hereafter invented, by which sounds or images may be
8 reproduced with or without the use of any additional machine,
9 equipment or device.

10 "Theft detection device remover" means any tool or device
11 specifically designed and intended to be used to remove any
12 theft detection device from any merchandise.

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

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

22 "Unlawful access device" means any type of instrument,
23 device, machine, equipment, technology, or software which is
24 primarily possessed, used, designed, assembled, manufactured,
25 sold, distributed or offered, promoted or advertised for the
26 purpose of defeating or circumventing any technology, device

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

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

20 (1) any phone altered to obtain service without the
21 express consent or express authorization of the
22 communication service provider, tumbler phone, counterfeit
23 or clone phone, tumbler microchip, counterfeit or clone
24 microchip, scanning receiver of wireless communication
25 service or other instrument capable of disguising its
26 identity or location or of gaining unauthorized access to

1 a communications or wireless system operated by a
2 communication service provider; and

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

20 "Vehicle" means a motor vehicle, motorcycle, or farm
21 implement that is self-propelled and that uses motor fuel for
22 propulsion.

23 "Wireless device" includes any type of instrument, device,
24 machine, or equipment that is capable of transmitting or
25 receiving telephonic, electronic or radio communications, or
26 any part of such instrument, device, machine, or equipment, or

1 any computer circuit, computer chip, electronic mechanism, or
2 other component that is capable of facilitating the
3 transmission or reception of telephonic, electronic, or radio
4 communications.

5 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
6 1-1-12; 97-1109, eff. 1-1-13.)

7 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

8 Sec. 17-30. Defaced, altered, or removed manufacturer or
9 owner identification number.

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

16 (b) Construction equipment identification defacement. A
17 person commits construction equipment identification
18 defacement when he or she knowingly changes, alters, removes,
19 mutilates, or obliterates a permanently affixed serial number,
20 product identification number, part number, component
21 identification number, owner-applied identification, or other
22 mark of identification attached to or stamped, inscribed,
23 molded, or etched into a machine or other equipment, whether
24 stationary or mobile or self-propelled, or a part of such
25 machine or equipment, used in the construction, maintenance,

1 or demolition of buildings, structures, bridges, tunnels,
2 sewers, utility pipes or lines, ditches or open cuts, roads,
3 highways, dams, airports, or waterways or in material handling
4 for such projects.

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

20 (c) Defacement of manufacturer's serial number or
21 identification mark. A person commits defacement of a
22 manufacturer's serial number or identification mark when he or
23 she knowingly removes, alters, defaces, covers, or destroys
24 the manufacturer's serial number or any other manufacturer's
25 number or distinguishing identification mark upon any machine
26 or other article of merchandise, other than a motor vehicle as

1 defined in Section 1-146 of the Illinois Vehicle Code or a
2 firearm ~~as defined in the Firearm Owners Identification Card~~
3 ~~Act~~, with the intent of concealing or destroying the identity
4 of such machine or other article of merchandise.

5 (d) Sentence.

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

10 (2) A violation of subsection (b) of this Section is a
11 Class A misdemeanor.

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

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

16 (f) Definitions. In this Section:

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

23 "Household appliance" means any gas or electric device or
24 machine marketed for use as home entertainment or for
25 facilitating or expediting household tasks or chores. The term
26 shall include but not necessarily be limited to refrigerators,

1 freezers, ranges, radios, television sets, vacuum cleaners,
2 toasters, dishwashers, and other similar household items.

3 "Manufacturer's identification number" means any serial
4 number or other similar numerical or alphabetical designation
5 imprinted upon or attached to or placed, stamped, or otherwise
6 imprinted upon or attached to a household appliance or item by
7 the manufacturer for purposes of identifying a particular
8 appliance or item individually or by lot number.

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

10 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

24 (2) Carries or possesses with intent to use the same
25 unlawfully against another, a dagger, dirk, billy,

1 dangerous knife, razor, stiletto, broken bottle or other
2 piece of glass, stun gun or taser or any other dangerous or
3 deadly weapon or instrument of like character; or

4 (2.5) Carries or possesses with intent to use the same
5 unlawfully against another, any firearm in a church,
6 synagogue, mosque, or other building, structure, or place
7 used for religious worship; or

8 (3) Carries on or about his person or in any vehicle, a
9 tear gas gun projector or bomb or any object containing
10 noxious liquid gas or substance, other than an object
11 containing a non-lethal noxious liquid gas or substance
12 designed solely for personal defense carried by a person
13 18 years of age or older; or

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

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

24 (ii) are not immediately accessible; or

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

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

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

8 (5) Sets a spring gun; or

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

12 (7) Sells, manufactures, purchases, possesses or
13 carries:

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

26 (ii) any rifle having one or more barrels less

1 than 16 inches in length or a shotgun having one or
2 more barrels less than 18 inches in length or any
3 weapon made from a rifle or shotgun, whether by
4 alteration, modification, or otherwise, if such a
5 weapon as modified has an overall length of less than
6 26 inches; or

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

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

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

24 (9) Carries or possesses in a vehicle or on or about
25 his or her person any pistol, revolver, stun gun or taser
26 or firearm or ballistic knife, when he or she is hooded,

1 robed or masked in such manner as to conceal his or her
2 identity; or

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

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

17 (ii) are not immediately accessible; or

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

23 (iv) are carried or possessed in accordance with
24 the Firearm Concealed Carry Act by a person who has
25 been issued a currently valid license under the
26 Firearm Concealed Carry Act.

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

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

23 (12) (Blank); or

24 (13) Carries or possesses on or about his or her
25 person while in a building occupied by a unit of
26 government, a billy club, other weapon of like character,

1 or other instrument of like character intended for use as
2 a weapon. For the purposes of this Section, "billy club"
3 means a short stick or club commonly carried by police
4 officers which is either telescopic or constructed of a
5 solid piece of wood or other man-made material.

6 (b) Sentence. A person convicted of a violation of
7 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
8 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
9 Class A misdemeanor. A person convicted of a violation of
10 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;
11 a person convicted of a violation of subsection 24-1(a)(6) or
12 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
13 convicted of a violation of subsection 24-1(a)(7)(i) commits a
14 Class 2 felony and shall be sentenced to a term of imprisonment
15 of not less than 3 years and not more than 7 years, unless the
16 weapon is possessed in the passenger compartment of a motor
17 vehicle as defined in Section 1-146 of the Illinois Vehicle
18 Code, or on the person, while the weapon is loaded, in which
19 case it shall be a Class X felony. A person convicted of a
20 second or subsequent violation of subsection 24-1(a)(4),
21 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
22 felony. A person convicted of a violation of subsection
23 24-1(a)(2.5) commits a Class 2 felony. The possession of each
24 weapon in violation of this Section constitutes a single and
25 separate violation.

26 (c) Violations in specific places.

1 (1) A person who violates subsection 24-1(a)(6) or
2 24-1(a)(7) in any school, regardless of the time of day or
3 the time of year, in residential property owned, operated
4 or managed by a public housing agency or leased by a public
5 housing agency as part of a scattered site or mixed-income
6 development, in a public park, in a courthouse, on the
7 real property comprising any school, regardless of the
8 time of day or the time of year, on residential property
9 owned, operated or managed by a public housing agency or
10 leased by a public housing agency as part of a scattered
11 site or mixed-income development, on the real property
12 comprising any public park, on the real property
13 comprising any courthouse, in any conveyance owned, leased
14 or contracted by a school to transport students to or from
15 school or a school related activity, in any conveyance
16 owned, leased, or contracted by a public transportation
17 agency, or on any public way within 1,000 feet of the real
18 property comprising any school, public park, courthouse,
19 public transportation facility, or residential property
20 owned, operated, or managed by a public housing agency or
21 leased by a public housing agency as part of a scattered
22 site or mixed-income development commits a Class 2 felony
23 and shall be sentenced to a term of imprisonment of not
24 less than 3 years and not more than 7 years.

25 (1.5) A person who violates subsection 24-1(a)(4),
26 24-1(a)(9), or 24-1(a)(10) in any school, regardless of

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

22 (2) A person who violates subsection 24-1(a)(1),
23 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
24 time of day or the time of year, in residential property
25 owned, operated or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered

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

21 (3) Paragraphs (1), (1.5), and (2) of this subsection
22 (c) shall not apply to law enforcement officers or
23 security officers of such school, college, or university
24 or to students carrying or possessing firearms for use in
25 training courses, parades, hunting, target shooting on
26 school ranges, or otherwise with the consent of school

1 authorities and which firearms are transported unloaded
2 enclosed in a suitable case, box, or transportation
3 package.

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

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

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

1 (e) Exemptions.

2 (1) Crossbows, Common or Compound bows and Underwater
3 Spearguns are exempted from the definition of ballistic
4 knife as defined in paragraph (1) of subsection (a) of
5 this Section.

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

18 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21.)

19 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

20 Sec. 24-1.1. Unlawful use or possession of weapons by
21 felons or persons in the custody of the Department of
22 Corrections facilities.

23 (a) It is unlawful for a person to knowingly possess on or
24 about his person or on his land or in his own abode or fixed
25 place of business any weapon prohibited under Section 24-1 of

1 this Act or any firearm or any firearm ammunition if the person
2 has been convicted of a felony under the laws of this State or
3 any other jurisdiction. This Section shall not apply if the
4 person has been granted relief under this subsection ~~by the~~
5 ~~Director of the Illinois State Police under Section 10 of the~~
6 ~~Firearm Owners Identification Card Act.~~ A person prohibited
7 from possessing a firearm under this subsection (a) may
8 petition the Director of the Illinois State Police for a
9 hearing and relief from the prohibition, unless the
10 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 or her reputation are such that the petitioner will
12 not be likely to act in a manner dangerous to public
13 safety;

14 (4) granting relief would not be contrary to the
15 public interest; and

16 (5) granting relief would not be contrary to federal
17 law.

18 (b) It is unlawful for any person confined in a penal
19 institution, which is a facility of the Illinois Department of
20 Corrections, to possess any weapon prohibited under Section
21 24-1 of this Code or any firearm or firearm ammunition,
22 regardless of the intent with which he possesses it.

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

1 (d) The defense of necessity is not available to a person
2 who is charged with a violation of subsection (b) of this
3 Section.

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

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

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 (720 ILCS 5/24-1.6)

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

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

23 (1) Carries on or about his or her person or in any
24 vehicle or concealed on or about his or her person except
25 when on his or her land or in his or her abode, legal

1 dwelling, or fixed place of business, or on the land or in
2 the legal dwelling of another person as an invitee with
3 that person's permission, any pistol, revolver, stun gun
4 or taser or other firearm; or

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

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

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

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

26 (B) the firearm, other than a pistol, revolver, or

1 handgun, possessed was uncased, unloaded, and the
2 ammunition for the weapon was immediately accessible
3 at the time of the offense; or

4 (B-5) the pistol, revolver, or handgun possessed
5 was uncased, unloaded, and the ammunition for the
6 weapon was immediately accessible at the time of the
7 offense and the person possessing the pistol,
8 revolver, or handgun has not been issued a currently
9 valid license under the Firearm Concealed Carry Act;
10 or

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

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

18 (E) the person possessing the weapon was engaged
19 in a misdemeanor violation of the Cannabis Control
20 Act, in a misdemeanor violation of the Illinois
21 Controlled Substances Act, or in a misdemeanor
22 violation of the Methamphetamine Control and Community
23 Protection Act; or

24 (F) (blank); or

25 (G) the person possessing the weapon had an order
26 of protection issued against him or her within the

1 previous 2 years; or

2 (H) the person possessing the weapon was engaged
3 in the commission or attempted commission of a
4 misdemeanor involving the use or threat of violence
5 against the person or property of another; or

6 (I) the person possessing the weapon was under 21
7 years of age and in possession of a handgun, unless the
8 person under 21 is engaged in lawful activities under
9 the Wildlife Code or described in subsection
10 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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

18 (ii) are not immediately accessible; or

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

24 (d) Sentence.

25 (1) Aggravated unlawful use of a weapon is a Class 4
26 felony; a second or subsequent offense is a Class 2 felony

1 for which the person shall be sentenced to a term of
2 imprisonment of not less than 3 years and not more than 7
3 years, except as provided for in Section 5-4.5-110 of the
4 Unified Code of Corrections.

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

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

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

1 a Class X felony.

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

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

5 (720 ILCS 5/24-1.8)

6 Sec. 24-1.8. Unlawful possession of a firearm by a street
7 gang member.

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

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

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

24 (b) Unlawful possession of a firearm by a street gang
25 member is a Class 2 felony for which the person, if sentenced

1 to a term of imprisonment, shall be sentenced to no less than 3
2 years and no more than 10 years. A period of probation, a term
3 of periodic imprisonment or conditional discharge shall not be
4 imposed for the offense of unlawful possession of a firearm by
5 a street gang member when the firearm was loaded or contained
6 firearm ammunition and the court shall sentence the offender
7 to not less than the minimum term of imprisonment authorized
8 for the Class 2 felony.

9 (c) For purposes of this Section:

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

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

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

17 (720 ILCS 5/24-2)

18 (Text of Section before amendment by P.A. 102-152)

19 Sec. 24-2. Exemptions.

20 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
21 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
22 the following:

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

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 while in the performance of their official duty, or while
5 commuting between their homes and places of employment.

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

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

17 (5) Persons licensed as private security contractors,
18 private detectives, or private alarm contractors, or
19 employed by a private security contractor, private
20 detective, or private alarm contractor agency licensed by
21 the Department of Financial and Professional Regulation,
22 if their duties include the carrying of a weapon under the
23 provisions of the Private Detective, Private Alarm,
24 Private Security, Fingerprint Vendor, and Locksmith Act of
25 2004, while actually engaged in the performance of the
26 duties of their employment or commuting between their

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

21 (6) Any person regularly employed in a commercial or
22 industrial operation as a security guard for the
23 protection of persons employed and private property
24 related to such commercial or industrial operation, while
25 actually engaged in the performance of his or her duty or
26 traveling between sites or properties belonging to the

1 employer, and who, as a security guard, is a member of a
2 security force registered with the Department of Financial
3 and Professional Regulation; provided that such security
4 guard has successfully completed a course of study,
5 approved by and supervised by the Department of Financial
6 and Professional Regulation, consisting of not less than
7 40 hours of training that includes the theory of law
8 enforcement, liability for acts, and the handling of
9 weapons. A person shall be considered eligible for this
10 exemption if he or she has completed the required 20 hours
11 of training for a security officer and 20 hours of
12 required firearm training, and has been issued a firearm
13 control card by the Department of Financial and
14 Professional Regulation. Conditions for the renewal of
15 firearm control cards issued under the provisions of this
16 Section shall be the same as for those cards issued under
17 the provisions of the Private Detective, Private Alarm,
18 Private Security, Fingerprint Vendor, and Locksmith Act of
19 2004. The firearm control card shall be carried by the
20 security guard at all times when he or she is in possession
21 of a concealable weapon permitted by his or her firearm
22 control card.

23 (7) Agents and investigators of the Illinois
24 Legislative Investigating Commission authorized by the
25 Commission to carry the weapons specified in subsections
26 24-1(a)(3) and 24-1(a)(4), while on duty in the course of

1 any investigation for the Commission.

2 (8) Persons employed by a financial institution as a
3 security guard for the protection of other employees and
4 property related to such financial institution, while
5 actually engaged in the performance of their duties,
6 commuting between their homes and places of employment, or
7 traveling between sites or properties owned or operated by
8 such financial institution, and who, as a security guard,
9 is a member of a security force registered with the
10 Department; provided that any person so employed has
11 successfully completed a course of study, approved by and
12 supervised by the Department of Financial and Professional
13 Regulation, consisting of not less than 40 hours of
14 training which includes theory of law enforcement,
15 liability for acts, and the handling of weapons. A person
16 shall be considered to be eligible for this exemption if
17 he or she has completed the required 20 hours of training
18 for a security officer and 20 hours of required firearm
19 training, and has been issued a firearm control card by
20 the Department of Financial and Professional Regulation.
21 Conditions for renewal of firearm control cards issued
22 under the provisions of this Section shall be the same as
23 for those issued under the provisions of the Private
24 Detective, Private Alarm, Private Security, Fingerprint
25 Vendor, and Locksmith Act of 2004. The firearm control
26 card shall be carried by the security guard at all times

1 when he or she is in possession of a concealable weapon
2 permitted by his or her firearm control card. For purposes
3 of this subsection, "financial institution" means a bank,
4 savings and loan association, credit union or company
5 providing armored car services.

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

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

12 (11) Investigators of the Office of the State's
13 Attorneys Appellate Prosecutor authorized by the board of
14 governors of the Office of the State's Attorneys Appellate
15 Prosecutor to carry weapons pursuant to Section 7.06 of
16 the State's Attorneys Appellate Prosecutor's Act.

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

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

1 (13) Court Security Officers while in the performance
2 of their official duties, or while commuting between their
3 homes and places of employment, with the consent of the
4 Sheriff.

5 (13.5) A person employed as an armed security guard at
6 a nuclear energy, storage, weapons or development site or
7 facility regulated by the Nuclear Regulatory Commission
8 who has completed the background screening and training
9 mandated by the rules and regulations of the Nuclear
10 Regulatory Commission.

11 (14) Manufacture, transportation, or sale of weapons
12 to persons authorized under subdivisions (1) through
13 (13.5) of this subsection to possess those weapons.

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

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

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

25 (1) Members of any club or organization organized for
26 the purpose of practicing shooting at targets upon

1 established target ranges, whether public or private, and
2 patrons of such ranges, while such members or patrons are
3 using their firearms on those target ranges.

4 (2) Duly authorized military or civil organizations
5 while parading, with the special permission of the
6 Governor.

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

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

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

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

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

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

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

25 (4) Manufacture, transportation, or sale of machine
26 guns to persons authorized under subdivisions (1) through

1 (3) of this subsection to possess machine guns, if the
2 machine guns are broken down in a non-functioning state or
3 are not immediately accessible.

4 (5) Persons licensed under federal law to manufacture
5 any weapon from which 8 or more shots or bullets can be
6 discharged by a single function of the firing device, or
7 ammunition for such weapons, and actually engaged in the
8 business of manufacturing such weapons or ammunition, but
9 only with respect to activities which are within the
10 lawful scope of such business, such as the manufacture,
11 transportation, or testing of such weapons or ammunition.
12 This exemption does not authorize the general private
13 possession of any weapon from which 8 or more shots or
14 bullets can be discharged by a single function of the
15 firing device, but only such possession and activities as
16 are within the lawful scope of a licensed manufacturing
17 business described in this paragraph.

18 During transportation, such weapons shall be broken
19 down in a non-functioning state or not immediately
20 accessible.

21 (6) The manufacture, transport, testing, delivery,
22 transfer or sale, and all lawful commercial or
23 experimental activities necessary thereto, of rifles,
24 shotguns, and weapons made from rifles or shotguns, or
25 ammunition for such rifles, shotguns or weapons, where
26 engaged in by a person operating as a contractor or

1 subcontractor pursuant to a contract or subcontract for
2 the development and supply of such rifles, shotguns,
3 weapons or ammunition to the United States government or
4 any branch of the Armed Forces of the United States, when
5 such activities are necessary and incident to fulfilling
6 the terms of such contract.

7 The exemption granted under this subdivision (c)(6)
8 shall also apply to any authorized agent of any such
9 contractor or subcontractor who is operating within the
10 scope of his employment, where such activities involving
11 such weapon, weapons or ammunition are necessary and
12 incident to fulfilling the terms of such contract.

13 (7) A person possessing a rifle with a barrel or
14 barrels less than 16 inches in length if: (A) the person
15 has been issued a Curios and Relics license from the U.S.
16 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
17 (B) the person is an active member of a bona fide,
18 nationally recognized military re-enacting group and the
19 modification is required and necessary to accurately
20 portray the weapon for historical re-enactment purposes;
21 the re-enactor is in possession of a valid and current
22 re-enacting group membership credential; and the overall
23 length of the weapon as modified is not less than 26
24 inches.

25 (d) Subsection 24-1(a)(1) does not apply to the purchase,
26 possession or carrying of a black-jack or slung-shot by a

1 peace officer.

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

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

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

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

15 (2) Bonafide collectors of antique or surplus military
16 ordnance.

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

20 (4) Commerce, preparation, assembly or possession of
21 explosive bullets by manufacturers of ammunition licensed
22 by the federal government, in connection with the supply
23 of those organizations and persons exempted by subdivision
24 (g)(1) of this Section, or like organizations and persons
25 outside this State, or the transportation of explosive
26 bullets to any organization or person exempted in this

1 Section by a common carrier or by a vehicle owned or leased
2 by an exempted manufacturer.

3 (g-5) Subsection 24-1(a)(6) does not apply to or affect
4 persons licensed under federal law to manufacture any device
5 or attachment of any kind designed, used, or intended for use
6 in silencing the report of any firearm, firearms, or
7 ammunition for those firearms equipped with those devices, and
8 actually engaged in the business of manufacturing those
9 devices, firearms, or ammunition, but only with respect to
10 activities that are within the lawful scope of that business,
11 such as the manufacture, transportation, or testing of those
12 devices, firearms, or ammunition. This exemption does not
13 authorize the general private possession of any device or
14 attachment of any kind designed, used, or intended for use in
15 silencing the report of any firearm, but only such possession
16 and activities as are within the lawful scope of a licensed
17 manufacturing business described in this subsection (g-5).
18 During transportation, these devices shall be detached from
19 any weapon or not immediately accessible.

20 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
21 24-1.6 do not apply to or affect any parole agent or parole
22 supervisor who meets the qualifications and conditions
23 prescribed in Section 3-14-1.5 of the Unified Code of
24 Corrections.

25 (g-7) Subsection 24-1(a)(6) does not apply to a peace
26 officer while serving as a member of a tactical response team

1 or special operations team. A peace officer may not personally
2 own or apply for ownership of a device or attachment of any
3 kind designed, used, or intended for use in silencing the
4 report of any firearm. These devices shall be owned and
5 maintained by lawfully recognized units of government whose
6 duties include the investigation of criminal acts.

7 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
8 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
9 athlete's possession, transport on official Olympic and
10 Paralympic transit systems established for athletes, or use of
11 competition firearms sanctioned by the International Olympic
12 Committee, the International Paralympic Committee, the
13 International Shooting Sport Federation, or USA Shooting in
14 connection with such athlete's training for and participation
15 in shooting competitions at the 2016 Olympic and Paralympic
16 Games and sanctioned test events leading up to the 2016
17 Olympic and Paralympic Games.

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

22 (i) Nothing in this Article shall prohibit, apply to, or
23 affect the transportation, carrying, or possession, of any
24 pistol or revolver, stun gun, taser, or other firearm
25 consigned to a common carrier operating under license of the
26 State of Illinois or the federal government, where such

1 transportation, carrying, or possession is incident to the
2 lawful transportation in which such common carrier is engaged;
3 and nothing in this Article shall prohibit, apply to, or
4 affect the transportation, carrying, or possession of any
5 pistol, revolver, stun gun, taser, or other firearm, not the
6 subject of and regulated by subsection 24-1(a)(7) or
7 subsection 24-2(c) of this Article, which is unloaded and
8 enclosed in a case, firearm carrying box, shipping box, or
9 other container, by the possessor of a valid Firearm Owners
10 Identification Card.

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

12 (Text of Section after amendment by P.A. 102-152)

13 Sec. 24-2. Exemptions.

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

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

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

25 (3) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard or the
2 Reserve Officers Training Corps, while in the performance
3 of their official duty.

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

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

1 agency and 28 hours of required firearm training, and has
2 been issued a firearm control card by the Department of
3 Financial and Professional Regulation. Conditions for the
4 renewal of firearm control cards issued under the
5 provisions of this Section shall be the same as for those
6 cards issued under the provisions of the Private
7 Detective, Private Alarm, Private Security, Fingerprint
8 Vendor, and Locksmith Act of 2004. The firearm control
9 card shall be carried by the private security contractor,
10 private detective, or private alarm contractor, or
11 employee of the licensed private security contractor,
12 private detective, or private alarm contractor agency at
13 all times when he or she is in possession of a concealable
14 weapon permitted by his or her firearm control card.

15 (6) Any person regularly employed in a commercial or
16 industrial operation as a security guard for the
17 protection of persons employed and private property
18 related to such commercial or industrial operation, while
19 actually engaged in the performance of his or her duty or
20 traveling between sites or properties belonging to the
21 employer, and who, as a security guard, is a member of a
22 security force registered with the Department of Financial
23 and Professional Regulation; provided that such security
24 guard has successfully completed a course of study,
25 approved by and supervised by the Department of Financial
26 and Professional Regulation, consisting of not less than

1 48 hours of training that includes the theory of law
2 enforcement, liability for acts, and the handling of
3 weapons. A person shall be considered eligible for this
4 exemption if he or she has completed the required 20 hours
5 of training for a security officer and 28 hours of
6 required firearm training, and has been issued a firearm
7 control card by the Department of Financial and
8 Professional Regulation. Conditions for the renewal of
9 firearm control cards issued under the provisions of this
10 Section shall be the same as for those cards issued under
11 the provisions of the Private Detective, Private Alarm,
12 Private Security, Fingerprint Vendor, and Locksmith Act of
13 2004. The firearm control card shall be carried by the
14 security guard at all times when he or she is in possession
15 of a concealable weapon permitted by his or her firearm
16 control card.

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

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

1 traveling between sites or properties owned or operated by
2 such financial institution, and who, as a security guard,
3 is a member of a security force registered with the
4 Department; provided that any person so employed has
5 successfully completed a course of study, approved by and
6 supervised by the Department of Financial and Professional
7 Regulation, consisting of not less than 48 hours of
8 training which includes theory of law enforcement,
9 liability for acts, and the handling of weapons. A person
10 shall be considered to be eligible for this exemption if
11 he or she has completed the required 20 hours of training
12 for a security officer and 28 hours of required firearm
13 training, and has been issued a firearm control card by
14 the Department of Financial and Professional Regulation.
15 Conditions for renewal of firearm control cards issued
16 under the provisions of this Section shall be the same as
17 for those issued under the provisions of the Private
18 Detective, Private Alarm, Private Security, Fingerprint
19 Vendor, and Locksmith Act of 2004. The firearm control
20 card shall be carried by the security guard at all times
21 when he or she is in possession of a concealable weapon
22 permitted by his or her firearm control card. For purposes
23 of this subsection, "financial institution" means a bank,
24 savings and loan association, credit union or company
25 providing armored car services.

26 (9) Any person employed by an armored car company to

1 drive an armored car, while actually engaged in the
2 performance of his duties.

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

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

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

13 (12.5) Probation officers while in the performance of
14 their duties, or while commuting between their homes,
15 places of employment or specific locations that are part
16 of their assigned duties, with the consent of the chief
17 judge of the circuit for which they are employed, if they
18 have received weapons training according to requirements
19 of the Peace Officer and Probation Officer Firearm
20 Training Act.

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

25 (13.5) A person employed as an armed security guard at
26 a nuclear energy, storage, weapons or development site or

1 facility regulated by the Nuclear Regulatory Commission
2 who has completed the background screening and training
3 mandated by the rules and regulations of the Nuclear
4 Regulatory Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (4) Manufacture, transportation, or sale of machine
20 guns to persons authorized under subdivisions (1) through
21 (3) of this subsection to possess machine guns, if the
22 machine guns are broken down in a non-functioning state or
23 are not immediately accessible.

24 (5) Persons licensed under federal law to manufacture
25 any weapon from which 8 or more shots or bullets can be
26 discharged by a single function of the firing device, or

1 ammunition for such weapons, and actually engaged in the
2 business of manufacturing such weapons or ammunition, but
3 only with respect to activities which are within the
4 lawful scope of such business, such as the manufacture,
5 transportation, or testing of such weapons or ammunition.
6 This exemption does not authorize the general private
7 possession of any weapon from which 8 or more shots or
8 bullets can be discharged by a single function of the
9 firing device, but only such possession and activities as
10 are within the lawful scope of a licensed manufacturing
11 business described in this paragraph.

12 During transportation, such weapons shall be broken
13 down in a non-functioning state or not immediately
14 accessible.

15 (6) The manufacture, transport, testing, delivery,
16 transfer or sale, and all lawful commercial or
17 experimental activities necessary thereto, of rifles,
18 shotguns, and weapons made from rifles or shotguns, or
19 ammunition for such rifles, shotguns or weapons, where
20 engaged in by a person operating as a contractor or
21 subcontractor pursuant to a contract or subcontract for
22 the development and supply of such rifles, shotguns,
23 weapons or ammunition to the United States government or
24 any branch of the Armed Forces of the United States, when
25 such activities are necessary and incident to fulfilling
26 the terms of such contract.

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

7 (7) A person possessing a rifle with a barrel or
8 barrels less than 16 inches in length if: (A) the person
9 has been issued a Curios and Relics license from the U.S.
10 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
11 (B) the person is an active member of a bona fide,
12 nationally recognized military re-enacting group and the
13 modification is required and necessary to accurately
14 portray the weapon for historical re-enactment purposes;
15 the re-enactor is in possession of a valid and current
16 re-enacting group membership credential; and the overall
17 length of the weapon as modified is not less than 26
18 inches.

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

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

25 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
26 Section 24-1.6 do not apply to members of any club or

1 organization organized for the purpose of practicing shooting
2 at targets upon established target ranges, whether public or
3 private, while using their firearms on those target ranges.

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

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

9 (2) Bonafide collectors of antique or surplus military
10 ordnance.

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

14 (4) Commerce, preparation, assembly or possession of
15 explosive bullets by manufacturers of ammunition licensed
16 by the federal government, in connection with the supply
17 of those organizations and persons exempted by subdivision
18 (g)(1) of this Section, or like organizations and persons
19 outside this State, or the transportation of explosive
20 bullets to any organization or person exempted in this
21 Section by a common carrier or by a vehicle owned or leased
22 by an exempted manufacturer.

23 (g-5) Subsection 24-1(a)(6) does not apply to or affect
24 persons licensed under federal law to manufacture any device
25 or attachment of any kind designed, used, or intended for use
26 in silencing the report of any firearm, firearms, or

1 ammunition for those firearms equipped with those devices, and
2 actually engaged in the business of manufacturing those
3 devices, firearms, or ammunition, but only with respect to
4 activities that are within the lawful scope of that business,
5 such as the manufacture, transportation, or testing of those
6 devices, firearms, or ammunition. This exemption does not
7 authorize the general private possession of any device or
8 attachment of any kind designed, used, or intended for use in
9 silencing the report of any firearm, but only such possession
10 and activities as are within the lawful scope of a licensed
11 manufacturing business described in this subsection (g-5).
12 During transportation, these devices shall be detached from
13 any weapon or not immediately accessible.

14 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
15 24-1.6 do not apply to or affect any parole agent or parole
16 supervisor who meets the qualifications and conditions
17 prescribed in Section 3-14-1.5 of the Unified Code of
18 Corrections.

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

1 (g-10) (Blank).

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

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

22 (Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22.)

23 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

25 (A) A person commits the offense of unlawful sale or

1 delivery of firearms when he or she knowingly does any of the
2 following:

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

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

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

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

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

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

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

1 (f) Sells or gives any firearms to any person who is a
2 person with an intellectual disability.

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

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

1 as a federal firearms dealer under Section 923 of the
2 federal Gun Control Act of 1968 at competitive shooting
3 events held at the World Shooting Complex sanctioned by a
4 national governing body. For purposes of transfers or
5 sales under subparagraph (5) of this paragraph (g), the
6 Department of Natural Resources shall give notice to the
7 Illinois State Police at least 30 calendar days prior to
8 any competitive shooting events at the World Shooting
9 Complex sanctioned by a national governing body. The
10 notification shall be made on a form prescribed by the
11 Illinois State Police. The sanctioning body shall provide
12 a list of all registered competitors and attendees at
13 least 24 hours before the events to the Illinois State
14 Police. Any changes to the list of registered competitors
15 and attendees shall be forwarded to the Illinois State
16 Police as soon as practicable. The Illinois State Police
17 must destroy the list of registered competitors and
18 attendees no later than 30 days after the date of the
19 event. Nothing in this paragraph (g) relieves a federally
20 licensed firearm dealer from the requirements of
21 conducting a NICS background check through the Illinois
22 Point of Contact under 18 U.S.C. 922(t). For purposes of
23 this paragraph (g), "application" means when the buyer and
24 seller reach an agreement to purchase a firearm. For
25 purposes of this paragraph (g), "national governing body"
26 means a group of persons who adopt rules and formulate

1 policy on behalf of a national firearm sporting
2 organization.

3 (h) While holding any license as a dealer, importer,
4 manufacturer or pawnbroker under the federal Gun Control
5 Act of 1968, manufactures, sells or delivers to any
6 unlicensed person a handgun having a barrel, slide, frame
7 or receiver which is a die casting of zinc alloy or any
8 other nonhomogeneous metal which will melt or deform at a
9 temperature of less than 800 degrees Fahrenheit. For
10 purposes of this paragraph, (1) "firearm" has the meaning
11 provided in Section 2-7.5 of the Criminal Code of 2012 ~~is~~
12 ~~defined as in the Firearm Owners Identification Card Act;~~
13 and (2) "handgun" is defined as a firearm designed to be
14 held and fired by the use of a single hand, and includes a
15 combination of parts from which such a firearm can be
16 assembled.

17 (i) Sells or gives a firearm of any size to any person
18 under 18 years of age who is not eligible under State or
19 federal law to possess a firearm ~~does not possess a valid~~
20 ~~Firearm Owner's Identification Card.~~

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

26 A person "engaged in the business" means a person who

1 devotes time, attention, and labor to engaging in the
2 activity as a regular course of trade or business with the
3 principal objective of livelihood and profit, but does not
4 include a person who makes occasional repairs of firearms
5 or who occasionally fits special barrels, stocks, or
6 trigger mechanisms to firearms.

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

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

1 ~~to a person who is exempt from the requirement of~~
2 ~~possessing a Firearm Owner's Identification Card under~~
3 ~~Section 2 of the Firearm Owners Identification Card Act.~~
4 ~~For the purposes of this Section, a currently valid~~
5 ~~Firearm Owner's Identification Card or license to carry a~~
6 ~~concealed firearm means receipt of an approval number~~
7 ~~issued in accordance with subsection (a 10) of subsection~~
8 ~~3 or Section 3.1 of the Firearm Owners Identification Card~~
9 ~~Act.~~

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

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

24 (1) Not being entitled to the possession of a firearm,
25 delivers the firearm, knowing it to have been stolen or
26 converted. It may be inferred that a person who possesses

1 a firearm with knowledge that its serial number has been
2 removed or altered has knowledge that the firearm is
3 stolen or converted.

4 (B) Paragraph (h) of subsection (A) does not include
5 firearms sold within 6 months after enactment of Public Act
6 78-355 (approved August 21, 1973, effective October 1, 1973),
7 nor is any firearm legally owned or possessed by any citizen or
8 purchased by any citizen within 6 months after the enactment
9 of Public Act 78-355 subject to confiscation or seizure under
10 the provisions of that Public Act. Nothing in Public Act
11 78-355 shall be construed to prohibit the gift or trade of any
12 firearm if that firearm was legally held or acquired within 6
13 months after the enactment of that Public Act.

14 (C) Sentence.

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

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

21 (3) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (a) of subsection
23 (A) commits a Class 2 felony.

24 (4) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (a), (b), or (i) of
26 subsection (A) in any school, on the real property

1 comprising a school, within 1,000 feet of the real
2 property comprising a school, at a school related
3 activity, or on or within 1,000 feet of any conveyance
4 owned, leased, or contracted by a school or school
5 district to transport students to or from school or a
6 school related activity, regardless of the time of day or
7 time of year at which the offense was committed, commits a
8 Class 1 felony. Any person convicted of a second or
9 subsequent violation of unlawful sale or delivery of
10 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 for which the sentence shall be a term of
20 imprisonment of no less than 5 years and no more than 15
21 years.

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

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

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

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

23 (8) A person 18 years of age or older convicted of
24 unlawful sale or delivery of firearms in violation of
25 paragraph (a) or (i) of subsection (A), when the firearm
26 that was sold or given to another person under 18 years of

1 age was used in the commission of or attempt to commit a
2 forcible felony, shall be fined or imprisoned, or both,
3 not to exceed the maximum provided for the most serious
4 forcible felony so committed or attempted by the person
5 under 18 years of age who was sold or given the firearm.

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

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

1 years and not more than 40 years if the delivery is of not
2 less than 11 and not more than 20 firearms at the same time
3 or within a 3-year ~~3-year~~ period. Any person convicted of
4 unlawful sale or delivery of firearms in violation of
5 paragraph (1) of subsection (A) commits a Class X felony
6 for which he or she shall be sentenced to a term of
7 imprisonment of not less than 6 years and not more than 50
8 years if the delivery is of not less than 21 and not more
9 than 30 firearms at the same time or within a 4-year ~~4-year~~
10 period. Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (1) of subsection
12 (A) commits a Class X felony for which he or she shall be
13 sentenced to a term of imprisonment of not less than 6
14 years and not more than 60 years if the delivery is of 31
15 or more firearms at the same time or within a 5-year ~~5-year~~
16 period.

17 (D) For purposes of this Section:

18 "School" means a public or private elementary or secondary
19 school, community college, college, or university.

20 "School related activity" means any sporting, social,
21 academic, or other activity for which students' attendance or
22 participation is sponsored, organized, or funded in whole or
23 in part by a school or school district.

24 (E) (Blank). ~~A prosecution for a violation of paragraph~~
25 ~~(k) of subsection (A) of this Section may be commenced within 6~~
26 ~~years after the commission of the offense. A prosecution for a~~

1 ~~violation of this Section other than paragraph (g) of~~
2 ~~subsection (A) of this Section may be commenced within 5 years~~
3 ~~after the commission of the offense defined in the particular~~
4 ~~paragraph.~~

5 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
6 revised 10-12-21.)

7 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

8 Sec. 24-3.1. Unlawful possession of firearms and firearm
9 ammunition.

10 (a) A person commits the offense of unlawful possession of
11 firearms or firearm ammunition when:

12 (1) He is under 18 years of age and has in his
13 possession any firearm of a size which may be concealed
14 upon the person; or

15 (2) He is under 21 years of age, has been convicted of
16 a misdemeanor other than a traffic offense or adjudged
17 delinquent and has any firearms or firearm ammunition in
18 his possession; or

19 (3) He is a narcotic addict and has any firearms or
20 firearm ammunition in his possession; or

21 (4) He has been a patient in a mental institution
22 within the past 5 years and has any firearms or firearm
23 ammunition in his possession. For purposes of this
24 paragraph (4):

25 "Mental institution" means any hospital,

1 institution, clinic, evaluation facility, mental
2 health center, or part thereof, which is used
3 primarily for the care or treatment of persons with
4 mental illness.

5 "Patient in a mental institution" means the person
6 was admitted, either voluntarily or involuntarily, to
7 a mental institution for mental health treatment,
8 unless the treatment was voluntary and solely for an
9 alcohol abuse disorder and no other secondary
10 substance abuse disorder or mental illness; or

11 (5) He is a person with an intellectual disability and
12 has any firearms or firearm ammunition in his possession;
13 or

14 (6) He has in his possession any explosive bullet.

15 For purposes of this paragraph "explosive bullet" means
16 the projectile portion of an ammunition cartridge which
17 contains or carries an explosive charge which will explode
18 upon contact with the flesh of a human or an animal.

19 "Cartridge" means a tubular metal case having a projectile
20 affixed at the front thereof and a cap or primer at the rear
21 end thereof, with the propellant contained in such tube
22 between the projectile and the cap.

23 (a-5) A person prohibited from possessing a firearm under
24 this Section may petition the Director of the Illinois State
25 Police for a hearing and relief from the prohibition, unless
26 the prohibition was based upon a forcible felony, stalking,

1 aggravated stalking, domestic battery, any violation of the
2 Illinois Controlled Substances Act, the Methamphetamine
3 Control and Community Protection Act, or the Cannabis Control
4 Act that is classified as a Class 2 or greater felony, any
5 felony violation of Article 24 of the Criminal Code of 1961 or
6 the Criminal Code of 2012, or any adjudication as a delinquent
7 minor for the commission of an offense that if committed by an
8 adult would be a felony, in which case the person may petition
9 the circuit court in writing in the county of his or her
10 residence for a hearing and relief from the prohibition. The
11 Director or court may grant the relief if it is established by
12 the petitioner to the court's or Director's satisfaction that:

13 (1) when in the circuit court, the State's Attorney
14 has been served with a written copy of the petition at
15 least 30 days before any hearing in the circuit court and
16 at the hearing the State's Attorney was afforded an
17 opportunity to present evidence and object to the
18 petition;

19 (2) the petitioner has not been convicted of a
20 forcible felony under the laws of this State or any other
21 jurisdiction within 20 years of the filing of the
22 petition, or at least 20 years have passed since the end of
23 any period of imprisonment imposed in relation to that
24 conviction;

25 (3) the circumstances regarding a criminal conviction,
26 where applicable, the petitioner's criminal history and

1 his reputation are such that the petitioner will not be
2 likely to act in a manner dangerous to public safety;

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

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

7 (b) Sentence.

8 Unlawful possession of firearms, other than handguns, and
9 firearm ammunition is a Class A misdemeanor. Unlawful
10 possession of handguns is a Class 4 felony. The possession of
11 each firearm or firearm ammunition in violation of this
12 Section constitutes a single and separate violation.

13 (c) Nothing in paragraph (1) of subsection (a) of this
14 Section prohibits a person under 18 years of age from
15 participating in any lawful recreational activity with a
16 firearm such as, but not limited to, practice shooting at
17 targets upon established public or private target ranges or
18 hunting, trapping, or fishing in accordance with the Wildlife
19 Code or the Fish and Aquatic Life Code.

20 (Source: P.A. 99-143, eff. 7-27-15.)

21 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

22 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

23 (a) A person commits the offense of unlawful discharge of
24 firearm projectiles when he or she knowingly or recklessly
25 uses an armor piercing bullet, dragon's breath shotgun shell,

1 bolo shell, or flechette shell in violation of this Section.

2 For purposes of this Section:

3 "Armor piercing bullet" means any handgun bullet or
4 handgun ammunition with projectiles or projectile cores
5 constructed entirely (excluding the presence of traces of
6 other substances) from tungsten alloys, steel, iron, brass,
7 bronze, beryllium copper or depleted uranium, or fully
8 jacketed bullets larger than 22 caliber whose jacket has a
9 weight of more than 25% of the total weight of the projectile,
10 and excluding those handgun projectiles whose cores are
11 composed of soft materials such as lead or lead alloys, zinc or
12 zinc alloys, frangible projectiles designed primarily for
13 sporting purposes, and any other projectiles or projectile
14 cores that the U. S. Secretary of the Treasury finds to be
15 primarily intended to be used for sporting purposes or
16 industrial purposes or that otherwise does not constitute
17 "armor piercing ammunition" as that term is defined by federal
18 law.

19 "Dragon's breath shotgun shell" means any shotgun shell
20 that contains exothermic pyrophoric mesh metal as the
21 projectile and is designed for the purpose of throwing or
22 spewing a flame or fireball to simulate a flame-thrower.

23 "Bolo shell" means any shell that can be fired in a firearm
24 and expels as projectiles 2 or more metal balls connected by
25 solid metal wire.

26 "Flechette shell" means any shell that can be fired in a

1 firearm and expels 2 or more pieces of fin-stabilized solid
2 metal wire or 2 or more solid dart-type projectiles.

3 (b) A person commits a Class X felony when he or she,
4 knowing that a firearm, ~~as defined in Section 1.1 of the~~
5 ~~Firearm Owners Identification Card Act,~~ is loaded with an
6 armor piercing bullet, dragon's breath shotgun shell, bolo
7 shell, or flechette shell, intentionally or recklessly
8 discharges such firearm and such bullet or shell strikes any
9 other person.

10 (c) Any person who possesses, concealed on or about his or
11 her person, an armor piercing bullet, dragon's breath shotgun
12 shell, bolo shell, or flechette shell and a firearm suitable
13 for the discharge thereof is guilty of a Class 2 felony.

14 (d) This Section does not apply to or affect any of the
15 following:

16 (1) Peace officers;

17 (2) Wardens, superintendents and keepers of prisons,
18 penitentiaries, jails and other institutions for the
19 detention of persons accused or convicted of an offense;

20 (3) Members of the Armed Services or Reserve Forces of
21 the United States or the Illinois National Guard while in
22 the performance of their official duties;

23 (4) Federal officials required to carry firearms,
24 while engaged in the performance of their official duties;

25 (5) United States Marshals, while engaged in the
26 performance of their official duties.

1 (Source: P.A. 92-423, eff. 1-1-02.)

2 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

3 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

4 (a) It shall be unlawful for any person who holds a license
5 to sell at retail any alcoholic liquor issued by the Illinois
6 Liquor Control Commission or local liquor control commissioner
7 under the Liquor Control Act of 1934 or an agent or employee of
8 the licensee to sell or deliver to any other person a firearm
9 in or on the real property of the establishment where the
10 licensee is licensed to sell alcoholic liquors unless the sale
11 or delivery of the firearm is otherwise lawful under this
12 Article ~~and under the Firearm Owners Identification Card Act.~~

13 (b) Sentence. A violation of subsection (a) of this
14 Section is a Class 4 felony.

15 (Source: P.A. 87-591.)

16 (720 ILCS 5/24-3.5)

17 Sec. 24-3.5. Unlawful purchase of a firearm.

18 (a) For purposes of this Section, "firearms transaction
19 record form" means a form:

20 (1) executed by a transferee of a firearm stating: (i)
21 the transferee's name and address (including county or
22 similar political subdivision); (ii) whether the
23 transferee is a citizen of the United States; (iii) the
24 transferee's State of residence; and (iv) the date and

1 place of birth, height, weight, and race of the
2 transferee; and

3 (2) on which the transferee certifies that he or she
4 is not prohibited by federal law from transporting or
5 shipping a firearm in interstate or foreign commerce or
6 receiving a firearm that has been shipped or transported
7 in interstate or foreign commerce or possessing a firearm
8 in or affecting commerce.

9 (b) A person commits the offense of unlawful purchase of a
10 firearm who knowingly purchases or attempts to purchase a
11 firearm with the intent to deliver that firearm to another
12 person who is prohibited by federal or State law from
13 possessing a firearm.

14 (c) A person commits the offense of unlawful purchase of a
15 firearm when he or she, in purchasing or attempting to
16 purchase a firearm, intentionally provides false or misleading
17 information on a United States Department of the Treasury,
18 Bureau of Alcohol, Tobacco and Firearms firearms transaction
19 record form.

20 (d) Exemption. It is not a violation of subsection (b) of
21 this Section for a person to make a gift or loan of a firearm
22 to a person who is not prohibited by federal or State law from
23 possessing a firearm ~~if the transfer of the firearm is made in~~
24 ~~accordance with Section 3 of the Firearm Owners Identification~~
25 ~~Card Act.~~

26 (e) Sentence.

1 (1) A person who commits the offense of unlawful
2 purchase of a firearm:

3 (A) is guilty of a Class 2 felony for purchasing or
4 attempting to purchase one firearm;

5 (B) is guilty of a Class 1 felony for purchasing or
6 attempting to purchase not less than 2 firearms and
7 not more than 5 firearms at the same time or within a
8 one year period;

9 (C) is guilty of a Class X felony for which the
10 offender shall be sentenced to a term of imprisonment
11 of not less than 9 years and not more than 40 years for
12 purchasing or attempting to purchase not less than 6
13 firearms at the same time or within a 2 year period.

14 (2) In addition to any other penalty that may be
15 imposed for a violation of this Section, the court may
16 sentence a person convicted of a violation of subsection
17 (c) of this Section to a fine not to exceed \$250,000 for
18 each violation.

19 (f) A prosecution for unlawful purchase of a firearm may
20 be commenced within 6 years after the commission of the
21 offense.

22 (Source: P.A. 95-882, eff. 1-1-09.)

23 (720 ILCS 5/24-3B)

24 Sec. 24-3B. Firearms trafficking.

25 (a) A person commits firearms trafficking when he or she

1 is prohibited under federal or State law from possessing a
2 firearm ~~has not been issued a currently valid Firearm Owner's~~
3 ~~Identification Card~~ and knowingly:

4 (1) brings, or causes to be brought, into this State,
5 a firearm or firearm ammunition for the purpose of sale,
6 delivery, or transfer to any other person or with the
7 intent to sell, deliver, or transfer the firearm or
8 firearm ammunition to any other person; or

9 (2) brings, or causes to be brought, into this State,
10 a firearm and firearm ammunition for the purpose of sale,
11 delivery, or transfer to any other person or with the
12 intent to sell, deliver, or transfer the firearm and
13 firearm ammunition to any other person.

14 (a-5) (Blank). ~~This Section does not apply to:~~

15 ~~(1) a person exempt under Section 2 of the Firearm~~
16 ~~Owners Identification Card Act from the requirement of~~
17 ~~having possession of a Firearm Owner's Identification Card~~
18 ~~previously issued in his or her name by the Illinois State~~
19 ~~Police in order to acquire or possess a firearm or firearm~~
20 ~~ammunition;~~

21 ~~(2) a common carrier under subsection (i) of Section~~
22 ~~24-2 of this Code; or~~

23 ~~(3) a non-resident who may lawfully possess a firearm~~
24 ~~in his or her resident state.~~

25 (b) Sentence.

26 (1) Firearms trafficking is a Class 1 felony for which

1 the person, if sentenced to a term of imprisonment, shall
2 be sentenced to not less than 4 years and not more than 20
3 years.

4 (2) Firearms trafficking by a person who has been
5 previously convicted of firearms trafficking, gunrunning,
6 or a felony offense for the unlawful sale, delivery, or
7 transfer of a firearm or firearm ammunition in this State
8 or another jurisdiction is a Class X felony.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (720 ILCS 5/24-4.1)

11 Sec. 24-4.1. Report of lost or stolen firearms.

12 (a) If a person ~~who possesses a valid Firearm Owner's~~
13 ~~Identification Card and~~ who possesses or acquires a firearm
14 thereafter loses the firearm, or if the firearm is stolen from
15 the person, the person must report the loss or theft to the
16 local law enforcement agency within 72 hours after obtaining
17 knowledge of the loss or theft.

18 (b) A law enforcement agency having jurisdiction shall
19 take a written report and shall, as soon as practical, enter
20 the firearm's serial number as stolen into the Law Enforcement
21 Agencies Data System (LEADS).

22 (c) A person shall not be in violation of this Section if:

23 (1) the failure to report is due to an act of God, act
24 of war, or inability of a law enforcement agency to
25 receive the report;

1 (2) the person is hospitalized, in a coma, or is
2 otherwise seriously physically or mentally impaired as to
3 prevent the person from reporting; or

4 (3) the person's designee makes a report if the person
5 is unable to make the report.

6 (d) Sentence. A person who violates this Section is guilty
7 of a petty offense for a first violation. A second or
8 subsequent violation of this Section is a Class A misdemeanor.
9 (Source: P.A. 98-508, eff. 8-19-13.)

10 (720 ILCS 5/24-4.5 new)

11 Sec. 24-4.5. Dial up system.

12 (a) The Illinois State Police shall provide a dial up
13 telephone system or utilize other existing technology which
14 shall be used by any federally licensed firearm dealer, gun
15 show promoter, or gun show vendor who is to transfer a firearm,
16 stun gun, or taser under the provisions of this Code. The
17 Illinois State Police may utilize existing technology which
18 allows the caller to be charged a fee not to exceed \$2. Fees
19 collected by the Illinois State Police shall be deposited in
20 the State Police Services Fund and used to provide the
21 service.

22 (b) Upon receiving a request from a federally licensed
23 firearm dealer, gun show promoter, or gun show vendor, the
24 Illinois State Police shall immediately approve, or within the
25 time period established by Section 24-3 of this Code regarding

1 the delivery of firearms, stun guns, and tasers notify the
2 inquiring dealer, gun show promoter, or gun show vendor of any
3 objection that would disqualify the transferee from acquiring
4 or possessing a firearm, stun gun, or taser. In conducting the
5 inquiry, the Illinois State Police shall initiate and complete
6 an automated search of its criminal history record information
7 files and those of the Federal Bureau of Investigation,
8 including the National Instant Criminal Background Check
9 System, and of the files of the Department of Human Services
10 relating to mental health and developmental disabilities to
11 obtain any felony conviction or patient hospitalization
12 information which would disqualify a person from obtaining a
13 firearm.

14 (c) If receipt of a firearm would not violate Section 24-3
15 of this Code or federal law, the Illinois State Police shall:

16 (1) assign a unique identification number to the
17 transfer; and

18 (2) provide the licensee, gun show promoter, or gun
19 show vendor with the number.

20 (d) Approvals issued by the Illinois State Police for the
21 purchase of a firearm are valid for 30 days from the date of
22 issue.

23 (e) (1) The Illinois State Police must act as the Illinois
24 Point of Contact for the National Instant Criminal Background
25 Check System.

26 (2) The Illinois State Police and the Department of Human

1 Services shall, in accordance with State and federal law
2 regarding confidentiality, enter into a memorandum of
3 understanding with the Federal Bureau of Investigation for the
4 purpose of implementing the National Instant Criminal
5 Background Check System in the State. The Department of State
6 Police shall report the name, date of birth, and physical
7 description of any person prohibited from possessing a firearm
8 under this Code or 18 U.S.C. 922(g) and (n) to the National
9 Instant Criminal Background Check System Index, Denied Persons
10 Files.

11 (f) The Illinois State Police shall adopt rules not
12 inconsistent with this Section to implement this system.

13 (720 ILCS 5/24-9)

14 Sec. 24-9. Firearms; Child Protection.

15 (a) Except as provided in subsection (c), it is unlawful
16 for any person to store or leave, within premises under his or
17 her control, a firearm if the person knows or has reason to
18 believe that a minor under the age of 14 years ~~who does not~~
19 ~~have a Firearm Owners Identification Card~~ is likely to gain
20 access to the firearm without the lawful permission of the
21 person possessing the firearm, minor's parent, guardian, or
22 person having charge of the minor, and the minor causes death
23 or great bodily harm with the firearm, unless the firearm is:

24 (1) secured by a device or mechanism, other than the
25 firearm safety, designed to render a firearm temporarily

1 inoperable; or

2 (2) placed in a securely locked box or container; or

3 (3) placed in some other location that a reasonable
4 person would believe to be secure from a minor under the
5 age of 14 years.

6 (b) Sentence. A person who violates this Section is guilty
7 of a Class C misdemeanor and shall be fined not less than
8 \$1,000. A second or subsequent violation of this Section is a
9 Class A misdemeanor.

10 (c) Subsection (a) does not apply:

11 (1) if the minor under 14 years of age gains access to
12 a firearm and uses it in a lawful act of self-defense or
13 defense of another; or

14 (2) to any firearm obtained by a minor under the age of
15 14 because of an unlawful entry of the premises by the
16 minor or another person.

17 (d) (Blank). ~~For the purposes of this Section, "firearm"~~
18 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~
19 ~~Owners Identification Card Act.~~

20 (Source: P.A. 91-18, eff. 1-1-00.)

21 Section 80. The Methamphetamine Control and Community
22 Protection Act is amended by changing Section 10 as follows:

23 (720 ILCS 646/10)

24 Sec. 10. Definitions. As used in this Act:

1 "Anhydrous ammonia" has the meaning provided in subsection
2 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

3 "Anhydrous ammonia equipment" means all items used to
4 store, hold, contain, handle, transfer, transport, or apply
5 anhydrous ammonia for lawful purposes.

6 "Booby trap" means any device designed to cause physical
7 injury when triggered by an act of a person approaching,
8 entering, or moving through a structure, a vehicle, or any
9 location where methamphetamine has been manufactured, is being
10 manufactured, or is intended to be manufactured.

11 "Deliver" or "delivery" has the meaning provided in
12 subsection (h) of Section 102 of the Illinois Controlled
13 Substances Act.

14 "Director" means the Director of the Illinois State Police
15 or the Director's designated agents.

16 "Dispose" or "disposal" means to abandon, discharge,
17 release, deposit, inject, dump, spill, leak, or place
18 methamphetamine waste onto or into any land, water, or well of
19 any type so that the waste has the potential to enter the
20 environment, be emitted into the air, or be discharged into
21 the soil or any waters, including groundwater.

22 "Emergency response" means the act of collecting evidence
23 from or securing a methamphetamine laboratory site,
24 methamphetamine waste site or other methamphetamine-related
25 site and cleaning up the site, whether these actions are
26 performed by public entities or private contractors paid by

1 public entities.

2 "Emergency service provider" means a local, State, or
3 federal peace officer, firefighter, emergency medical
4 technician-ambulance, emergency medical
5 technician-intermediate, emergency medical
6 technician-paramedic, ambulance driver, or other medical or
7 first aid personnel rendering aid, or any agent or designee of
8 the foregoing.

9 "Finished methamphetamine" means methamphetamine in a form
10 commonly used for personal consumption.

11 "Firearm" has the meaning provided in Section 2-7.5 of the
12 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
13 ~~Card Act.~~

14 "Manufacture" means to produce, prepare, compound,
15 convert, process, synthesize, concentrate, purify, separate,
16 extract, or package any methamphetamine, methamphetamine
17 precursor, methamphetamine manufacturing catalyst,
18 methamphetamine manufacturing reagent, methamphetamine
19 manufacturing solvent, or any substance containing any of the
20 foregoing.

21 "Methamphetamine" means the chemical methamphetamine (a
22 Schedule II controlled substance under the Illinois Controlled
23 Substances Act) or any salt, optical isomer, salt of optical
24 isomer, or analog thereof, with the exception of
25 3,4-Methylenedioxymethamphetamine (MDMA) or any other
26 scheduled substance with a separate listing under the Illinois

1 Controlled Substances Act.

2 "Methamphetamine manufacturing catalyst" means any
3 substance that has been used, is being used, or is intended to
4 be used to activate, accelerate, extend, or improve a chemical
5 reaction involved in the manufacture of methamphetamine.

6 "Methamphetamine manufacturing environment" means a
7 structure or vehicle in which:

8 (1) methamphetamine is being or has been manufactured;

9 (2) chemicals that are being used, have been used, or
10 are intended to be used to manufacture methamphetamine are
11 stored;

12 (3) methamphetamine manufacturing materials that have
13 been used to manufacture methamphetamine are stored; or

14 (4) methamphetamine manufacturing waste is stored.

15 "Methamphetamine manufacturing material" means any
16 methamphetamine precursor, substance containing any
17 methamphetamine precursor, methamphetamine manufacturing
18 catalyst, substance containing any methamphetamine
19 manufacturing catalyst, methamphetamine manufacturing
20 reagent, substance containing any methamphetamine
21 manufacturing reagent, methamphetamine manufacturing solvent,
22 substance containing any methamphetamine manufacturing
23 solvent, or any other chemical, substance, ingredient,
24 equipment, apparatus, or item that is being used, has been
25 used, or is intended to be used in the manufacture of
26 methamphetamine.

1 "Methamphetamine manufacturing reagent" means any
2 substance other than a methamphetamine manufacturing catalyst
3 that has been used, is being used, or is intended to be used to
4 react with and chemically alter any methamphetamine precursor.

5 "Methamphetamine manufacturing solvent" means any
6 substance that has been used, is being used, or is intended to
7 be used as a medium in which any methamphetamine precursor,
8 methamphetamine manufacturing catalyst, methamphetamine
9 manufacturing reagent, or any substance containing any of the
10 foregoing is dissolved, diluted, or washed during any part of
11 the methamphetamine manufacturing process.

12 "Methamphetamine manufacturing waste" means any chemical,
13 substance, ingredient, equipment, apparatus, or item that is
14 left over from, results from, or is produced by the process of
15 manufacturing methamphetamine, other than finished
16 methamphetamine.

17 "Methamphetamine precursor" means ephedrine,
18 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
19 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
20 isomer, or salt of an optical isomer of any of these chemicals.

21 "Multi-unit dwelling" means a unified structure used or
22 intended for use as a habitation, home, or residence that
23 contains 2 or more condominiums, apartments, hotel rooms,
24 motel rooms, or other living units.

25 "Package" means an item marked for retail sale that is not
26 designed to be further broken down or subdivided for the

1 purpose of retail sale.

2 "Participate" or "participation" in the manufacture of
3 methamphetamine means to produce, prepare, compound, convert,
4 process, synthesize, concentrate, purify, separate, extract,
5 or package any methamphetamine, methamphetamine precursor,
6 methamphetamine manufacturing catalyst, methamphetamine
7 manufacturing reagent, methamphetamine manufacturing solvent,
8 or any substance containing any of the foregoing, or to assist
9 in any of these actions, or to attempt to take any of these
10 actions, regardless of whether this action or these actions
11 result in the production of finished methamphetamine.

12 "Person with a disability" means a person who suffers from
13 a permanent physical or mental impairment resulting from
14 disease, injury, functional disorder, or congenital condition
15 which renders the person incapable of adequately providing for
16 his or her own health and personal care.

17 "Procure" means to purchase, steal, gather, or otherwise
18 obtain, by legal or illegal means, or to cause another to take
19 such action.

20 "Second or subsequent offense" means an offense under this
21 Act committed by an offender who previously committed an
22 offense under this Act, the Illinois Controlled Substances
23 Act, the Cannabis Control Act, or another Act of this State,
24 another state, or the United States relating to
25 methamphetamine, cannabis, or any other controlled substance.

26 "Standard dosage form", as used in relation to any

1 methamphetamine precursor, means that the methamphetamine
2 precursor is contained in a pill, tablet, capsule, caplet, gel
3 cap, or liquid cap that has been manufactured by a lawful
4 entity and contains a standard quantity of methamphetamine
5 precursor.

6 "Unauthorized container", as used in relation to anhydrous
7 ammonia, means any container that is not designed for the
8 specific and sole purpose of holding, storing, transporting,
9 or applying anhydrous ammonia. "Unauthorized container"
10 includes, but is not limited to, any propane tank, fire
11 extinguisher, oxygen cylinder, gasoline can, food or beverage
12 cooler, or compressed gas cylinder used in dispensing fountain
13 drinks. "Unauthorized container" does not encompass anhydrous
14 ammonia manufacturing plants, refrigeration systems where
15 anhydrous ammonia is used solely as a refrigerant, anhydrous
16 ammonia transportation pipelines, anhydrous ammonia tankers,
17 or anhydrous ammonia barges.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 Section 85. The Code of Criminal Procedure of 1963 is
20 amended by changing Sections 102-7.1, 110-10, 112A-11.1,
21 112A-11.2, 112A-14, and 112A-14.7 as follows:

22 (725 ILCS 5/102-7.1)

23 Sec. 102-7.1. "Category A offense". "Category A offense"
24 means a Class 1 felony, Class 2 felony, Class X felony, first

1 degree murder, a violation of Section 11-204 of the Illinois
2 Vehicle Code, a second or subsequent violation of Section
3 11-501 of the Illinois Vehicle Code, a violation of subsection
4 (d) of Section 11-501 of the Illinois Vehicle Code, a
5 violation of Section 11-401 of the Illinois Vehicle Code if
6 the accident results in injury and the person failed to report
7 the accident within 30 minutes, a violation of Section 9-3,
8 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,
9 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,
10 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,
11 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a
12 second or subsequent violation of 12-3.2 or 12-3.4 of the
13 Criminal Code of 2012, a violation of paragraph (5) or (6) of
14 subsection (b) of Section 10-9 of the Criminal Code of 2012, a
15 violation of subsection (b) or (c) or paragraph (1) or (2) of
16 subsection (a) of Section 11-1.50 of the Criminal Code of
17 2012, a violation of Section 12-7 of the Criminal Code of 2012
18 if the defendant inflicts bodily harm on the victim to obtain a
19 confession, statement, or information, a violation of Section
20 12-7.5 of the Criminal Code of 2012 if the action results in
21 bodily harm, a violation of paragraph (3) of subsection (b) of
22 Section 17-2 of the Criminal Code of 2012, a violation of
23 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of
24 2012, a violation of paragraph (6) of subsection (a) of
25 Section 24-1 of the Criminal Code of 2012, a first violation of
26 Section 24-1.6 of the Criminal Code of 2012 by a person 18

1 years of age or older where the factors listed in both items
2 (A) and (C) or both items (A-5) and (C) of paragraph (3) of
3 subsection (a) of Section 24-1.6 of the Criminal Code of 2012
4 are present, a Class 3 felony violation of paragraph (1) of
5 subsection (a) of Section 2 of the Firearm Owners
6 Identification Card Act committed before the effective date of
7 this amendatory Act of the 102nd General Assembly, or a
8 violation of Section 10 of the Sex Offender Registration Act.
9 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

10 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

11 (Text of Section before amendment by P.A. 101-652)

12 Sec. 110-10. Conditions of bail bond.

13 (a) If a person is released prior to conviction, either
14 upon payment of bail security or on his or her own
15 recognizance, the conditions of the bail bond shall be that he
16 or she will:

17 (1) Appear to answer the charge in the court having
18 jurisdiction on a day certain and thereafter as ordered by
19 the court until discharged or final order of the court;

20 (2) Submit himself or herself to the orders and
21 process of the court;

22 (3) Not depart this State without leave of the court;

23 (4) Not violate any criminal statute of any
24 jurisdiction;

25 (5) At a time and place designated by the court,

1 surrender all firearms in his or her possession to a law
2 enforcement officer designated by the court to take
3 custody of and impound the firearms ~~and physically~~
4 ~~surrender his or her Firearm Owner's Identification Card~~
5 ~~to the clerk of the circuit court~~ when the offense the
6 person has been charged with is a forcible felony,
7 stalking, aggravated stalking, domestic battery, any
8 violation of the Illinois Controlled Substances Act, the
9 Methamphetamine Control and Community Protection Act, or
10 the Cannabis Control Act that is classified as a Class 2 or
11 greater felony, or any felony violation of Article 24 of
12 the Criminal Code of 1961 or the Criminal Code of 2012; the
13 court may, however, forgo the imposition of this condition
14 when the circumstances of the case clearly do not warrant
15 it or when its imposition would be impractical; ~~if the~~
16 ~~Firearm Owner's Identification Card is confiscated, the~~
17 ~~clerk of the circuit court shall mail the confiscated card~~
18 ~~to the Illinois State Police;~~ all legally possessed
19 firearms shall be returned to the person upon the charges
20 being dismissed, or if the person is found not guilty,
21 unless the finding of not guilty is by reason of insanity;
22 and

23 (6) At a time and place designated by the court,
24 submit to a psychological evaluation when the person has
25 been charged with a violation of item (4) of subsection
26 (a) of Section 24-1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 and that violation occurred in a
2 school or in any conveyance owned, leased, or contracted
3 by a school to transport students to or from school or a
4 school-related activity, or on any public way within 1,000
5 feet of real property comprising any school.

6 Psychological evaluations ordered pursuant to this Section
7 shall be completed promptly and made available to the State,
8 the defendant, and the court. As a further condition of bail
9 under these circumstances, the court shall order the defendant
10 to refrain from entering upon the property of the school,
11 including any conveyance owned, leased, or contracted by a
12 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. Upon receipt of
15 the psychological evaluation, either the State or the
16 defendant may request a change in the conditions of bail,
17 pursuant to Section 110-6 of this Code. The court may change
18 the conditions of bail to include a requirement that the
19 defendant follow the recommendations of the psychological
20 evaluation, including undergoing psychiatric treatment. The
21 conclusions of the psychological evaluation and any statements
22 elicited from the defendant during its administration are not
23 admissible as evidence of guilt during the course of any trial
24 on the charged offense, unless the defendant places his or her
25 mental competency in issue.

26 (b) The court may impose other conditions, such as the

1 following, if the court finds that such conditions are
2 reasonably necessary to assure the defendant's appearance in
3 court, protect the public from the defendant, or prevent the
4 defendant's unlawful interference with the orderly
5 administration of justice:

6 (1) Report to or appear in person before such person
7 or agency as the court may direct;

8 (2) Refrain from possessing a firearm or other
9 dangerous weapon;

10 (3) Refrain from approaching or communicating with
11 particular persons or classes of persons;

12 (4) Refrain from going to certain described
13 geographical areas or premises;

14 (5) Refrain from engaging in certain activities or
15 indulging in intoxicating liquors or in certain drugs;

16 (6) Undergo treatment for drug addiction or
17 alcoholism;

18 (7) Undergo medical or psychiatric treatment;

19 (8) Work or pursue a course of study or vocational
20 training;

21 (9) Attend or reside in a facility designated by the
22 court;

23 (10) Support his or her dependents;

24 (11) If a minor resides with his or her parents or in a
25 foster home, attend school, attend a non-residential
26 program for youths, and contribute to his or her own

1 support at home or in a foster home;

2 (12) Observe any curfew ordered by the court;

3 (13) Remain in the custody of such designated person
4 or organization agreeing to supervise his release. Such
5 third party custodian shall be responsible for notifying
6 the court if the defendant fails to observe the conditions
7 of release which the custodian has agreed to monitor, and
8 shall be subject to contempt of court for failure so to
9 notify the court;

10 (14) Be placed under direct supervision of the
11 Pretrial Services Agency, Probation Department or Court
12 Services Department in a pretrial bond home supervision
13 capacity with or without the use of an approved electronic
14 monitoring device subject to Article 8A of Chapter V of
15 the Unified Code of Corrections;

16 (14.1) The court shall impose upon a defendant who is
17 charged with any alcohol, cannabis, methamphetamine, or
18 controlled substance violation and is placed under direct
19 supervision of the Pretrial Services Agency, Probation
20 Department or Court Services Department in a pretrial bond
21 home supervision capacity with the use of an approved
22 monitoring device, as a condition of such bail bond, a fee
23 that represents costs incidental to the electronic
24 monitoring for each day of such bail supervision ordered
25 by the court, unless after determining the inability of
26 the defendant to pay the fee, the court assesses a lesser

1 fee or no fee as the case may be. The fee shall be
2 collected by the clerk of the circuit court, except as
3 provided in an administrative order of the Chief Judge of
4 the circuit court. The clerk of the circuit court shall
5 pay all monies collected from this fee to the county
6 treasurer for deposit in the substance abuse services fund
7 under Section 5-1086.1 of the Counties Code, except as
8 provided in an administrative order of the Chief Judge of
9 the circuit court.

10 The Chief Judge of the circuit court of the county may
11 by administrative order establish a program for electronic
12 monitoring of offenders with regard to drug-related and
13 alcohol-related offenses, in which a vendor supplies and
14 monitors the operation of the electronic monitoring
15 device, and collects the fees on behalf of the county. The
16 program shall include provisions for indigent offenders
17 and the collection of unpaid fees. The program shall not
18 unduly burden the offender and shall be subject to review
19 by the Chief Judge.

20 The Chief Judge of the circuit court may suspend any
21 additional charges or fees for late payment, interest, or
22 damage to any device;

23 (14.2) The court shall impose upon all defendants,
24 including those defendants subject to paragraph (14.1)
25 above, placed under direct supervision of the Pretrial
26 Services Agency, Probation Department or Court Services

1 Department in a pretrial bond home supervision capacity
2 with the use of an approved monitoring device, as a
3 condition of such bail bond, a fee which shall represent
4 costs incidental to such electronic monitoring for each
5 day of such bail supervision ordered by the court, unless
6 after determining the inability of the defendant to pay
7 the fee, the court assesses a lesser fee or no fee as the
8 case may be. The fee shall be collected by the clerk of the
9 circuit court, except as provided in an administrative
10 order of the Chief Judge of the circuit court. The clerk of
11 the circuit court shall pay all monies collected from this
12 fee to the county treasurer who shall use the monies
13 collected to defray the costs of corrections. The county
14 treasurer shall deposit the fee collected in the county
15 working cash fund under Section 6-27001 or Section 6-29002
16 of the Counties Code, as the case may be, 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 (14.3) The Chief Judge of the Judicial Circuit may
7 establish reasonable fees to be paid by a person receiving
8 pretrial services while under supervision of a pretrial
9 services agency, probation department, or court services
10 department. Reasonable fees may be charged for pretrial
11 services including, but not limited to, pretrial
12 supervision, diversion programs, electronic monitoring,
13 victim impact services, drug and alcohol testing, DNA
14 testing, GPS electronic monitoring, assessments and
15 evaluations related to domestic violence and other
16 victims, and victim mediation services. The person
17 receiving pretrial services may be ordered to pay all
18 costs incidental to pretrial services in accordance with
19 his or her ability to pay those costs;

20 (14.4) For persons charged with violating Section
21 11-501 of the Illinois Vehicle Code, refrain from
22 operating a motor vehicle not equipped with an ignition
23 interlock device, as defined in Section 1-129.1 of the
24 Illinois Vehicle Code, pursuant to the rules promulgated
25 by the Secretary of State for the installation of ignition
26 interlock devices. Under this condition the court may

1 allow a defendant who is not self-employed to operate a
2 vehicle owned by the defendant's employer that is not
3 equipped with an ignition interlock device in the course
4 and scope of the defendant's employment;

5 (15) Comply with the terms and conditions of an order
6 of protection issued by the court under the Illinois
7 Domestic Violence Act of 1986 or an order of protection
8 issued by the court of another state, tribe, or United
9 States territory;

10 (16) Under Section 110-6.5 comply with the conditions
11 of the drug testing program; and

12 (17) Such other reasonable conditions as the court may
13 impose.

14 (c) When a person is charged with an offense under Section
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
16 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, involving a victim who is a minor under
18 18 years of age living in the same household with the defendant
19 at the time of the offense, in granting bail or releasing the
20 defendant on his own recognizance, the judge shall impose
21 conditions to restrict the defendant's access to the victim
22 which may include, but are not limited to conditions that he
23 will:

24 1. Vacate the household.

25 2. Make payment of temporary support to his
26 dependents.

1 3. Refrain from contact or communication with the
2 child victim, except as ordered by the court.

3 (d) When a person is charged with a criminal offense and
4 the victim is a family or household member as defined in
5 Article 112A, conditions shall be imposed at the time of the
6 defendant's release on bond that restrict the defendant's
7 access to the victim. Unless provided otherwise by the court,
8 the restrictions shall include requirements that the defendant
9 do the following:

10 (1) refrain from contact or communication with the
11 victim for a minimum period of 72 hours following the
12 defendant's release; and

13 (2) refrain from entering or remaining at the victim's
14 residence for a minimum period of 72 hours following the
15 defendant's release.

16 (e) Local law enforcement agencies shall develop
17 standardized bond forms for use in cases involving family or
18 household members as defined in Article 112A, including
19 specific conditions of bond as provided in subsection (d).
20 Failure of any law enforcement department to develop or use
21 those forms shall in no way limit the applicability and
22 enforcement of subsections (d) and (f).

23 (f) If the defendant is admitted to bail after conviction
24 the conditions of the bail bond shall be that he will, in
25 addition to the conditions set forth in subsections (a) and
26 (b) hereof:

- 1 (1) Duly prosecute his appeal;
- 2 (2) Appear at such time and place as the court may
3 direct;
- 4 (3) Not depart this State without leave of the court;
- 5 (4) Comply with such other reasonable conditions as
6 the court may impose; and
- 7 (5) If the judgment is affirmed or the cause reversed
8 and remanded for a new trial, forthwith surrender to the
9 officer from whose custody he was bailed.

10 (g) Upon a finding of guilty for any felony offense, the
11 defendant shall physically surrender, at a time and place
12 designated by the court, any and all firearms in his or her
13 possession and his or her Firearm Owner's Identification Card
14 as a condition of remaining on bond pending sentencing.

15 (h) In the event the defendant is unable to post bond, the
16 court may impose a no contact provision with the victim or
17 other interested party that shall be enforced while the
18 defendant remains in custody.

19 (Source: P.A. 101-138, eff. 1-1-20.)

20 (Text of Section after amendment by P.A. 101-652)

21 Sec. 110-10. Conditions of pretrial release.

22 (a) If a person is released prior to conviction, the
23 conditions of pretrial release shall be that he or she will:

- 24 (1) Appear to answer the charge in the court having
25 jurisdiction on a day certain and thereafter as ordered by

1 the court until discharged or final order of the court;

2 (2) Submit himself or herself to the orders and
3 process of the court;

4 (3) (Blank);

5 (4) Not violate any criminal statute of any
6 jurisdiction;

7 (5) At a time and place designated by the court,
8 surrender all firearms in his or her possession to a law
9 enforcement officer designated by the court to take
10 custody of and impound the firearms ~~and physically~~
11 ~~surrender his or her Firearm Owner's Identification Card~~
12 ~~to the clerk of the circuit court~~ when the offense the
13 person has been charged with is a forcible felony,
14 stalking, aggravated stalking, domestic battery, any
15 violation of the Illinois Controlled Substances Act, the
16 Methamphetamine Control and Community Protection Act, or
17 the Cannabis Control Act that is classified as a Class 2 or
18 greater felony, or any felony violation of Article 24 of
19 the Criminal Code of 1961 or the Criminal Code of 2012; the
20 court may, however, forgo the imposition of this condition
21 when the circumstances of the case clearly do not warrant
22 it or when its imposition would be impractical; ~~if the~~
23 ~~Firearm Owner's Identification Card is confiscated, the~~
24 ~~clerk of the circuit court shall mail the confiscated card~~
25 ~~to the Illinois State Police;~~ all legally possessed
26 firearms shall be returned to the person upon the charges

1 being dismissed, or if the person is found not guilty,
2 unless the finding of not guilty is by reason of insanity;
3 and

4 (6) At a time and place designated by the court,
5 submit to a psychological evaluation when the person has
6 been charged with a violation of item (4) of subsection
7 (a) of Section 24-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 and that violation occurred in a
9 school or in any conveyance owned, leased, or contracted
10 by a school to transport students to or from school or a
11 school-related activity, or on any public way within 1,000
12 feet of real property comprising any school.

13 Psychological evaluations ordered pursuant to this Section
14 shall be completed promptly and made available to the State,
15 the defendant, and the court. As a further condition of
16 pretrial release under these circumstances, the court shall
17 order the defendant to refrain from entering upon the property
18 of the school, including any conveyance owned, leased, or
19 contracted by a school to transport students to or from school
20 or a school-related activity, or on any public way within
21 1,000 feet of real property comprising any school. Upon
22 receipt of the psychological evaluation, either the State or
23 the defendant may request a change in the conditions of
24 pretrial release, pursuant to Section 110-6 of this Code. The
25 court may change the conditions of pretrial release to include
26 a requirement that the defendant follow the recommendations of

1 the psychological evaluation, including undergoing psychiatric
2 treatment. The conclusions of the psychological evaluation and
3 any statements elicited from the defendant during its
4 administration are not admissible as evidence of guilt during
5 the course of any trial on the charged offense, unless the
6 defendant places his or her mental competency in issue.

7 (b) The court may impose other conditions, such as the
8 following, if the court finds that such conditions are
9 reasonably necessary to assure the defendant's appearance in
10 court, protect the public from the defendant, or prevent the
11 defendant's unlawful interference with the orderly
12 administration of justice:

13 (0.05) Not depart this State without leave of the
14 court;

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 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 may 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 home
4 supervision capacity with the use of an approved
5 monitoring device, as a condition of such pretrial
6 monitoring, a fee that represents costs incidental to the
7 electronic monitoring for each day of such pretrial
8 supervision ordered by the court, unless after determining
9 the inability of the defendant to pay the fee, the court
10 assesses a lesser fee or no fee as the case may be. The fee
11 shall be collected by the clerk of the circuit court,
12 except as provided in an administrative order of the Chief
13 Judge of the circuit court. The clerk of the circuit court
14 shall 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 may 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 home supervision capacity with
11 the use of an approved monitoring device, as a condition
12 of such release, a fee which shall represent costs
13 incidental to such electronic monitoring for each day of
14 such supervision ordered by the court, unless after
15 determining the inability of the defendant to pay the fee,
16 the court assesses a lesser fee or no fee as the case may
17 be. The fee shall be collected by the clerk of the circuit
18 court, except as provided in an administrative order of
19 the Chief Judge of the circuit court. The clerk of the
20 circuit court shall pay all monies collected from this fee
21 to the county treasurer who shall use the monies collected
22 to defray the costs of corrections. The county treasurer
23 shall deposit the fee collected in the county working cash
24 fund under Section 6-27001 or Section 6-29002 of the
25 Counties Code, as the case may be, except as provided in an
26 administrative order of the Chief Judge of the circuit

1 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) (Blank); and

20 (17) Such other reasonable conditions as the court may
21 impose.

22 (c) When a person is charged with an offense under Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
24 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, involving a victim who is a minor under
26 18 years of age living in the same household with the defendant

1 at the time of the offense, in releasing the defendant, the
2 judge shall impose conditions to restrict the defendant's
3 access to the victim which may include, but are not limited to
4 conditions that he will:

5 1. Vacate the household.

6 2. Make payment of temporary support to his
7 dependents.

8 3. Refrain from contact or communication with the
9 child victim, except as ordered by the court.

10 (d) When a person is charged with a criminal offense and
11 the victim is a family or household member as defined in
12 Article 112A, conditions shall be imposed at the time of the
13 defendant's release that restrict the defendant's access to
14 the victim. Unless provided otherwise by the court, the
15 restrictions shall include requirements that the defendant do
16 the following:

17 (1) refrain from contact or communication with the
18 victim for a minimum period of 72 hours following the
19 defendant's release; and

20 (2) refrain from entering or remaining at the victim's
21 residence for a minimum period of 72 hours following the
22 defendant's release.

23 (e) Local law enforcement agencies shall develop
24 standardized pretrial release forms for use in cases involving
25 family or household members as defined in Article 112A,
26 including specific conditions of pretrial release as provided

1 in subsection (d). Failure of any law enforcement department
2 to develop or use those forms shall in no way limit the
3 applicability and enforcement of subsections (d) and (f).

4 (f) If the defendant is released after conviction
5 following appeal or other post-conviction proceeding, the
6 conditions of the pretrial release shall be that he will, in
7 addition to the conditions set forth in subsections (a) and
8 (b) hereof:

9 (1) Duly prosecute his appeal;

10 (2) Appear at such time and place as the court may
11 direct;

12 (3) Not depart this State without leave of the court;

13 (4) Comply with such other reasonable conditions as
14 the court may impose; and

15 (5) If the judgment is affirmed or the cause reversed
16 and remanded for a new trial, forthwith surrender to the
17 officer from whose custody he was released.

18 (g) Upon a finding of guilty for any felony offense, the
19 defendant shall physically surrender, at a time and place
20 designated by the court, any and all firearms in his or her
21 possession ~~and his or her Firearm Owner's Identification Card~~
22 as a condition of being released pending sentencing.

23 (h) In the event the defendant is denied pretrial release,
24 the court may impose a no contact provision with the victim or
25 other interested party that shall be enforced while the
26 defendant remains in custody.

1 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23.)

2 (725 ILCS 5/112A-11.1)

3 Sec. 112A-11.1. Procedure for determining whether certain
4 misdemeanor crimes are crimes of domestic violence for
5 purposes of federal law.

6 (a) When a defendant has been charged with a violation of
7 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, the State
9 may, at arraignment or no later than 45 days after
10 arraignment, for the purpose of notification to the Illinois
11 State Police ~~Firearm Owner's Identification Card Office~~, serve
12 on the defendant and file with the court a notice alleging that
13 conviction of the offense would subject the defendant to the
14 prohibitions of 18 U.S.C. 922(g)(9) because of the
15 relationship between the defendant and the alleged victim and
16 the nature of the alleged offense.

17 (b) The notice shall include the name of the person
18 alleged to be the victim of the crime and shall specify the
19 nature of the alleged relationship as set forth in 18 U.S.C.
20 921(a)(33)(A)(ii). It shall also specify the element of the
21 charged offense which requires the use or attempted use of
22 physical force, or the threatened use of a deadly weapon, as
23 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
24 notice that the defendant is entitled to a hearing on the
25 allegation contained in the notice and that if the allegation

1 is sustained, that determination and conviction shall be
2 reported to the Illinois State Police ~~Firearm Owner's~~
3 ~~Identification Card Office.~~

4 (c) After having been notified as provided in subsection
5 (b) of this Section, the defendant may stipulate or admit,
6 orally on the record or in writing, that conviction of the
7 offense would subject the defendant to the prohibitions of 18
8 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
9 922(g)(9) shall be deemed established for purposes of Section
10 112A-11.2. If the defendant denies the applicability of 18
11 U.S.C. 922(g)(9) as alleged in the notice served by the State,
12 or stands mute with respect to that allegation, then the State
13 shall bear the burden to prove beyond a reasonable doubt that
14 the offense is one to which the prohibitions of 18 U.S.C.
15 922(g)(9) apply. The court may consider reliable hearsay
16 evidence submitted by either party provided that it is
17 relevant to the determination of the allegation. Facts
18 previously proven at trial or elicited at the time of entry of
19 a plea of guilty shall be deemed established beyond a
20 reasonable doubt and shall not be relitigated. At the
21 conclusion of the hearing, or upon a stipulation or admission,
22 as applicable, the court shall make a specific written
23 determination with respect to the allegation.

24 (Source: P.A. 102-538, eff. 8-20-21.)

25 (725 ILCS 5/112A-11.2)

1 Sec. 112A-11.2. Notification to the Illinois State Police
2 ~~Firearm Owner's Identification Card Office~~ of determinations
3 in certain misdemeanor cases. Upon judgment of conviction of a
4 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
5 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
6 2012 when the defendant has been determined, under Section
7 112A-11.1, to be subject to the prohibitions of 18 U.S.C.
8 922(g)(9), the circuit court clerk shall include notification
9 and a copy of the written determination in a report of the
10 conviction to the Illinois State Police ~~Firearm Owner's~~
11 ~~Identification Card Office~~ to enable the office to report that
12 determination to the Federal Bureau of Investigation and
13 assist the Bureau in identifying persons prohibited from
14 purchasing and possessing a firearm pursuant to the provisions
15 of 18 U.S.C. 922.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

18 Sec. 112A-14. Domestic violence order of protection;
19 remedies.

20 (a) (Blank).

21 (b) The court may order any of the remedies listed in this
22 subsection (b). The remedies listed in this subsection (b)
23 shall be in addition to other civil or criminal remedies
24 available to petitioner.

25 (1) Prohibition of abuse. Prohibit respondent's

1 harassment, interference with personal liberty,
2 intimidation of a dependent, physical abuse, or willful
3 deprivation, as defined in this Article, if such abuse has
4 occurred or otherwise appears likely to occur if not
5 prohibited.

6 (2) Grant of exclusive possession of residence.
7 Prohibit respondent from entering or remaining in any
8 residence, household, or premises of the petitioner,
9 including one owned or leased by respondent, if petitioner
10 has a right to occupancy thereof. The grant of exclusive
11 possession of the residence, household, or premises shall
12 not affect title to real property, nor shall the court be
13 limited by the standard set forth in subsection (c-2) of
14 Section 501 of the Illinois Marriage and Dissolution of
15 Marriage Act.

16 (A) Right to occupancy. A party has a right to
17 occupancy of a residence or household if it is solely
18 or jointly owned or leased by that party, that party's
19 spouse, a person with a legal duty to support that
20 party or a minor child in that party's care, or by any
21 person or entity other than the opposing party that
22 authorizes that party's occupancy (e.g., a domestic
23 violence shelter). Standards set forth in subparagraph
24 (B) shall not preclude equitable relief.

25 (B) Presumption of hardships. If petitioner and
26 respondent each has the right to occupancy of a

1 residence or household, the court shall balance (i)
2 the hardships to respondent and any minor child or
3 dependent adult in respondent's care resulting from
4 entry of this remedy with (ii) the hardships to
5 petitioner and any minor child or dependent adult in
6 petitioner's care resulting from continued exposure to
7 the risk of abuse (should petitioner remain at the
8 residence or household) or from loss of possession of
9 the residence or household (should petitioner leave to
10 avoid the risk of abuse). When determining the balance
11 of hardships, the court shall also take into account
12 the accessibility of the residence or household.
13 Hardships need not be balanced if respondent does not
14 have a right to occupancy.

15 The balance of hardships is presumed to favor
16 possession by petitioner unless the presumption is
17 rebutted by a preponderance of the evidence, showing
18 that the hardships to respondent substantially
19 outweigh the hardships to petitioner and any minor
20 child or dependent adult in petitioner's care. The
21 court, on the request of petitioner or on its own
22 motion, may order respondent to provide suitable,
23 accessible, alternate housing for petitioner instead
24 of excluding respondent from a mutual residence or
25 household.

26 (3) Stay away order and additional prohibitions. Order

1 respondent to stay away from petitioner or any other
2 person protected by the domestic violence order of
3 protection, or prohibit respondent from entering or
4 remaining present at petitioner's school, place of
5 employment, or other specified places at times when
6 petitioner is present, or both, if reasonable, given the
7 balance of hardships. Hardships need not be balanced for
8 the court to enter a stay away order or prohibit entry if
9 respondent has no right to enter the premises.

10 (A) If a domestic violence order of protection
11 grants petitioner exclusive possession of the
12 residence, prohibits respondent from entering the
13 residence, or orders respondent to stay away from
14 petitioner or other protected persons, then the court
15 may allow respondent access to the residence to remove
16 items of clothing and personal adornment used
17 exclusively by respondent, medications, and other
18 items as the court directs. The right to access shall
19 be exercised on only one occasion as the court directs
20 and in the presence of an agreed-upon adult third
21 party or law enforcement officer.

22 (B) When the petitioner and the respondent attend
23 the same public, private, or non-public elementary,
24 middle, or high school, the court when issuing a
25 domestic violence order of protection and providing
26 relief shall consider the severity of the act, any

1 continuing physical danger or emotional distress to
2 the petitioner, the educational rights guaranteed to
3 the petitioner and respondent under federal and State
4 law, the availability of a transfer of the respondent
5 to another school, a change of placement or a change of
6 program of the respondent, the expense, difficulty,
7 and educational disruption that would be caused by a
8 transfer of the respondent to another school, and any
9 other relevant facts of the case. The court may order
10 that the respondent not attend the public, private, or
11 non-public elementary, middle, or high school attended
12 by the petitioner, order that the respondent accept a
13 change of placement or change of program, as
14 determined by the school district or private or
15 non-public school, or place restrictions on the
16 respondent's movements within the school attended by
17 the petitioner. The respondent bears the burden of
18 proving by a preponderance of the evidence that a
19 transfer, change of placement, or change of program of
20 the respondent is not available. The respondent also
21 bears the burden of production with respect to the
22 expense, difficulty, and educational disruption that
23 would be caused by a transfer of the respondent to
24 another school. A transfer, change of placement, or
25 change of program is not unavailable to the respondent
26 solely on the ground that the respondent does not

1 agree with the school district's or private or
2 non-public school's transfer, change of placement, or
3 change of program or solely on the ground that the
4 respondent fails or refuses to consent or otherwise
5 does not take an action required to effectuate a
6 transfer, change of placement, or change of program.
7 When a court orders a respondent to stay away from the
8 public, private, or non-public school attended by the
9 petitioner and the respondent requests a transfer to
10 another attendance center within the respondent's
11 school district or private or non-public school, the
12 school district or private or non-public school shall
13 have sole discretion to determine the attendance
14 center to which the respondent is transferred. If the
15 court order results in a transfer of the minor
16 respondent to another attendance center, a change in
17 the respondent's placement, or a change of the
18 respondent's program, the parents, guardian, or legal
19 custodian of the respondent is responsible for
20 transportation and other costs associated with the
21 transfer or change.

22 (C) The court may order the parents, guardian, or
23 legal custodian of a minor respondent to take certain
24 actions or to refrain from taking certain actions to
25 ensure that the respondent complies with the order. If
26 the court orders a transfer of the respondent to

1 another school, the parents, guardian, or legal
2 custodian of the respondent is responsible for
3 transportation and other costs associated with the
4 change of school by the respondent.

5 (4) Counseling. Require or recommend the respondent to
6 undergo counseling for a specified duration with a social
7 worker, psychologist, clinical psychologist,
8 psychiatrist, family service agency, alcohol or substance
9 abuse program, mental health center guidance counselor,
10 agency providing services to elders, program designed for
11 domestic violence abusers, or any other guidance service
12 the court deems appropriate. The court may order the
13 respondent in any intimate partner relationship to report
14 to an Illinois Department of Human Services protocol
15 approved partner abuse intervention program for an
16 assessment and to follow all recommended treatment.

17 (5) Physical care and possession of the minor child.
18 In order to protect the minor child from abuse, neglect,
19 or unwarranted separation from the person who has been the
20 minor child's primary caretaker, or to otherwise protect
21 the well-being of the minor child, the court may do either
22 or both of the following: (i) grant petitioner physical
23 care or possession of the minor child, or both, or (ii)
24 order respondent to return a minor child to, or not remove
25 a minor child from, the physical care of a parent or person
26 in loco parentis.

1 If the respondent is charged with abuse (as defined in
2 Section 112A-3 of this Code) of a minor child, there shall
3 be a rebuttable presumption that awarding physical care to
4 respondent would not be in the minor child's best
5 interest.

6 (6) Temporary allocation of parental responsibilities
7 and significant decision-making responsibilities. Award
8 temporary significant decision-making responsibility to
9 petitioner in accordance with this Section, the Illinois
10 Marriage and Dissolution of Marriage Act, the Illinois
11 Parentage Act of 2015, and this State's Uniform
12 Child-Custody Jurisdiction and Enforcement Act.

13 If the respondent is charged with abuse (as defined in
14 Section 112A-3 of this Code) of a minor child, there shall
15 be a rebuttable presumption that awarding temporary
16 significant decision-making responsibility to respondent
17 would not be in the child's best interest.

18 (7) Parenting time. Determine the parenting time, if
19 any, of respondent in any case in which the court awards
20 physical care or temporary significant decision-making
21 responsibility of a minor child to petitioner. The court
22 shall restrict or deny respondent's parenting time with a
23 minor child if the court finds that respondent has done or
24 is likely to do any of the following:

25 (i) abuse or endanger the minor child during
26 parenting time;

1 (ii) use the parenting time as an opportunity to
2 abuse or harass petitioner or petitioner's family or
3 household members;

4 (iii) improperly conceal or detain the minor
5 child; or

6 (iv) otherwise act in a manner that is not in the
7 best interests of the minor child.

8 The court shall not be limited by the standards set
9 forth in Section 603.10 of the Illinois Marriage and
10 Dissolution of Marriage Act. If the court grants parenting
11 time, the order shall specify dates and times for the
12 parenting time to take place or other specific parameters
13 or conditions that are appropriate. No order for parenting
14 time shall refer merely to the term "reasonable parenting
15 time". Petitioner may deny respondent access to the minor
16 child if, when respondent arrives for parenting time,
17 respondent is under the influence of drugs or alcohol and
18 constitutes a threat to the safety and well-being of
19 petitioner or petitioner's minor children or is behaving
20 in a violent or abusive manner. If necessary to protect
21 any member of petitioner's family or household from future
22 abuse, respondent shall be prohibited from coming to
23 petitioner's residence to meet the minor child for
24 parenting time, and the petitioner and respondent shall
25 submit to the court their recommendations for reasonable
26 alternative arrangements for parenting time. A person may

1 be approved to supervise parenting time only after filing
2 an affidavit accepting that responsibility and
3 acknowledging accountability to the court.

4 (8) Removal or concealment of minor child. Prohibit
5 respondent from removing a minor child from the State or
6 concealing the child within the State.

7 (9) Order to appear. Order the respondent to appear in
8 court, alone or with a minor child, to prevent abuse,
9 neglect, removal or concealment of the child, to return
10 the child to the custody or care of the petitioner, or to
11 permit any court-ordered interview or examination of the
12 child or the respondent.

13 (10) Possession of personal property. Grant petitioner
14 exclusive possession of personal property and, if
15 respondent has possession or control, direct respondent to
16 promptly make it available to petitioner, if:

17 (i) petitioner, but not respondent, owns the
18 property; or

19 (ii) the petitioner and respondent own the
20 property jointly; sharing it would risk abuse of
21 petitioner by respondent or is impracticable; and the
22 balance of hardships favors temporary possession by
23 petitioner.

24 If petitioner's sole claim to ownership of the
25 property is that it is marital property, the court may
26 award petitioner temporary possession thereof under the

1 standards of subparagraph (ii) of this paragraph only if a
2 proper proceeding has been filed under the Illinois
3 Marriage and Dissolution of Marriage Act, as now or
4 hereafter amended.

5 No order under this provision shall affect title to
6 property.

7 (11) Protection of property. Forbid the respondent
8 from taking, transferring, encumbering, concealing,
9 damaging, or otherwise disposing of any real or personal
10 property, except as explicitly authorized by the court,
11 if:

12 (i) petitioner, but not respondent, owns the
13 property; or

14 (ii) the petitioner and respondent own the
15 property jointly, and the balance of hardships favors
16 granting this remedy.

17 If petitioner's sole claim to ownership of the
18 property is that it is marital property, the court may
19 grant petitioner relief under subparagraph (ii) of this
20 paragraph only if a proper proceeding has been filed under
21 the Illinois Marriage and Dissolution of Marriage Act, as
22 now or hereafter amended.

23 The court may further prohibit respondent from
24 improperly using the financial or other resources of an
25 aged member of the family or household for the profit or
26 advantage of respondent or of any other person.

1 (11.5) Protection of animals. Grant the petitioner the
2 exclusive care, custody, or control of any animal owned,
3 possessed, leased, kept, or held by either the petitioner
4 or the respondent or a minor child residing in the
5 residence or household of either the petitioner or the
6 respondent and order the respondent to stay away from the
7 animal and forbid the respondent from taking,
8 transferring, encumbering, concealing, harming, or
9 otherwise disposing of the animal.

10 (12) Order for payment of support. Order respondent to
11 pay temporary support for the petitioner or any child in
12 the petitioner's care or over whom the petitioner has been
13 allocated parental responsibility, when the respondent has
14 a legal obligation to support that person, in accordance
15 with the Illinois Marriage and Dissolution of Marriage
16 Act, which shall govern, among other matters, the amount
17 of support, payment through the clerk and withholding of
18 income to secure payment. An order for child support may
19 be granted to a petitioner with lawful physical care of a
20 child, or an order or agreement for physical care of a
21 child, prior to entry of an order allocating significant
22 decision-making responsibility. Such a support order shall
23 expire upon entry of a valid order allocating parental
24 responsibility differently and vacating petitioner's
25 significant decision-making responsibility unless
26 otherwise provided in the order.

1 (13) Order for payment of losses. Order respondent to
2 pay petitioner for losses suffered as a direct result of
3 the abuse. Such losses shall include, but not be limited
4 to, medical expenses, lost earnings or other support,
5 repair or replacement of property damaged or taken,
6 reasonable attorney's fees, court costs, and moving or
7 other travel expenses, including additional reasonable
8 expenses for temporary shelter and restaurant meals.

9 (i) Losses affecting family needs. If a party is
10 entitled to seek maintenance, child support, or
11 property distribution from the other party under the
12 Illinois Marriage and Dissolution of Marriage Act, as
13 now or hereafter amended, the court may order
14 respondent to reimburse petitioner's actual losses, to
15 the extent that such reimbursement would be
16 "appropriate temporary relief", as authorized by
17 subsection (a) (3) of Section 501 of that Act.

18 (ii) Recovery of expenses. In the case of an
19 improper concealment or removal of a minor child, the
20 court may order respondent to pay the reasonable
21 expenses incurred or to be incurred in the search for
22 and recovery of the minor child, including, but not
23 limited to, legal fees, court costs, private
24 investigator fees, and travel costs.

25 (14) Prohibition of entry. Prohibit the respondent
26 from entering or remaining in the residence or household

1 while the respondent is under the influence of alcohol or
2 drugs and constitutes a threat to the safety and
3 well-being of the petitioner or the petitioner's children.

4 (14.5) Prohibition of firearm possession.

5 (A) A person who is subject to an existing
6 domestic violence order of protection issued under
7 this Code may not lawfully possess firearms, stun
8 guns, or tasers ~~weapons or a Firearm Owner's~~
9 ~~Identification Card under Section 8.2 of the Firearm~~
10 ~~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 comply with Section 9.5 of the Firearm~~
19 ~~Owners Identification Card Act. Illinois~~

20 (C) If the respondent is a peace officer as
21 defined in Section 2-13 of the Criminal Code of 2012,
22 the court shall order that any firearms used by the
23 respondent in the performance of his or her duties as a
24 peace officer be surrendered to the chief law
25 enforcement executive of the agency in which the
26 respondent is employed, who shall retain the firearms

1 for safekeeping for the duration of the domestic
2 violence order of protection.

3 (D) Upon expiration of the period of safekeeping,
4 if the firearms ~~or Firearm Owner's Identification Card~~
5 cannot be returned to respondent because respondent
6 cannot be located, fails to respond to requests to
7 retrieve the firearms, or is not lawfully eligible to
8 possess a firearm, upon petition from the local law
9 enforcement agency, the court may order the local law
10 enforcement agency to destroy the firearms, use the
11 firearms for training purposes, or for any other
12 application as deemed appropriate by the local law
13 enforcement agency; or that the firearms be turned
14 over to a third party who is lawfully eligible to
15 possess firearms, and who does not reside with
16 respondent.

17 (15) Prohibition of access to records. If a domestic
18 violence order of protection prohibits respondent from
19 having contact with the minor child, or if petitioner's
20 address is omitted under subsection (b) of Section 112A-5
21 of this Code, or if necessary to prevent abuse or wrongful
22 removal or concealment of a minor child, the order shall
23 deny respondent access to, and prohibit respondent from
24 inspecting, obtaining, or attempting to inspect or obtain,
25 school or any other records of the minor child who is in
26 the care of petitioner.

1 (16) Order for payment of shelter services. Order
2 respondent to reimburse a shelter providing temporary
3 housing and counseling services to the petitioner for the
4 cost of the services, as certified by the shelter and
5 deemed reasonable by the court.

6 (17) Order for injunctive relief. Enter injunctive
7 relief necessary or appropriate to prevent further abuse
8 of a family or household member or to effectuate one of the
9 granted remedies, if supported by the balance of
10 hardships. If the harm to be prevented by the injunction
11 is abuse or any other harm that one of the remedies listed
12 in paragraphs (1) through (16) of this subsection is
13 designed to prevent, no further evidence is necessary to
14 establish that the harm is an irreparable injury.

15 (18) Telephone services.

16 (A) Unless a condition described in subparagraph
17 (B) of this paragraph exists, the court may, upon
18 request by the petitioner, order a wireless telephone
19 service provider to transfer to the petitioner the
20 right to continue to use a telephone number or numbers
21 indicated by the petitioner and the financial
22 responsibility associated with the number or numbers,
23 as set forth in subparagraph (C) of this paragraph. In
24 this paragraph (18), the term "wireless telephone
25 service provider" means a provider of commercial
26 mobile service as defined in 47 U.S.C. 332. The

1 petitioner may request the transfer of each telephone
2 number that the petitioner, or a minor child in his or
3 her custody, uses. The clerk of the court shall serve
4 the order on the wireless telephone service provider's
5 agent for service of process provided to the Illinois
6 Commerce Commission. The order shall contain all of
7 the following:

8 (i) The name and billing telephone number of
9 the account holder including the name of the
10 wireless telephone service provider that serves
11 the account.

12 (ii) Each telephone number that will be
13 transferred.

14 (iii) A statement that the provider transfers
15 to the petitioner all financial responsibility for
16 and right to the use of any telephone number
17 transferred under this paragraph.

18 (B) A wireless telephone service provider shall
19 terminate the respondent's use of, and shall transfer
20 to the petitioner use of, the telephone number or
21 numbers indicated in subparagraph (A) of this
22 paragraph unless it notifies the petitioner, within 72
23 hours after it receives the order, that one of the
24 following applies:

25 (i) The account holder named in the order has
26 terminated the account.

1 (ii) A difference in network technology would
2 prevent or impair the functionality of a device on
3 a network if the transfer occurs.

4 (iii) The transfer would cause a geographic or
5 other limitation on network or service provision
6 to the petitioner.

7 (iv) Another technological or operational
8 issue would prevent or impair the use of the
9 telephone number if the transfer occurs.

10 (C) The petitioner assumes all financial
11 responsibility for and right to the use of any
12 telephone number transferred under this paragraph. In
13 this paragraph, "financial responsibility" includes
14 monthly service costs and costs associated with any
15 mobile device associated with the number.

16 (D) A wireless telephone service provider may
17 apply to the petitioner its routine and customary
18 requirements for establishing an account or
19 transferring a number, including requiring the
20 petitioner to provide proof of identification,
21 financial information, and customer preferences.

22 (E) Except for willful or wanton misconduct, a
23 wireless telephone service provider is immune from
24 civil liability for its actions taken in compliance
25 with a court order issued under this paragraph.

26 (F) All wireless service providers that provide

1 services to residential customers shall provide to the
2 Illinois Commerce Commission the name and address of
3 an agent for service of orders entered under this
4 paragraph (18). Any change in status of the registered
5 agent must be reported to the Illinois Commerce
6 Commission within 30 days of such change.

7 (G) The Illinois Commerce Commission shall
8 maintain the list of registered agents for service for
9 each wireless telephone service provider on the
10 Commission's website. The Commission may consult with
11 wireless telephone service providers and the Circuit
12 Court Clerks on the manner in which this information
13 is provided and displayed.

14 (c) Relevant factors; findings.

15 (1) In determining whether to grant a specific remedy,
16 other than payment of support, the court shall consider
17 relevant factors, including, but not limited to, the
18 following:

19 (i) the nature, frequency, severity, pattern, and
20 consequences of the respondent's past abuse of the
21 petitioner or any family or household member,
22 including the concealment of his or her location in
23 order to evade service of process or notice, and the
24 likelihood of danger of future abuse to petitioner or
25 any member of petitioner's or respondent's family or
26 household; and

1 (ii) the danger that any minor child will be
2 abused or neglected or improperly relocated from the
3 jurisdiction, improperly concealed within the State,
4 or improperly separated from the child's primary
5 caretaker.

6 (2) In comparing relative hardships resulting to the
7 parties from loss of possession of the family home, the
8 court shall consider relevant factors, including, but not
9 limited to, the following:

10 (i) availability, accessibility, cost, safety,
11 adequacy, location, and other characteristics of
12 alternate housing for each party and any minor child
13 or dependent adult in the party's care;

14 (ii) the effect on the party's employment; and

15 (iii) the effect on the relationship of the party,
16 and any minor child or dependent adult in the party's
17 care, to family, school, church, and community.

18 (3) Subject to the exceptions set forth in paragraph
19 (4) of this subsection (c), the court shall make its
20 findings in an official record or in writing, and shall at
21 a minimum set forth the following:

22 (i) That the court has considered the applicable
23 relevant factors described in paragraphs (1) and (2)
24 of this subsection (c).

25 (ii) Whether the conduct or actions of respondent,
26 unless prohibited, will likely cause irreparable harm

1 or continued abuse.

2 (iii) Whether it is necessary to grant the
3 requested relief in order to protect petitioner or
4 other alleged abused persons.

5 (4) (Blank).

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 Uniform Interstate Family Support Act,
14 the Expedited Child Support Act of 1990, any judicial,
15 administrative, or other act of another state or
16 territory, any other statute of this State, or by any
17 foreign nation establishing the father and child
18 relationship, any other proceeding substantially in
19 conformity with the federal Personal Responsibility and
20 Work Opportunity Reconciliation Act of 1996, or when both
21 parties appeared in open court or at an administrative
22 hearing acknowledging under oath or admitting by
23 affirmation the existence of a father and child
24 relationship. Absent such an adjudication, no putative
25 father shall be granted temporary allocation of parental
26 responsibilities, including parenting time with the minor

1 child, or physical care and possession of the minor child,
2 nor shall an order of payment for support of the minor
3 child be entered.

4 (d) Balance of hardships; findings. If the court finds
5 that the balance of hardships does not support the granting of
6 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
7 subsection (b) of this Section, which may require such
8 balancing, the court's findings shall so indicate and shall
9 include a finding as to whether granting the remedy will
10 result in hardship to respondent that would substantially
11 outweigh the hardship to petitioner from denial of the remedy.
12 The findings shall be an official record or in writing.

13 (e) Denial of remedies. Denial of any remedy shall not be
14 based, in whole or in part, on evidence that:

15 (1) respondent has cause for any use of force, unless
16 that cause satisfies the standards for justifiable use of
17 force provided by Article 7 of the Criminal Code of 2012;

18 (2) respondent was voluntarily intoxicated;

19 (3) petitioner acted in self-defense or defense of
20 another, provided that, if petitioner utilized force, such
21 force was justifiable under Article 7 of the Criminal Code
22 of 2012;

23 (4) petitioner did not act in self-defense or defense
24 of another;

25 (5) petitioner left the residence or household to
26 avoid further abuse by respondent;

1 (6) petitioner did not leave the residence or
2 household to avoid further abuse by respondent; or

3 (7) conduct by any family or household member excused
4 the abuse by respondent, unless that same conduct would
5 have excused such abuse if the parties had not been family
6 or household members.

7 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
8 102-538, eff. 8-20-21; revised 11-2-21.)

9 (725 ILCS 5/112A-14.7)

10 Sec. 112A-14.7. Stalking no contact order; remedies.

11 (a) The court may order any of the remedies listed in this
12 Section. The remedies listed in this Section shall be in
13 addition to other civil or criminal remedies available to
14 petitioner. A stalking no contact order shall order one or
15 more of the following:

16 (1) prohibit the respondent from threatening to commit
17 or committing stalking;

18 (2) order the respondent not to have any contact with
19 the petitioner or a third person specifically named by the
20 court;

21 (3) prohibit the respondent from knowingly coming
22 within, or knowingly remaining within a specified distance
23 of the petitioner or the petitioner's residence, school,
24 daycare, or place of employment, or any specified place
25 frequented by the petitioner; however, the court may order

1 the respondent to stay away from the respondent's own
2 residence, school, or place of employment only if the
3 respondent has been provided actual notice of the
4 opportunity to appear and be heard on the petition;

5 (4) prohibit the respondent from ~~possessing a Firearm~~
6 ~~Owners Identification Card,~~ or possessing or buying
7 firearms; and

8 (5) order other injunctive relief the court determines
9 to be necessary to protect the petitioner or third party
10 specifically named by the court.

11 (b) When the petitioner and the respondent attend the same
12 public, private, or non-public elementary, middle, or high
13 school, the court when issuing a stalking no contact order and
14 providing relief shall consider the severity of the act, any
15 continuing physical danger or emotional distress to the
16 petitioner, the educational rights guaranteed to the
17 petitioner and respondent under federal and State law, the
18 availability of a transfer of the respondent to another
19 school, a change of placement or a change of program of the
20 respondent, the expense, difficulty, and educational
21 disruption that would be caused by a transfer of the
22 respondent to another school, and any other relevant facts of
23 the case. The court may order that the respondent not attend
24 the public, private, or non-public elementary, middle, or high
25 school attended by the petitioner, order that the respondent
26 accept a change of placement or program, as determined by the

1 school district or private or non-public school, or place
2 restrictions on the respondent's movements within the school
3 attended by the petitioner. The respondent bears the burden of
4 proving by a preponderance of the evidence that a transfer,
5 change of placement, or change of program of the respondent is
6 not available. The respondent also bears the burden of
7 production with respect to the expense, difficulty, and
8 educational disruption that would be caused by a transfer of
9 the respondent to another school. A transfer, change of
10 placement, or change of program is not unavailable to the
11 respondent solely on the ground that the respondent does not
12 agree with the school district's or private or non-public
13 school's transfer, change of placement, or change of program
14 or solely on the ground that the respondent fails or refuses to
15 consent to or otherwise does not take an action required to
16 effectuate a transfer, change of placement, or change of
17 program. When a court orders a respondent to stay away from the
18 public, private, or non-public school attended by the
19 petitioner and the respondent requests a transfer to another
20 attendance center within the respondent's school district or
21 private or non-public school, the school district or private
22 or non-public school shall have sole discretion to determine
23 the attendance center to which the respondent is transferred.
24 If the court order results in a transfer of the minor
25 respondent to another attendance center, a change in the
26 respondent's placement, or a change of the respondent's

1 program, the parents, guardian, or legal custodian of the
2 respondent is responsible for transportation and other costs
3 associated with the transfer or change.

4 (c) The court may order the parents, guardian, or legal
5 custodian of a minor respondent to take certain actions or to
6 refrain from taking certain actions to ensure that the
7 respondent complies with the order. If the court orders a
8 transfer of the respondent to another school, the parents,
9 guardian, or legal custodian of the respondent are responsible
10 for transportation and other costs associated with the change
11 of school by the respondent.

12 (d) The court shall not hold a school district or private
13 or non-public school or any of its employees in civil or
14 criminal contempt unless the school district or private or
15 non-public school has been allowed to intervene.

16 (e) The court may hold the parents, guardian, or legal
17 custodian of a minor respondent in civil or criminal contempt
18 for a violation of any provision of any order entered under
19 this Article for conduct of the minor respondent in violation
20 of this Article if the parents, guardian, or legal custodian
21 directed, encouraged, or assisted the respondent minor in the
22 conduct.

23 (f) Monetary damages are not recoverable as a remedy.

24 (g) If the stalking no contact order prohibits the
25 respondent from ~~possessing a Firearm Owner's Identification~~
26 ~~Card, or~~ possessing or buying firearms; the court shall

1 confiscate the respondent's firearms and firearm ammunition
2 ~~Firearm Owner's Identification Card and immediately return the~~
3 ~~card to the Illinois State Police Firearm Owner's~~
4 ~~Identification Card Office.~~

5 (Source: P.A. 102-538, eff. 8-20-21.)

6 Section 90. The Unified Code of Corrections is amended by
7 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as
8 follows:

9 (730 ILCS 5/5-4.5-110)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
12 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

13 (a) DEFINITIONS. For the purposes of this Section:

14 "Firearm" has the meaning ascribed to it in Section
15 2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~
16 ~~Firearm Owners Identification Card Act.~~

17 "Qualifying predicate offense" means the following
18 offenses under the Criminal Code of 2012:

19 (A) aggravated unlawful use of a weapon under
20 Section 24-1.6 or similar offense under the Criminal
21 Code of 1961, when the weapon is a firearm;

22 (B) unlawful use or possession of a weapon by a
23 felon under Section 24-1.1 or similar offense under
24 the Criminal Code of 1961, when the weapon is a

1 firearm;

2 (C) first degree murder under Section 9-1 or
3 similar offense under the Criminal Code of 1961;

4 (D) attempted first degree murder with a firearm
5 or similar offense under the Criminal Code of 1961;

6 (E) aggravated kidnapping with a firearm under
7 paragraph (6) or (7) of subsection (a) of Section 10-2
8 or similar offense under the Criminal Code of 1961;

9 (F) aggravated battery with a firearm under
10 subsection (e) of Section 12-3.05 or similar offense
11 under the Criminal Code of 1961;

12 (G) aggravated criminal sexual assault under
13 Section 11-1.30 or similar offense under the Criminal
14 Code of 1961;

15 (H) predatory criminal sexual assault of a child
16 under Section 11-1.40 or similar offense under the
17 Criminal Code of 1961;

18 (I) armed robbery under Section 18-2 or similar
19 offense under the Criminal Code of 1961;

20 (J) vehicular hijacking under Section 18-3 or
21 similar offense under the Criminal Code of 1961;

22 (K) aggravated vehicular hijacking under Section
23 18-4 or similar offense under the Criminal Code of
24 1961;

25 (L) home invasion with a firearm under paragraph
26 (3), (4), or (5) of subsection (a) of Section 19-6 or

1 similar offense under the Criminal Code of 1961;

2 (M) aggravated discharge of a firearm under
3 Section 24-1.2 or similar offense under the Criminal
4 Code of 1961;

5 (N) aggravated discharge of a machine gun or a
6 firearm equipped with a device designed or used for
7 silencing the report of a firearm under Section
8 24-1.2-5 or similar offense under the Criminal Code of
9 1961;

10 (O) unlawful use of firearm projectiles under
11 Section 24-2.1 or similar offense under the Criminal
12 Code of 1961;

13 (P) manufacture, sale, or transfer of bullets or
14 shells represented to be armor piercing bullets,
15 dragon's breath shotgun shells, bolo shells, or
16 flechette shells under Section 24-2.2 or similar
17 offense under the Criminal Code of 1961;

18 (Q) unlawful sale or delivery of firearms under
19 Section 24-3 or similar offense under the Criminal
20 Code of 1961;

21 (R) unlawful discharge of firearm projectiles
22 under Section 24-3.2 or similar offense under the
23 Criminal Code of 1961;

24 (S) unlawful sale or delivery of firearms on
25 school premises of any school under Section 24-3.3 or
26 similar offense under the Criminal Code of 1961;

1 (T) unlawful purchase of a firearm under Section
2 24-3.5 or similar offense under the Criminal Code of
3 1961;

4 (U) use of a stolen firearm in the commission of an
5 offense under Section 24-3.7 or similar offense under
6 the Criminal Code of 1961;

7 (V) possession of a stolen firearm under Section
8 24-3.8 or similar offense under the Criminal Code of
9 1961;

10 (W) aggravated possession of a stolen firearm
11 under Section 24-3.9 or similar offense under the
12 Criminal Code of 1961;

13 (X) gunrunning under Section 24-3A or similar
14 offense under the Criminal Code of 1961;

15 (Y) defacing identification marks of firearms
16 under Section 24-5 or similar offense under the
17 Criminal Code of 1961; and

18 (Z) armed violence under Section 33A-2 or similar
19 offense under the Criminal Code of 1961.

20 (b) APPLICABILITY. For an offense committed on or after
21 the effective date of this amendatory Act of the 100th General
22 Assembly and before January 1, 2023, when a person is
23 convicted of unlawful use or possession of a weapon by a felon,
24 when the weapon is a firearm, or aggravated unlawful use of a
25 weapon, when the weapon is a firearm, after being previously
26 convicted of a qualifying predicate offense the person shall

1 be subject to the sentencing guidelines under this Section.

2 (c) SENTENCING GUIDELINES.

3 (1) When a person is convicted of unlawful use or
4 possession of a weapon by a felon, when the weapon is a
5 firearm, and that person has been previously convicted of
6 a qualifying predicate offense, the person shall be
7 sentenced to a term of imprisonment within the sentencing
8 range of not less than 7 years and not more than 14 years,
9 unless the court finds that a departure from the
10 sentencing guidelines under this paragraph is warranted
11 under subsection (d) of this Section.

12 (2) When a person is convicted of aggravated unlawful
13 use of a weapon, when the weapon is a firearm, and that
14 person has been previously convicted of a qualifying
15 predicate offense, the person shall be sentenced to a term
16 of imprisonment within the sentencing range of not less
17 than 6 years and not more than 7 years, unless the court
18 finds that a departure from the sentencing guidelines
19 under this paragraph is warranted under subsection (d) of
20 this Section.

21 (3) The sentencing guidelines in paragraphs (1) and
22 (2) of this subsection (c) apply only to offenses
23 committed on and after the effective date of this
24 amendatory Act of the 100th General Assembly and before
25 January 1, 2023.

26 (d) DEPARTURE FROM SENTENCING GUIDELINES.

1 (1) At the sentencing hearing conducted under Section
2 5-4-1 of this Code, the court may depart from the
3 sentencing guidelines provided in subsection (c) of this
4 Section and impose a sentence otherwise authorized by law
5 for the offense if the court, after considering any factor
6 under paragraph (2) of this subsection (d) relevant to the
7 nature and circumstances of the crime and to the history
8 and character of the defendant, finds on the record
9 substantial and compelling justification that the sentence
10 within the sentencing guidelines would be unduly harsh and
11 that a sentence otherwise authorized by law would be
12 consistent with public safety and does not deprecate the
13 seriousness of the offense.

14 (2) In deciding whether to depart from the sentencing
15 guidelines under this paragraph, the court shall consider:

16 (A) the age, immaturity, or limited mental
17 capacity of the defendant at the time of commission of
18 the qualifying predicate or current offense, including
19 whether the defendant was suffering from a mental or
20 physical condition insufficient to constitute a
21 defense but significantly reduced the defendant's
22 culpability;

23 (B) the nature and circumstances of the qualifying
24 predicate offense;

25 (C) the time elapsed since the qualifying
26 predicate offense;

1 (D) the nature and circumstances of the current
2 offense;

3 (E) the defendant's prior criminal history;

4 (F) whether the defendant committed the qualifying
5 predicate or current offense under specific and
6 credible duress, coercion, threat, or compulsion;

7 (G) whether the defendant aided in the
8 apprehension of another felon or testified truthfully
9 on behalf of another prosecution of a felony; and

10 (H) whether departure is in the interest of the
11 person's rehabilitation, including employment or
12 educational or vocational training, after taking into
13 account any past rehabilitation efforts or
14 dispositions of probation or supervision, and the
15 defendant's cooperation or response to rehabilitation.

16 (3) When departing from the sentencing guidelines
17 under this Section, the court shall specify on the record,
18 the particular evidence, information, factor or factors,
19 or other reasons which led to the departure from the
20 sentencing guidelines. When departing from the sentencing
21 range in accordance with this subsection (d), the court
22 shall indicate on the sentencing order which departure
23 factor or factors outlined in paragraph (2) of this
24 subsection (d) led to the sentence imposed. The sentencing
25 order shall be filed with the clerk of the court and shall
26 be a public record.

1 (e) This Section is repealed on January 1, 2023.

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

3 (730 ILCS 5/5-5-3)

4 Sec. 5-5-3. Disposition.

5 (a) (Blank).

6 (b) (Blank).

7 (c) (1) (Blank).

8 (2) A period of probation, a term of periodic imprisonment
9 or conditional discharge shall not be imposed for the
10 following offenses. The court shall sentence the offender to
11 not less than the minimum term of imprisonment set forth in
12 this Code for the following offenses, and may order a fine or
13 restitution or both in conjunction with such term of
14 imprisonment:

15 (A) First degree murder where the death penalty is not
16 imposed.

17 (B) Attempted first degree murder.

18 (C) A Class X felony.

19 (D) A violation of Section 401.1 or 407 of the
20 Illinois Controlled Substances Act, or a violation of
21 subdivision (c)(1.5) of Section 401 of that Act which
22 relates to more than 5 grams of a substance containing
23 fentanyl or an analog thereof.

24 (D-5) A violation of subdivision (c)(1) of Section 401
25 of the Illinois Controlled Substances Act which relates to

1 3 or more grams of a substance containing heroin or an
2 analog thereof.

3 (E) (Blank).

4 (F) A Class 1 or greater felony if the offender had
5 been convicted of a Class 1 or greater felony, including
6 any state or federal conviction for an offense that
7 contained, at the time it was committed, the same elements
8 as an offense now (the date of the offense committed after
9 the prior Class 1 or greater felony) classified as a Class
10 1 or greater felony, within 10 years of the date on which
11 the offender committed the offense for which he or she is
12 being sentenced, except as otherwise provided in Section
13 40-10 of the Substance Use Disorder Act.

14 (F-3) A Class 2 or greater felony sex offense or
15 felony firearm offense if the offender had been convicted
16 of a Class 2 or greater felony, including any state or
17 federal conviction for an offense that contained, at the
18 time it was committed, the same elements as an offense now
19 (the date of the offense committed after the prior Class 2
20 or greater felony) classified as a Class 2 or greater
21 felony, within 10 years of the date on which the offender
22 committed the offense for which he or she is being
23 sentenced, except as otherwise provided in Section 40-10
24 of the Substance Use Disorder Act.

25 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
26 of the Criminal Code of 1961 or the Criminal Code of 2012

1 for which imprisonment is prescribed in those Sections.

2 (G) Residential burglary, except as otherwise provided
3 in Section 40-10 of the Substance Use Disorder Act.

4 (H) Criminal sexual assault.

5 (I) Aggravated battery of a senior citizen as
6 described in Section 12-4.6 or subdivision (a)(4) of
7 Section 12-3.05 of the Criminal Code of 1961 or the
8 Criminal Code of 2012.

9 (J) A forcible felony if the offense was related to
10 the activities of an organized gang.

11 Before July 1, 1994, for the purposes of this
12 paragraph, "organized gang" means an association of 5 or
13 more persons, with an established hierarchy, that
14 encourages members of the association to perpetrate crimes
15 or provides support to the members of the association who
16 do commit crimes.

17 Beginning July 1, 1994, for the purposes of this
18 paragraph, "organized gang" has the meaning ascribed to it
19 in Section 10 of the Illinois Streetgang Terrorism Omnibus
20 Prevention Act.

21 (K) Vehicular hijacking.

22 (L) A second or subsequent conviction for the offense
23 of hate crime when the underlying offense upon which the
24 hate crime is based is felony aggravated assault or felony
25 mob action.

26 (M) A second or subsequent conviction for the offense

1 of institutional vandalism if the damage to the property
2 exceeds \$300.

3 (N) A Class 3 felony violation of paragraph (1) of
4 subsection (a) of Section 2 of the Firearm Owners
5 Identification Card Act committed before the effective
6 date of this amendatory Act of the 102nd General Assembly.

7 (O) A violation of Section 12-6.1 or 12-6.5 of the
8 Criminal Code of 1961 or the Criminal Code of 2012.

9 (P) A violation of paragraph (1), (2), (3), (4), (5),
10 or (7) of subsection (a) of Section 11-20.1 of the
11 Criminal Code of 1961 or the Criminal Code of 2012.

12 (P-5) A violation of paragraph (6) of subsection (a)
13 of Section 11-20.1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 if the victim is a household or
15 family member of the defendant.

16 (Q) A violation of subsection (b) or (b-5) of Section
17 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
18 Code of 1961 or the Criminal Code of 2012.

19 (R) A violation of Section 24-3A of the Criminal Code
20 of 1961 or the Criminal Code of 2012.

21 (S) (Blank).

22 (T) (Blank).

23 (U) A second or subsequent violation of Section 6-303
24 of the Illinois Vehicle Code committed while his or her
25 driver's license, permit, or privilege was revoked because
26 of a violation of Section 9-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012, relating to the offense of
2 reckless homicide, or a similar provision of a law of
3 another state.

4 (V) A violation of paragraph (4) of subsection (c) of
5 Section 11-20.1B or paragraph (4) of subsection (c) of
6 Section 11-20.3 of the Criminal Code of 1961, or paragraph
7 (6) of subsection (a) of Section 11-20.1 of the Criminal
8 Code of 2012 when the victim is under 13 years of age and
9 the defendant has previously been convicted under the laws
10 of this State or any other state of the offense of child
11 pornography, aggravated child pornography, aggravated
12 criminal sexual abuse, aggravated criminal sexual assault,
13 predatory criminal sexual assault of a child, or any of
14 the offenses formerly known as rape, deviate sexual
15 assault, indecent liberties with a child, or aggravated
16 indecent liberties with a child where the victim was under
17 the age of 18 years or an offense that is substantially
18 equivalent to those offenses.

19 (W) A violation of Section 24-3.5 of the Criminal Code
20 of 1961 or the Criminal Code of 2012.

21 (X) A violation of subsection (a) of Section 31-1a of
22 the Criminal Code of 1961 or the Criminal Code of 2012.

23 (Y) A conviction for unlawful possession of a firearm
24 by a street gang member when the firearm was loaded or
25 contained firearm ammunition.

26 (Z) A Class 1 felony committed while he or she was

1 serving a term of probation or conditional discharge for a
2 felony.

3 (AA) Theft of property exceeding \$500,000 and not
4 exceeding \$1,000,000 in value.

5 (BB) Laundering of criminally derived property of a
6 value exceeding \$500,000.

7 (CC) Knowingly selling, offering for sale, holding for
8 sale, or using 2,000 or more counterfeit items or
9 counterfeit items having a retail value in the aggregate
10 of \$500,000 or more.

11 (DD) A conviction for aggravated assault under
12 paragraph (6) of subsection (c) of Section 12-2 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 if the
14 firearm is aimed toward the person against whom the
15 firearm is being used.

16 (EE) A conviction for a violation of paragraph (2) of
17 subsection (a) of Section 24-3B of the Criminal Code of
18 2012.

19 (3) (Blank).

20 (4) A minimum term of imprisonment of not less than 10
21 consecutive days or 30 days of community service shall be
22 imposed for a violation of paragraph (c) of Section 6-303 of
23 the Illinois Vehicle Code.

24 (4.1) (Blank).

25 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
26 this subsection (c), a minimum of 100 hours of community

1 service shall be imposed for a second violation of Section
2 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300
4 hours of community service, as determined by the court, shall
5 be imposed for a second violation of subsection (c) of Section
6 6-303 of the Illinois Vehicle Code.

7 (4.4) Except as provided in paragraphs (4.5), (4.6), and
8 (4.9) of this subsection (c), a minimum term of imprisonment
9 of 30 days or 300 hours of community service, as determined by
10 the court, shall be imposed for a third or subsequent
11 violation of Section 6-303 of the Illinois Vehicle Code. The
12 court may give credit toward the fulfillment of community
13 service hours for participation in activities and treatment as
14 determined by court services.

15 (4.5) A minimum term of imprisonment of 30 days shall be
16 imposed for a third violation of subsection (c) of Section
17 6-303 of the Illinois Vehicle Code.

18 (4.6) Except as provided in paragraph (4.10) of this
19 subsection (c), a minimum term of imprisonment of 180 days
20 shall be imposed for a fourth or subsequent violation of
21 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

22 (4.7) A minimum term of imprisonment of not less than 30
23 consecutive days, or 300 hours of community service, shall be
24 imposed for a violation of subsection (a-5) of Section 6-303
25 of the Illinois Vehicle Code, as provided in subsection (b-5)
26 of that Section.

1 (4.8) A mandatory prison sentence shall be imposed for a
2 second violation of subsection (a-5) of Section 6-303 of the
3 Illinois Vehicle Code, as provided in subsection (c-5) of that
4 Section. The person's driving privileges shall be revoked for
5 a period of not less than 5 years from the date of his or her
6 release from prison.

7 (4.9) A mandatory prison sentence of not less than 4 and
8 not more than 15 years shall be imposed for a third violation
9 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
10 Code, as provided in subsection (d-2.5) of that Section. The
11 person's driving privileges shall be revoked for the remainder
12 of his or her life.

13 (4.10) A mandatory prison sentence for a Class 1 felony
14 shall be imposed, and the person shall be eligible for an
15 extended term sentence, for a fourth or subsequent violation
16 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
17 Code, as provided in subsection (d-3.5) of that Section. The
18 person's driving privileges shall be revoked for the remainder
19 of his or her life.

20 (5) The court may sentence a corporation or unincorporated
21 association convicted of any offense to:

22 (A) a period of conditional discharge;

23 (B) a fine;

24 (C) make restitution to the victim under Section 5-5-6
25 of this Code.

26 (5.1) In addition to any other penalties imposed, and

1 except as provided in paragraph (5.2) or (5.3), a person
2 convicted of violating subsection (c) of Section 11-907 of the
3 Illinois Vehicle Code shall have his or her driver's license,
4 permit, or privileges suspended for at least 90 days but not
5 more than one year, if the violation resulted in damage to the
6 property of another person.

7 (5.2) In addition to any other penalties imposed, and
8 except as provided in paragraph (5.3), a person convicted of
9 violating subsection (c) of Section 11-907 of the Illinois
10 Vehicle Code shall have his or her driver's license, permit,
11 or privileges suspended for at least 180 days but not more than
12 2 years, if the violation resulted in injury to another
13 person.

14 (5.3) In addition to any other penalties imposed, a person
15 convicted of violating subsection (c) of Section 11-907 of the
16 Illinois Vehicle Code shall have his or her driver's license,
17 permit, or privileges suspended for 2 years, if the violation
18 resulted in the death of another person.

19 (5.4) In addition to any other penalties imposed, a person
20 convicted of violating Section 3-707 of the Illinois Vehicle
21 Code shall have his or her driver's license, permit, or
22 privileges suspended for 3 months and until he or she has paid
23 a reinstatement fee of \$100.

24 (5.5) In addition to any other penalties imposed, a person
25 convicted of violating Section 3-707 of the Illinois Vehicle
26 Code during a period in which his or her driver's license,

1 permit, or privileges were suspended for a previous violation
2 of that Section shall have his or her driver's license,
3 permit, or privileges suspended for an additional 6 months
4 after the expiration of the original 3-month suspension and
5 until he or she has paid a reinstatement fee of \$100.

6 (6) (Blank).

7 (7) (Blank).

8 (8) (Blank).

9 (9) A defendant convicted of a second or subsequent
10 offense of ritualized abuse of a child may be sentenced to a
11 term of natural life imprisonment.

12 (10) (Blank).

13 (11) The court shall impose a minimum fine of \$1,000 for a
14 first offense and \$2,000 for a second or subsequent offense
15 upon a person convicted of or placed on supervision for
16 battery when the individual harmed was a sports official or
17 coach at any level of competition and the act causing harm to
18 the sports official or coach occurred within an athletic
19 facility or within the immediate vicinity of the athletic
20 facility at which the sports official or coach was an active
21 participant of the athletic contest held at the athletic
22 facility. For the purposes of this paragraph (11), "sports
23 official" means a person at an athletic contest who enforces
24 the rules of the contest, such as an umpire or referee;
25 "athletic facility" means an indoor or outdoor playing field
26 or recreational area where sports activities are conducted;

1 and "coach" means a person recognized as a coach by the
2 sanctioning authority that conducted the sporting event.

3 (12) A person may not receive a disposition of court
4 supervision for a violation of Section 5-16 of the Boat
5 Registration and Safety Act if that person has previously
6 received a disposition of court supervision for a violation of
7 that Section.

8 (13) A person convicted of or placed on court supervision
9 for an assault or aggravated assault when the victim and the
10 offender are family or household members as defined in Section
11 103 of the Illinois Domestic Violence Act of 1986 or convicted
12 of domestic battery or aggravated domestic battery may be
13 required to attend a Partner Abuse Intervention Program under
14 protocols set forth by the Illinois Department of Human
15 Services under such terms and conditions imposed by the court.
16 The costs of such classes shall be paid by the offender.

17 (d) In any case in which a sentence originally imposed is
18 vacated, the case shall be remanded to the trial court. The
19 trial court shall hold a hearing under Section 5-4-1 of this
20 Code which may include evidence of the defendant's life, moral
21 character and occupation during the time since the original
22 sentence was passed. The trial court shall then impose
23 sentence upon the defendant. The trial court may impose any
24 sentence which could have been imposed at the original trial
25 subject to Section 5-5-4 of this Code. If a sentence is vacated
26 on appeal or on collateral attack due to the failure of the

1 trier of fact at trial to determine beyond a reasonable doubt
2 the existence of a fact (other than a prior conviction)
3 necessary to increase the punishment for the offense beyond
4 the statutory maximum otherwise applicable, either the
5 defendant may be re-sentenced to a term within the range
6 otherwise provided or, if the State files notice of its
7 intention to again seek the extended sentence, the defendant
8 shall be afforded a new trial.

9 (e) In cases where prosecution for aggravated criminal
10 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
11 Code of 1961 or the Criminal Code of 2012 results in conviction
12 of a defendant who was a family member of the victim at the
13 time of the commission of the offense, the court shall
14 consider the safety and welfare of the victim and may impose a
15 sentence of probation only where:

16 (1) the court finds (A) or (B) or both are
17 appropriate:

18 (A) the defendant is willing to undergo a court
19 approved counseling program for a minimum duration of
20 2 years; or

21 (B) the defendant is willing to participate in a
22 court approved plan, including, but not limited to,
23 the defendant's:

24 (i) removal from the household;

25 (ii) restricted contact with the victim;

26 (iii) continued financial support of the

1 family;

2 (iv) restitution for harm done to the victim;

3 and

4 (v) compliance with any other measures that
5 the court may deem appropriate; and

6 (2) the court orders the defendant to pay for the
7 victim's counseling services, to the extent that the court
8 finds, after considering the defendant's income and
9 assets, that the defendant is financially capable of
10 paying for such services, if the victim was under 18 years
11 of age at the time the offense was committed and requires
12 counseling as a result of the offense.

13 Probation may be revoked or modified pursuant to Section
14 5-6-4; except where the court determines at the hearing that
15 the defendant violated a condition of his or her probation
16 restricting contact with the victim or other family members or
17 commits another offense with the victim or other family
18 members, the court shall revoke the defendant's probation and
19 impose a term of imprisonment.

20 For the purposes of this Section, "family member" and
21 "victim" shall have the meanings ascribed to them in Section
22 11-0.1 of the Criminal Code of 2012.

23 (f) (Blank).

24 (g) Whenever a defendant is convicted of an offense under
25 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
26 11-14.3, 11-14.4 except for an offense that involves keeping a

1 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
2 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
3 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, the defendant shall undergo medical
5 testing to determine whether the defendant has any sexually
6 transmissible disease, including a test for infection with
7 human immunodeficiency virus (HIV) or any other identified
8 causative agent of acquired immunodeficiency syndrome (AIDS).
9 Any such medical test shall be performed only by appropriately
10 licensed medical practitioners and may include an analysis of
11 any bodily fluids as well as an examination of the defendant's
12 person. Except as otherwise provided by law, the results of
13 such test shall be kept strictly confidential by all medical
14 personnel involved in the testing and must be personally
15 delivered in a sealed envelope to the judge of the court in
16 which the conviction was entered for the judge's inspection in
17 camera. Acting in accordance with the best interests of the
18 victim and the public, the judge shall have the discretion to
19 determine to whom, if anyone, the results of the testing may be
20 revealed. The court shall notify the defendant of the test
21 results. The court shall also notify the victim if requested
22 by the victim, and if the victim is under the age of 15 and if
23 requested by the victim's parents or legal guardian, the court
24 shall notify the victim's parents or legal guardian of the
25 test results. The court shall provide information on the
26 availability of HIV testing and counseling at Department of

1 Public Health facilities to all parties to whom the results of
2 the testing are revealed and shall direct the State's Attorney
3 to provide the information to the victim when possible. The
4 court shall order that the cost of any such test shall be paid
5 by the county and may be taxed as costs against the convicted
6 defendant.

7 (g-5) When an inmate is tested for an airborne
8 communicable disease, as determined by the Illinois Department
9 of Public Health, including, but not limited to, tuberculosis,
10 the results of the test shall be personally delivered by the
11 warden or his or her designee in a sealed envelope to the judge
12 of the court in which the inmate must appear for the judge's
13 inspection in camera if requested by the judge. Acting in
14 accordance with the best interests of those in the courtroom,
15 the judge shall have the discretion to determine what if any
16 precautions need to be taken to prevent transmission of the
17 disease in the courtroom.

18 (h) Whenever a defendant is convicted of an offense under
19 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
20 defendant shall undergo medical testing to determine whether
21 the defendant has been exposed to human immunodeficiency virus
22 (HIV) or any other identified causative agent of acquired
23 immunodeficiency syndrome (AIDS). Except as otherwise provided
24 by law, the results of such test shall be kept strictly
25 confidential by all medical personnel involved in the testing
26 and must be personally delivered in a sealed envelope to the

1 judge of the court in which the conviction was entered for the
2 judge's inspection in camera. Acting in accordance with the
3 best interests of the public, the judge shall have the
4 discretion to determine to whom, if anyone, the results of the
5 testing may be revealed. The court shall notify the defendant
6 of a positive test showing an infection with the human
7 immunodeficiency virus (HIV). The court shall provide
8 information on the availability of HIV testing and counseling
9 at Department of Public Health facilities to all parties to
10 whom the results of the testing are revealed and shall direct
11 the State's Attorney to provide the information to the victim
12 when possible. The court shall order that the cost of any such
13 test shall be paid by the county and may be taxed as costs
14 against the convicted defendant.

15 (i) All fines and penalties imposed under this Section for
16 any violation of Chapters 3, 4, 6, and 11 of the Illinois
17 Vehicle Code, or a similar provision of a local ordinance, and
18 any violation of the Child Passenger Protection Act, or a
19 similar provision of a local ordinance, shall be collected and
20 disbursed by the circuit clerk as provided under the Criminal
21 and Traffic Assessment Act.

22 (j) In cases when prosecution for any violation of Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
24 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
26 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,

1 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, any violation of the Illinois Controlled
3 Substances Act, any violation of the Cannabis Control Act, or
4 any violation of the Methamphetamine Control and Community
5 Protection Act results in conviction, a disposition of court
6 supervision, or an order of probation granted under Section 10
7 of the Cannabis Control Act, Section 410 of the Illinois
8 Controlled Substances Act, or Section 70 of the
9 Methamphetamine Control and Community Protection Act of a
10 defendant, the court shall determine whether the defendant is
11 employed by a facility or center as defined under the Child
12 Care Act of 1969, a public or private elementary or secondary
13 school, or otherwise works with children under 18 years of age
14 on a daily basis. When a defendant is so employed, the court
15 shall order the Clerk of the Court to send a copy of the
16 judgment of conviction or order of supervision or probation to
17 the defendant's employer by certified mail. If the employer of
18 the defendant is a school, the Clerk of the Court shall direct
19 the mailing of a copy of the judgment of conviction or order of
20 supervision or probation to the appropriate regional
21 superintendent of schools. The regional superintendent of
22 schools shall notify the State Board of Education of any
23 notification under this subsection.

24 (j-5) A defendant at least 17 years of age who is convicted
25 of a felony and who has not been previously convicted of a
26 misdemeanor or felony and who is sentenced to a term of

1 imprisonment in the Illinois Department of Corrections shall
2 as a condition of his or her sentence be required by the court
3 to attend educational courses designed to prepare the
4 defendant for a high school diploma and to work toward a high
5 school diploma or to work toward passing high school
6 equivalency testing or to work toward completing a vocational
7 training program offered by the Department of Corrections. If
8 a defendant fails to complete the educational training
9 required by his or her sentence during the term of
10 incarceration, the Prisoner Review Board shall, as a condition
11 of mandatory supervised release, require the defendant, at his
12 or her own expense, to pursue a course of study toward a high
13 school diploma or passage of high school equivalency testing.
14 The Prisoner Review Board shall revoke the mandatory
15 supervised release of a defendant who wilfully fails to comply
16 with this subsection (j-5) upon his or her release from
17 confinement in a penal institution while serving a mandatory
18 supervised release term; however, the inability of the
19 defendant after making a good faith effort to obtain financial
20 aid or pay for the educational training shall not be deemed a
21 wilful failure to comply. The Prisoner Review Board shall
22 recommit the defendant whose mandatory supervised release term
23 has been revoked under this subsection (j-5) as provided in
24 Section 3-3-9. This subsection (j-5) does not apply to a
25 defendant who has a high school diploma or has successfully
26 passed high school equivalency testing. This subsection (j-5)

1 does not apply to a defendant who is determined by the court to
2 be a person with a developmental disability or otherwise
3 mentally incapable of completing the educational or vocational
4 program.

5 (k) (Blank).

6 (l) (A) Except as provided in paragraph (C) of subsection
7 (l), whenever a defendant, who is an alien as defined by the
8 Immigration and Nationality Act, is convicted of any felony or
9 misdemeanor offense, the court after sentencing the defendant
10 may, upon motion of the State's Attorney, hold sentence in
11 abeyance and remand the defendant to the custody of the
12 Attorney General of the United States or his or her designated
13 agent to be deported when:

14 (1) a final order of deportation has been issued
15 against the defendant pursuant to proceedings under the
16 Immigration and Nationality Act, and

17 (2) the deportation of the defendant would not
18 deprecate the seriousness of the defendant's conduct and
19 would not be inconsistent with the ends of justice.

20 Otherwise, the defendant shall be sentenced as provided in
21 this Chapter V.

22 (B) If the defendant has already been sentenced for a
23 felony or misdemeanor offense, or has been placed on probation
24 under Section 10 of the Cannabis Control Act, Section 410 of
25 the Illinois Controlled Substances Act, or Section 70 of the
26 Methamphetamine Control and Community Protection Act, the

1 court may, upon motion of the State's Attorney to suspend the
2 sentence imposed, commit the defendant to the custody of the
3 Attorney General of the United States or his or her designated
4 agent when:

5 (1) a final order of deportation has been issued
6 against the defendant pursuant to proceedings under the
7 Immigration and Nationality Act, and

8 (2) the deportation of the defendant would not
9 deprecate the seriousness of the defendant's conduct and
10 would not be inconsistent with the ends of justice.

11 (C) This subsection (1) does not apply to offenders who
12 are subject to the provisions of paragraph (2) of subsection
13 (a) of Section 3-6-3.

14 (D) Upon motion of the State's Attorney, if a defendant
15 sentenced under this Section returns to the jurisdiction of
16 the United States, the defendant shall be recommitted to the
17 custody of the county from which he or she was sentenced.
18 Thereafter, the defendant shall be brought before the
19 sentencing court, which may impose any sentence that was
20 available under Section 5-5-3 at the time of initial
21 sentencing. In addition, the defendant shall not be eligible
22 for additional earned sentence credit as provided under
23 Section 3-6-3.

24 (m) A person convicted of criminal defacement of property
25 under Section 21-1.3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, in which the property damage exceeds

1 \$300 and the property damaged is a school building, shall be
2 ordered to perform community service that may include cleanup,
3 removal, or painting over the defacement.

4 (n) The court may sentence a person convicted of a
5 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
6 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
7 of 1961 or the Criminal Code of 2012 (i) to an impact
8 incarceration program if the person is otherwise eligible for
9 that program under Section 5-8-1.1, (ii) to community service,
10 or (iii) if the person has a substance use disorder, as defined
11 in the Substance Use Disorder Act, to a treatment program
12 licensed under that Act.

13 (o) Whenever a person is convicted of a sex offense as
14 defined in Section 2 of the Sex Offender Registration Act, the
15 defendant's driver's license or permit shall be subject to
16 renewal on an annual basis in accordance with the provisions
17 of license renewal established by the Secretary of State.

18 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
19 102-531, eff. 1-1-22; revised 10-12-21.)

20 (730 ILCS 5/5-5-3.2)

21 (Text of Section before amendment by P.A. 101-652)

22 Sec. 5-5-3.2. Factors in aggravation and extended-term
23 sentencing.

24 (a) The following factors shall be accorded weight in
25 favor of imposing a term of imprisonment or may be considered

1 by the court as reasons to impose a more severe sentence under
2 Section 5-8-1 or Article 4.5 of Chapter V:

3 (1) the defendant's conduct caused or threatened
4 serious harm;

5 (2) the defendant received compensation for committing
6 the offense;

7 (3) the defendant has a history of prior delinquency
8 or criminal activity;

9 (4) the defendant, by the duties of his office or by
10 his position, was obliged to prevent the particular
11 offense committed or to bring the offenders committing it
12 to justice;

13 (5) the defendant held public office at the time of
14 the offense, and the offense related to the conduct of
15 that office;

16 (6) the defendant utilized his professional reputation
17 or position in the community to commit the offense, or to
18 afford him an easier means of committing it;

19 (7) the sentence is necessary to deter others from
20 committing the same crime;

21 (8) the defendant committed the offense against a
22 person 60 years of age or older or such person's property;

23 (9) the defendant committed the offense against a
24 person who has a physical disability or such person's
25 property;

26 (10) by reason of another individual's actual or

1 perceived race, color, creed, religion, ancestry, gender,
2 sexual orientation, physical or mental disability, or
3 national origin, the defendant committed the offense
4 against (i) the person or property of that individual;
5 (ii) the person or property of a person who has an
6 association with, is married to, or has a friendship with
7 the other individual; or (iii) the person or property of a
8 relative (by blood or marriage) of a person described in
9 clause (i) or (ii). For the purposes of this Section,
10 "sexual orientation" has the meaning ascribed to it in
11 paragraph (0-1) of Section 1-103 of the Illinois Human
12 Rights Act;

13 (11) the offense took place in a place of worship or on
14 the grounds of a place of worship, immediately prior to,
15 during or immediately following worship services. For
16 purposes of this subparagraph, "place of worship" shall
17 mean any church, synagogue or other building, structure or
18 place used primarily for religious worship;

19 (12) the defendant was convicted of a felony committed
20 while he was released on bail or his own recognizance
21 pending trial for a prior felony and was convicted of such
22 prior felony, or the defendant was convicted of a felony
23 committed while he was serving a period of probation,
24 conditional discharge, or mandatory supervised release
25 under subsection (d) of Section 5-8-1 for a prior felony;

26 (13) the defendant committed or attempted to commit a

1 felony while he was wearing a bulletproof vest. For the
2 purposes of this paragraph (13), a bulletproof vest is any
3 device which is designed for the purpose of protecting the
4 wearer from bullets, shot or other lethal projectiles;

5 (14) the defendant held a position of trust or
6 supervision such as, but not limited to, family member as
7 defined in Section 11-0.1 of the Criminal Code of 2012,
8 teacher, scout leader, baby sitter, or day care worker, in
9 relation to a victim under 18 years of age, and the
10 defendant committed an offense in violation of Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
12 11-14.4 except for an offense that involves keeping a
13 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
14 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
15 or 12-16 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 against that victim;

17 (15) the defendant committed an offense related to the
18 activities of an organized gang. For the purposes of this
19 factor, "organized gang" has the meaning ascribed to it in
20 Section 10 of the Streetgang Terrorism Omnibus Prevention
21 Act;

22 (16) the defendant committed an offense in violation
23 of one of the following Sections while in a school,
24 regardless of the time of day or time of year; on any
25 conveyance owned, leased, or contracted by a school to
26 transport students to or from school or a school related

1 activity; on the real property of a school; or on a public
2 way within 1,000 feet of the real property comprising any
3 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
4 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
5 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
6 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
7 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
8 for subdivision (a) (4) or (g) (1), of the Criminal Code of
9 1961 or the Criminal Code of 2012;

10 (16.5) the defendant committed an offense in violation
11 of one of the following Sections while in a day care
12 center, regardless of the time of day or time of year; on
13 the real property of a day care center, regardless of the
14 time of day or time of year; or on a public way within
15 1,000 feet of the real property comprising any day care
16 center, regardless of the time of day or time of year:
17 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
18 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
19 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
20 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
21 18-2, or 33A-2, or Section 12-3.05 except for subdivision
22 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
23 Criminal Code of 2012;

24 (17) the defendant committed the offense by reason of
25 any person's activity as a community policing volunteer or
26 to prevent any person from engaging in activity as a

1 community policing volunteer. For the purpose of this
2 Section, "community policing volunteer" has the meaning
3 ascribed to it in Section 2-3.5 of the Criminal Code of
4 2012;

5 (18) the defendant committed the offense in a nursing
6 home or on the real property comprising a nursing home.
7 For the purposes of this paragraph (18), "nursing home"
8 means a skilled nursing or intermediate long term care
9 facility that is subject to license by the Illinois
10 Department of Public Health under the Nursing Home Care
11 Act, the Specialized Mental Health Rehabilitation Act of
12 2013, the ID/DD Community Care Act, or the MC/DD Act;

13 (19) the defendant was a federally licensed firearm
14 dealer and was previously convicted of a violation of
15 subsection (a) of Section 3 of the Firearm Owners
16 Identification Card Act and has now committed either a
17 felony violation of the Firearm Owners Identification Card
18 Act or an act of armed violence while armed with a firearm;

19 (20) the defendant (i) committed the offense of
20 reckless homicide under Section 9-3 of the Criminal Code
21 of 1961 or the Criminal Code of 2012 or the offense of
22 driving under the influence of alcohol, other drug or
23 drugs, intoxicating compound or compounds or any
24 combination thereof under Section 11-501 of the Illinois
25 Vehicle Code or a similar provision of a local ordinance
26 and (ii) was operating a motor vehicle in excess of 20

1 miles per hour over the posted speed limit as provided in
2 Article VI of Chapter 11 of the Illinois Vehicle Code;

3 (21) the defendant (i) committed the offense of
4 reckless driving or aggravated reckless driving under
5 Section 11-503 of the Illinois Vehicle Code and (ii) was
6 operating a motor vehicle in excess of 20 miles per hour
7 over the posted speed limit as provided in Article VI of
8 Chapter 11 of the Illinois Vehicle Code;

9 (22) the defendant committed the offense against a
10 person that the defendant knew, or reasonably should have
11 known, was a member of the Armed Forces of the United
12 States serving on active duty. For purposes of this clause
13 (22), the term "Armed Forces" means any of the Armed
14 Forces of the United States, including a member of any
15 reserve component thereof or National Guard unit called to
16 active duty;

17 (23) the defendant committed the offense against a
18 person who was elderly or infirm or who was a person with a
19 disability by taking advantage of a family or fiduciary
20 relationship with the elderly or infirm person or person
21 with a disability;

22 (24) the defendant committed any offense under Section
23 11-20.1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012 and possessed 100 or more images;

25 (25) the defendant committed the offense while the
26 defendant or the victim was in a train, bus, or other

1 vehicle used for public transportation;

2 (26) the defendant committed the offense of child
3 pornography or aggravated child pornography, specifically
4 including paragraph (1), (2), (3), (4), (5), or (7) of
5 subsection (a) of Section 11-20.1 of the Criminal Code of
6 1961 or the Criminal Code of 2012 where a child engaged in,
7 solicited for, depicted in, or posed in any act of sexual
8 penetration or bound, fettered, or subject to sadistic,
9 masochistic, or sadomasochistic abuse in a sexual context
10 and specifically including paragraph (1), (2), (3), (4),
11 (5), or (7) of subsection (a) of Section 11-20.1B or
12 Section 11-20.3 of the Criminal Code of 1961 where a child
13 engaged in, solicited for, depicted in, or posed in any
14 act of sexual penetration or bound, fettered, or subject
15 to sadistic, masochistic, or sadomasochistic abuse in a
16 sexual context;

17 (27) the defendant committed the offense of first
18 degree murder, assault, aggravated assault, battery,
19 aggravated battery, robbery, armed robbery, or aggravated
20 robbery against a person who was a veteran and the
21 defendant knew, or reasonably should have known, that the
22 person was a veteran performing duties as a representative
23 of a veterans' organization. For the purposes of this
24 paragraph (27), "veteran" means an Illinois resident who
25 has served as a member of the United States Armed Forces, a
26 member of the Illinois National Guard, or a member of the

1 United States Reserve Forces; and "veterans' organization"
2 means an organization comprised of members of which
3 substantially all are individuals who are veterans or
4 spouses, widows, or widowers of veterans, the primary
5 purpose of which is to promote the welfare of its members
6 and to provide assistance to the general public in such a
7 way as to confer a public benefit;

8 (28) the defendant committed the offense of assault,
9 aggravated assault, battery, aggravated battery, robbery,
10 armed robbery, or aggravated robbery against a person that
11 the defendant knew or reasonably should have known was a
12 letter carrier or postal worker while that person was
13 performing his or her duties delivering mail for the
14 United States Postal Service;

15 (29) the defendant committed the offense of criminal
16 sexual assault, aggravated criminal sexual assault,
17 criminal sexual abuse, or aggravated criminal sexual abuse
18 against a victim with an intellectual disability, and the
19 defendant holds a position of trust, authority, or
20 supervision in relation to the victim;

21 (30) the defendant committed the offense of promoting
22 juvenile prostitution, patronizing a prostitute, or
23 patronizing a minor engaged in prostitution and at the
24 time of the commission of the offense knew that the
25 prostitute or minor engaged in prostitution was in the
26 custody or guardianship of the Department of Children and

1 Family Services;

2 (31) the defendant (i) committed the offense of
3 driving while under the influence of alcohol, other drug
4 or drugs, intoxicating compound or compounds or any
5 combination thereof in violation of Section 11-501 of the
6 Illinois Vehicle Code or a similar provision of a local
7 ordinance and (ii) the defendant during the commission of
8 the offense was driving his or her vehicle upon a roadway
9 designated for one-way traffic in the opposite direction
10 of the direction indicated by official traffic control
11 devices;

12 (32) the defendant committed the offense of reckless
13 homicide while committing a violation of Section 11-907 of
14 the Illinois Vehicle Code;

15 (33) the defendant was found guilty of an
16 administrative infraction related to an act or acts of
17 public indecency or sexual misconduct in the penal
18 institution. In this paragraph (33), "penal institution"
19 has the same meaning as in Section 2-14 of the Criminal
20 Code of 2012; or

21 (34) the defendant committed the offense of leaving
22 the scene of an accident in violation of subsection (b) of
23 Section 11-401 of the Illinois Vehicle Code and the
24 accident resulted in the death of a person and at the time
25 of the offense, the defendant was: (i) driving under the
26 influence of alcohol, other drug or drugs, intoxicating

1 compound or compounds or any combination thereof as
2 defined by Section 11-501 of the Illinois Vehicle Code; or
3 (ii) operating the motor vehicle while using an electronic
4 communication device as defined in Section 12-610.2 of the
5 Illinois Vehicle Code.

6 For the purposes of this Section:

7 "School" is defined as a public or private elementary or
8 secondary school, community college, college, or university.

9 "Day care center" means a public or private State
10 certified and licensed day care center as defined in Section
11 2.09 of the Child Care Act of 1969 that displays a sign in
12 plain view stating that the property is a day care center.

13 "Intellectual disability" means significantly subaverage
14 intellectual functioning which exists concurrently with
15 impairment in adaptive behavior.

16 "Public transportation" means the transportation or
17 conveyance of persons by means available to the general
18 public, and includes paratransit services.

19 "Traffic control devices" means all signs, signals,
20 markings, and devices that conform to the Illinois Manual on
21 Uniform Traffic Control Devices, placed or erected by
22 authority of a public body or official having jurisdiction,
23 for the purpose of regulating, warning, or guiding traffic.

24 (b) The following factors, related to all felonies, may be
25 considered by the court as reasons to impose an extended term
26 sentence under Section 5-8-2 upon any offender:

1 (1) When a defendant is convicted of any felony, after
2 having been previously convicted in Illinois or any other
3 jurisdiction of the same or similar class felony or
4 greater class felony, when such conviction has occurred
5 within 10 years after the previous conviction, excluding
6 time spent in custody, and such charges are separately
7 brought and tried and arise out of different series of
8 acts; or

9 (2) When a defendant is convicted of any felony and
10 the court finds that the offense was accompanied by
11 exceptionally brutal or heinous behavior indicative of
12 wanton cruelty; or

13 (3) When a defendant is convicted of any felony
14 committed against:

15 (i) a person under 12 years of age at the time of
16 the offense or such person's property;

17 (ii) a person 60 years of age or older at the time
18 of the offense or such person's property; or

19 (iii) a person who had a physical disability at
20 the time of the offense or such person's property; or

21 (4) When a defendant is convicted of any felony and
22 the offense involved any of the following types of
23 specific misconduct committed as part of a ceremony, rite,
24 initiation, observance, performance, practice or activity
25 of any actual or ostensible religious, fraternal, or
26 social group:

1 (i) the brutalizing or torturing of humans or
2 animals;

3 (ii) the theft of human corpses;

4 (iii) the kidnapping of humans;

5 (iv) the desecration of any cemetery, religious,
6 fraternal, business, governmental, educational, or
7 other building or property; or

8 (v) ritualized abuse of a child; or

9 (5) When a defendant is convicted of a felony other
10 than conspiracy and the court finds that the felony was
11 committed under an agreement with 2 or more other persons
12 to commit that offense and the defendant, with respect to
13 the other individuals, occupied a position of organizer,
14 supervisor, financier, or any other position of management
15 or leadership, and the court further finds that the felony
16 committed was related to or in furtherance of the criminal
17 activities of an organized gang or was motivated by the
18 defendant's leadership in an organized gang; or

19 (6) When a defendant is convicted of an offense
20 committed while using a firearm with a laser sight
21 attached to it. For purposes of this paragraph, "laser
22 sight" has the meaning ascribed to it in Section 26-7 of
23 the Criminal Code of 2012; or

24 (7) When a defendant who was at least 17 years of age
25 at the time of the commission of the offense is convicted
26 of a felony and has been previously adjudicated a

1 delinquent minor under the Juvenile Court Act of 1987 for
2 an act that if committed by an adult would be a Class X or
3 Class 1 felony when the conviction has occurred within 10
4 years after the previous adjudication, excluding time
5 spent in custody; or

6 (8) When a defendant commits any felony and the
7 defendant used, possessed, exercised control over, or
8 otherwise directed an animal to assault a law enforcement
9 officer engaged in the execution of his or her official
10 duties or in furtherance of the criminal activities of an
11 organized gang in which the defendant is engaged; or

12 (9) When a defendant commits any felony and the
13 defendant knowingly video or audio records the offense
14 with the intent to disseminate the recording.

15 (c) The following factors may be considered by the court
16 as reasons to impose an extended term sentence under Section
17 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
18 offenses:

19 (1) When a defendant is convicted of first degree
20 murder, after having been previously convicted in Illinois
21 of any offense listed under paragraph (c)(2) of Section
22 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
23 occurred within 10 years after the previous conviction,
24 excluding time spent in custody, and the charges are
25 separately brought and tried and arise out of different
26 series of acts.

1 (1.5) When a defendant is convicted of first degree
2 murder, after having been previously convicted of domestic
3 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
4 (720 ILCS 5/12-3.3) committed on the same victim or after
5 having been previously convicted of violation of an order
6 of protection (720 ILCS 5/12-30) in which the same victim
7 was the protected person.

8 (2) When a defendant is convicted of voluntary
9 manslaughter, second degree murder, involuntary
10 manslaughter, or reckless homicide in which the defendant
11 has been convicted of causing the death of more than one
12 individual.

13 (3) When a defendant is convicted of aggravated
14 criminal sexual assault or criminal sexual assault, when
15 there is a finding that aggravated criminal sexual assault
16 or criminal sexual assault was also committed on the same
17 victim by one or more other individuals, and the defendant
18 voluntarily participated in the crime with the knowledge
19 of the participation of the others in the crime, and the
20 commission of the crime was part of a single course of
21 conduct during which there was no substantial change in
22 the nature of the criminal objective.

23 (4) If the victim was under 18 years of age at the time
24 of the commission of the offense, when a defendant is
25 convicted of aggravated criminal sexual assault or
26 predatory criminal sexual assault of a child under

1 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
2 of Section 12-14.1 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

4 (5) When a defendant is convicted of a felony
5 violation of Section 24-1 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
7 finding that the defendant is a member of an organized
8 gang.

9 (6) When a defendant was convicted of unlawful use of
10 weapons under Section 24-1 of the Criminal Code of 1961 or
11 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
12 a weapon that is not readily distinguishable as one of the
13 weapons enumerated in Section 24-1 of the Criminal Code of
14 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

15 (7) When a defendant is convicted of an offense
16 involving the illegal manufacture of a controlled
17 substance under Section 401 of the Illinois Controlled
18 Substances Act (720 ILCS 570/401), the illegal manufacture
19 of methamphetamine under Section 25 of the Methamphetamine
20 Control and Community Protection Act (720 ILCS 646/25), or
21 the illegal possession of explosives and an emergency
22 response officer in the performance of his or her duties
23 is killed or injured at the scene of the offense while
24 responding to the emergency caused by the commission of
25 the offense. In this paragraph, "emergency" means a
26 situation in which a person's life, health, or safety is

1 in jeopardy; and "emergency response officer" means a
2 peace officer, community policing volunteer, fireman,
3 emergency medical technician-ambulance, emergency medical
4 technician-intermediate, emergency medical
5 technician-paramedic, ambulance driver, other medical
6 assistance or first aid personnel, or hospital emergency
7 room personnel.

8 (8) When the defendant is convicted of attempted mob
9 action, solicitation to commit mob action, or conspiracy
10 to commit mob action under Section 8-1, 8-2, or 8-4 of the
11 Criminal Code of 2012, where the criminal object is a
12 violation of Section 25-1 of the Criminal Code of 2012,
13 and an electronic communication is used in the commission
14 of the offense. For the purposes of this paragraph (8),
15 "electronic communication" shall have the meaning provided
16 in Section 26.5-0.1 of the Criminal Code of 2012.

17 (d) For the purposes of this Section, "organized gang" has
18 the meaning ascribed to it in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 (e) The court may impose an extended term sentence under
21 Article 4.5 of Chapter V upon an offender who has been
22 convicted of a felony violation of Section 11-1.20, 11-1.30,
23 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
24 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
25 when the victim of the offense is under 18 years of age at the
26 time of the commission of the offense and, during the

1 commission of the offense, the victim was under the influence
2 of alcohol, regardless of whether or not the alcohol was
3 supplied by the offender; and the offender, at the time of the
4 commission of the offense, knew or should have known that the
5 victim had consumed alcohol.

6 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
7 101-417, eff. 1-1-20; 102-558, eff. 8-20-21.)

8 (Text of Section after amendment by P.A. 101-652)

9 Sec. 5-5-3.2. Factors in aggravation and extended-term
10 sentencing.

11 (a) The following factors shall be accorded weight in
12 favor of imposing a term of imprisonment or may be considered
13 by the court as reasons to impose a more severe sentence under
14 Section 5-8-1 or Article 4.5 of Chapter V:

15 (1) the defendant's conduct caused or threatened
16 serious harm;

17 (2) the defendant received compensation for committing
18 the offense;

19 (3) the defendant has a history of prior delinquency
20 or criminal activity;

21 (4) the defendant, by the duties of his office or by
22 his position, was obliged to prevent the particular
23 offense committed or to bring the offenders committing it
24 to justice;

25 (5) the defendant held public office at the time of

1 the offense, and the offense related to the conduct of
2 that office;

3 (6) the defendant utilized his professional reputation
4 or position in the community to commit the offense, or to
5 afford him an easier means of committing it;

6 (7) the sentence is necessary to deter others from
7 committing the same crime;

8 (8) the defendant committed the offense against a
9 person 60 years of age or older or such person's property;

10 (9) the defendant committed the offense against a
11 person who has a physical disability or such person's
12 property;

13 (10) by reason of another individual's actual or
14 perceived race, color, creed, religion, ancestry, gender,
15 sexual orientation, physical or mental disability, or
16 national origin, the defendant committed the offense
17 against (i) the person or property of that individual;
18 (ii) the person or property of a person who has an
19 association with, is married to, or has a friendship with
20 the other individual; or (iii) the person or property of a
21 relative (by blood or marriage) of a person described in
22 clause (i) or (ii). For the purposes of this Section,
23 "sexual orientation" has the meaning ascribed to it in
24 paragraph (O-1) of Section 1-103 of the Illinois Human
25 Rights Act;

26 (11) the offense took place in a place of worship or on

1 the grounds of a place of worship, immediately prior to,
2 during or immediately following worship services. For
3 purposes of this subparagraph, "place of worship" shall
4 mean any church, synagogue or other building, structure or
5 place used primarily for religious worship;

6 (12) the defendant was convicted of a felony committed
7 while he was on pretrial release or his own recognizance
8 pending trial for a prior felony and was convicted of such
9 prior felony, or the defendant was convicted of a felony
10 committed while he was serving a period of probation,
11 conditional discharge, or mandatory supervised release
12 under subsection (d) of Section 5-8-1 for a prior felony;

13 (13) the defendant committed or attempted to commit a
14 felony while he was wearing a bulletproof vest. For the
15 purposes of this paragraph (13), a bulletproof vest is any
16 device which is designed for the purpose of protecting the
17 wearer from bullets, shot or other lethal projectiles;

18 (14) the defendant held a position of trust or
19 supervision such as, but not limited to, family member as
20 defined in Section 11-0.1 of the Criminal Code of 2012,
21 teacher, scout leader, baby sitter, or day care worker, in
22 relation to a victim under 18 years of age, and the
23 defendant committed an offense in violation of Section
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
25 11-14.4 except for an offense that involves keeping a
26 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,

1 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
2 or 12-16 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 against that victim;

4 (15) the defendant committed an offense related to the
5 activities of an organized gang. For the purposes of this
6 factor, "organized gang" has the meaning ascribed to it in
7 Section 10 of the Streetgang Terrorism Omnibus Prevention
8 Act;

9 (16) the defendant committed an offense in violation
10 of one of the following Sections while in a school,
11 regardless of the time of day or time of year; on any
12 conveyance owned, leased, or contracted by a school to
13 transport students to or from school or a school related
14 activity; on the real property of a school; or on a public
15 way within 1,000 feet of the real property comprising any
16 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
17 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
18 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
19 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
20 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
21 for subdivision (a)(4) or (g)(1), of the Criminal Code of
22 1961 or the Criminal Code of 2012;

23 (16.5) the defendant committed an offense in violation
24 of one of the following Sections while in a day care
25 center, regardless of the time of day or time of year; on
26 the real property of a day care center, regardless of the

1 time of day or time of year; or on a public way within
2 1,000 feet of the real property comprising any day care
3 center, regardless of the time of day or time of year:
4 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
5 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
6 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
7 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
8 18-2, or 33A-2, or Section 12-3.05 except for subdivision
9 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
10 Criminal Code of 2012;

11 (17) the defendant committed the offense by reason of
12 any person's activity as a community policing volunteer or
13 to prevent any person from engaging in activity as a
14 community policing volunteer. For the purpose of this
15 Section, "community policing volunteer" has the meaning
16 ascribed to it in Section 2-3.5 of the Criminal Code of
17 2012;

18 (18) the defendant committed the offense in a nursing
19 home or on the real property comprising a nursing home.
20 For the purposes of this paragraph (18), "nursing home"
21 means a skilled nursing or intermediate long term care
22 facility that is subject to license by the Illinois
23 Department of Public Health under the Nursing Home Care
24 Act, the Specialized Mental Health Rehabilitation Act of
25 2013, the ID/DD Community Care Act, or the MC/DD Act;

26 (19) the defendant was a federally licensed firearm

1 dealer and was previously convicted of a violation of
2 subsection (a) of Section 3 of the Firearm Owners
3 Identification Card Act before its repeal by this
4 amendatory Act of the 102nd General Assembly and has now
5 committed ~~either a felony violation of the Firearm Owners~~
6 ~~Identification Card Act or~~ an act of armed violence while
7 armed with a firearm;

8 (20) the defendant (i) committed the offense of
9 reckless homicide under Section 9-3 of the Criminal Code
10 of 1961 or the Criminal Code of 2012 or the offense of
11 driving under the influence of alcohol, other drug or
12 drugs, intoxicating compound or compounds or any
13 combination thereof under Section 11-501 of the Illinois
14 Vehicle Code or a similar provision of a local ordinance
15 and (ii) was operating a motor vehicle in excess of 20
16 miles per hour over the posted speed limit as provided in
17 Article VI of Chapter 11 of the Illinois Vehicle Code;

18 (21) the defendant (i) committed the offense of
19 reckless driving or aggravated reckless driving under
20 Section 11-503 of the Illinois Vehicle Code and (ii) was
21 operating a motor vehicle in excess of 20 miles per hour
22 over the posted speed limit as provided in Article VI of
23 Chapter 11 of the Illinois Vehicle Code;

24 (22) the defendant committed the offense against a
25 person that the defendant knew, or reasonably should have
26 known, was a member of the Armed Forces of the United

1 States serving on active duty. For purposes of this clause
2 (22), the term "Armed Forces" means any of the Armed
3 Forces of the United States, including a member of any
4 reserve component thereof or National Guard unit called to
5 active duty;

6 (23) the defendant committed the offense against a
7 person who was elderly or infirm or who was a person with a
8 disability by taking advantage of a family or fiduciary
9 relationship with the elderly or infirm person or person
10 with a disability;

11 (24) the defendant committed any offense under Section
12 11-20.1 of the Criminal Code of 1961 or the Criminal Code
13 of 2012 and possessed 100 or more images;

14 (25) the defendant committed the offense while the
15 defendant or the victim was in a train, bus, or other
16 vehicle used for public transportation;

17 (26) the defendant committed the offense of child
18 pornography or aggravated child pornography, specifically
19 including paragraph (1), (2), (3), (4), (5), or (7) of
20 subsection (a) of Section 11-20.1 of the Criminal Code of
21 1961 or the Criminal Code of 2012 where a child engaged in,
22 solicited for, depicted in, or posed in any act of sexual
23 penetration or bound, fettered, or subject to sadistic,
24 masochistic, or sadomasochistic abuse in a sexual context
25 and specifically including paragraph (1), (2), (3), (4),
26 (5), or (7) of subsection (a) of Section 11-20.1B or

1 Section 11-20.3 of the Criminal Code of 1961 where a child
2 engaged in, solicited for, depicted in, or posed in any
3 act of sexual penetration or bound, fettered, or subject
4 to sadistic, masochistic, or sadomasochistic abuse in a
5 sexual context;

6 (27) the defendant committed the offense of first
7 degree murder, assault, aggravated assault, battery,
8 aggravated battery, robbery, armed robbery, or aggravated
9 robbery against a person who was a veteran and the
10 defendant knew, or reasonably should have known, that the
11 person was a veteran performing duties as a representative
12 of a veterans' organization. For the purposes of this
13 paragraph (27), "veteran" means an Illinois resident who
14 has served as a member of the United States Armed Forces, a
15 member of the Illinois National Guard, or a member of the
16 United States Reserve Forces; and "veterans' organization"
17 means an organization comprised of members of which
18 substantially all are individuals who are veterans or
19 spouses, widows, or widowers of veterans, the primary
20 purpose of which is to promote the welfare of its members
21 and to provide assistance to the general public in such a
22 way as to confer a public benefit;

23 (28) the defendant committed the offense of assault,
24 aggravated assault, battery, aggravated battery, robbery,
25 armed robbery, or aggravated robbery against a person that
26 the defendant knew or reasonably should have known was a

1 letter carrier or postal worker while that person was
2 performing his or her duties delivering mail for the
3 United States Postal Service;

4 (29) the defendant committed the offense of criminal
5 sexual assault, aggravated criminal sexual assault,
6 criminal sexual abuse, or aggravated criminal sexual abuse
7 against a victim with an intellectual disability, and the
8 defendant holds a position of trust, authority, or
9 supervision in relation to the victim;

10 (30) the defendant committed the offense of promoting
11 juvenile prostitution, patronizing a prostitute, or
12 patronizing a minor engaged in prostitution and at the
13 time of the commission of the offense knew that the
14 prostitute or minor engaged in prostitution was in the
15 custody or guardianship of the Department of Children and
16 Family Services;

17 (31) the defendant (i) committed the offense of
18 driving while under the influence of alcohol, other drug
19 or drugs, intoxicating compound or compounds or any
20 combination thereof in violation of Section 11-501 of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance and (ii) the defendant during the commission of
23 the offense was driving his or her vehicle upon a roadway
24 designated for one-way traffic in the opposite direction
25 of the direction indicated by official traffic control
26 devices;

1 (32) the defendant committed the offense of reckless
2 homicide while committing a violation of Section 11-907 of
3 the Illinois Vehicle Code;

4 (33) the defendant was found guilty of an
5 administrative infraction related to an act or acts of
6 public indecency or sexual misconduct in the penal
7 institution. In this paragraph (33), "penal institution"
8 has the same meaning as in Section 2-14 of the Criminal
9 Code of 2012; or

10 (34) the defendant committed the offense of leaving
11 the scene of an accident in violation of subsection (b) of
12 Section 11-401 of the Illinois Vehicle Code and the
13 accident resulted in the death of a person and at the time
14 of the offense, the defendant was: (i) driving under the
15 influence of alcohol, other drug or drugs, intoxicating
16 compound or compounds or any combination thereof as
17 defined by Section 11-501 of the Illinois Vehicle Code; or
18 (ii) operating the motor vehicle while using an electronic
19 communication device as defined in Section 12-610.2 of the
20 Illinois Vehicle Code.

21 For the purposes of this Section:

22 "School" is defined as a public or private elementary or
23 secondary school, community college, college, or university.

24 "Day care center" means a public or private State
25 certified and licensed day care center as defined in Section
26 2.09 of the Child Care Act of 1969 that displays a sign in

1 plain view stating that the property is a day care center.

2 "Intellectual disability" means significantly subaverage
3 intellectual functioning which exists concurrently with
4 impairment in adaptive behavior.

5 "Public transportation" means the transportation or
6 conveyance of persons by means available to the general
7 public, and includes paratransit services.

8 "Traffic control devices" means all signs, signals,
9 markings, and devices that conform to the Illinois Manual on
10 Uniform Traffic Control Devices, placed or erected by
11 authority of a public body or official having jurisdiction,
12 for the purpose of regulating, warning, or guiding traffic.

13 (b) The following factors, related to all felonies, may be
14 considered by the court as reasons to impose an extended term
15 sentence under Section 5-8-2 upon any offender:

16 (1) When a defendant is convicted of any felony, after
17 having been previously convicted in Illinois or any other
18 jurisdiction of the same or similar class felony or
19 greater class felony, when such conviction has occurred
20 within 10 years after the previous conviction, excluding
21 time spent in custody, and such charges are separately
22 brought and tried and arise out of different series of
23 acts; or

24 (2) When a defendant is convicted of any felony and
25 the court finds that the offense was accompanied by
26 exceptionally brutal or heinous behavior indicative of

1 wanton cruelty; or

2 (3) When a defendant is convicted of any felony
3 committed against:

4 (i) a person under 12 years of age at the time of
5 the offense or such person's property;

6 (ii) a person 60 years of age or older at the time
7 of the offense or such person's property; or

8 (iii) a person who had a physical disability at
9 the time of the offense or such person's property; or

10 (4) When a defendant is convicted of any felony and
11 the offense involved any of the following types of
12 specific misconduct committed as part of a ceremony, rite,
13 initiation, observance, performance, practice or activity
14 of any actual or ostensible religious, fraternal, or
15 social group:

16 (i) the brutalizing or torturing of humans or
17 animals;

18 (ii) the theft of human corpses;

19 (iii) the kidnapping of humans;

20 (iv) the desecration of any cemetery, religious,
21 fraternal, business, governmental, educational, or
22 other building or property; or

23 (v) ritualized abuse of a child; or

24 (5) When a defendant is convicted of a felony other
25 than conspiracy and the court finds that the felony was
26 committed under an agreement with 2 or more other persons

1 to commit that offense and the defendant, with respect to
2 the other individuals, occupied a position of organizer,
3 supervisor, financier, or any other position of management
4 or leadership, and the court further finds that the felony
5 committed was related to or in furtherance of the criminal
6 activities of an organized gang or was motivated by the
7 defendant's leadership in an organized gang; or

8 (6) When a defendant is convicted of an offense
9 committed while using a firearm with a laser sight
10 attached to it. For purposes of this paragraph, "laser
11 sight" has the meaning ascribed to it in Section 26-7 of
12 the Criminal Code of 2012; or

13 (7) When a defendant who was at least 17 years of age
14 at the time of the commission of the offense is convicted
15 of a felony and has been previously adjudicated a
16 delinquent minor under the Juvenile Court Act of 1987 for
17 an act that if committed by an adult would be a Class X or
18 Class 1 felony when the conviction has occurred within 10
19 years after the previous adjudication, excluding time
20 spent in custody; or

21 (8) When a defendant commits any felony and the
22 defendant used, possessed, exercised control over, or
23 otherwise directed an animal to assault a law enforcement
24 officer engaged in the execution of his or her official
25 duties or in furtherance of the criminal activities of an
26 organized gang in which the defendant is engaged; or

1 (9) When a defendant commits any felony and the
2 defendant knowingly video or audio records the offense
3 with the intent to disseminate the recording.

4 (c) The following factors may be considered by the court
5 as reasons to impose an extended term sentence under Section
6 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
7 offenses:

8 (1) When a defendant is convicted of first degree
9 murder, after having been previously convicted in Illinois
10 of any offense listed under paragraph (c)(2) of Section
11 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
12 occurred within 10 years after the previous conviction,
13 excluding time spent in custody, and the charges are
14 separately brought and tried and arise out of different
15 series of acts.

16 (1.5) When a defendant is convicted of first degree
17 murder, after having been previously convicted of domestic
18 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
19 (720 ILCS 5/12-3.3) committed on the same victim or after
20 having been previously convicted of violation of an order
21 of protection (720 ILCS 5/12-30) in which the same victim
22 was the protected person.

23 (2) When a defendant is convicted of voluntary
24 manslaughter, second degree murder, involuntary
25 manslaughter, or reckless homicide in which the defendant
26 has been convicted of causing the death of more than one

1 individual.

2 (3) When a defendant is convicted of aggravated
3 criminal sexual assault or criminal sexual assault, when
4 there is a finding that aggravated criminal sexual assault
5 or criminal sexual assault was also committed on the same
6 victim by one or more other individuals, and the defendant
7 voluntarily participated in the crime with the knowledge
8 of the participation of the others in the crime, and the
9 commission of the crime was part of a single course of
10 conduct during which there was no substantial change in
11 the nature of the criminal objective.

12 (4) If the victim was under 18 years of age at the time
13 of the commission of the offense, when a defendant is
14 convicted of aggravated criminal sexual assault or
15 predatory criminal sexual assault of a child under
16 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
17 of Section 12-14.1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

19 (5) When a defendant is convicted of a felony
20 violation of Section 24-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
22 finding that the defendant is a member of an organized
23 gang.

24 (6) When a defendant was convicted of unlawful use of
25 weapons under Section 24-1 of the Criminal Code of 1961 or
26 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing

1 a weapon that is not readily distinguishable as one of the
2 weapons enumerated in Section 24-1 of the Criminal Code of
3 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

4 (7) When a defendant is convicted of an offense
5 involving the illegal manufacture of a controlled
6 substance under Section 401 of the Illinois Controlled
7 Substances Act (720 ILCS 570/401), the illegal manufacture
8 of methamphetamine under Section 25 of the Methamphetamine
9 Control and Community Protection Act (720 ILCS 646/25), or
10 the illegal possession of explosives and an emergency
11 response officer in the performance of his or her duties
12 is killed or injured at the scene of the offense while
13 responding to the emergency caused by the commission of
14 the offense. In this paragraph, "emergency" means a
15 situation in which a person's life, health, or safety is
16 in jeopardy; and "emergency response officer" means a
17 peace officer, community policing volunteer, fireman,
18 emergency medical technician-ambulance, emergency medical
19 technician-intermediate, emergency medical
20 technician-paramedic, ambulance driver, other medical
21 assistance or first aid personnel, or hospital emergency
22 room personnel.

23 (8) When the defendant is convicted of attempted mob
24 action, solicitation to commit mob action, or conspiracy
25 to commit mob action under Section 8-1, 8-2, or 8-4 of the
26 Criminal Code of 2012, where the criminal object is a

1 violation of Section 25-1 of the Criminal Code of 2012,
2 and an electronic communication is used in the commission
3 of the offense. For the purposes of this paragraph (8),
4 "electronic communication" shall have the meaning provided
5 in Section 26.5-0.1 of the Criminal Code of 2012.

6 (d) For the purposes of this Section, "organized gang" has
7 the meaning ascribed to it in Section 10 of the Illinois
8 Streetgang Terrorism Omnibus Prevention Act.

9 (e) The court may impose an extended term sentence under
10 Article 4.5 of Chapter V upon an offender who has been
11 convicted of a felony violation of Section 11-1.20, 11-1.30,
12 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
13 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
14 when the victim of the offense is under 18 years of age at the
15 time of the commission of the offense and, during the
16 commission of the offense, the victim was under the influence
17 of alcohol, regardless of whether or not the alcohol was
18 supplied by the offender; and the offender, at the time of the
19 commission of the offense, knew or should have known that the
20 victim had consumed alcohol.

21 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
22 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; 101-652, eff.
23 1-1-23; 102-558, eff. 8-20-21.)

24 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

25 Sec. 5-6-3. Conditions of probation and of conditional

1 discharge.

2 (a) The conditions of probation and of conditional
3 discharge shall be that the person:

4 (1) not violate any criminal statute of any
5 jurisdiction;

6 (2) report to or appear in person before such person
7 or agency as directed by the court;

8 (3) refrain from possessing a firearm or other
9 dangerous weapon where the offense is a felony or, if a
10 misdemeanor, the offense involved the intentional or
11 knowing infliction of bodily harm or threat of bodily
12 harm;

13 (4) not leave the State without the consent of the
14 court or, in circumstances in which the reason for the
15 absence is of such an emergency nature that prior consent
16 by the court is not possible, without the prior
17 notification and approval of the person's probation
18 officer. Transfer of a person's probation or conditional
19 discharge supervision to another state is subject to
20 acceptance by the other state pursuant to the Interstate
21 Compact for Adult Offender Supervision;

22 (5) permit the probation officer to visit him at his
23 home or elsewhere to the extent necessary to discharge his
24 duties;

25 (6) perform no less than 30 hours of community service
26 and not more than 120 hours of community service, if

1 community service is available in the jurisdiction and is
2 funded and approved by the county board where the offense
3 was committed, where the offense was related to or in
4 furtherance of the criminal activities of an organized
5 gang and was motivated by the offender's membership in or
6 allegiance to an organized gang. The community service
7 shall include, but not be limited to, the cleanup and
8 repair of any damage caused by a violation of Section
9 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
10 2012 and similar damage to property located within the
11 municipality or county in which the violation occurred.
12 When possible and reasonable, the community service should
13 be performed in the offender's neighborhood. For purposes
14 of this Section, "organized gang" has the meaning ascribed
15 to it in Section 10 of the Illinois Streetgang Terrorism
16 Omnibus Prevention Act. The court may give credit toward
17 the fulfillment of community service hours for
18 participation in activities and treatment as determined by
19 court services;

20 (7) if he or she is at least 17 years of age and has
21 been sentenced to probation or conditional discharge for a
22 misdemeanor or felony in a county of 3,000,000 or more
23 inhabitants and has not been previously convicted of a
24 misdemeanor or felony, may be required by the sentencing
25 court to attend educational courses designed to prepare
26 the defendant for a high school diploma and to work toward

1 a high school diploma or to work toward passing high
2 school equivalency testing or to work toward completing a
3 vocational training program approved by the court. The
4 person on probation or conditional discharge must attend a
5 public institution of education to obtain the educational
6 or vocational training required by this paragraph (7). The
7 court shall revoke the probation or conditional discharge
8 of a person who willfully fails to comply with this
9 paragraph (7). The person on probation or conditional
10 discharge shall be required to pay for the cost of the
11 educational courses or high school equivalency testing if
12 a fee is charged for those courses or testing. The court
13 shall resentence the offender whose probation or
14 conditional discharge has been revoked as provided in
15 Section 5-6-4. This paragraph (7) does not apply to a
16 person who has a high school diploma or has successfully
17 passed high school equivalency testing. This paragraph (7)
18 does not apply to a person who is determined by the court
19 to be a person with a developmental disability or
20 otherwise mentally incapable of completing the educational
21 or vocational program;

22 (8) if convicted of possession of a substance
23 prohibited by the Cannabis Control Act, the Illinois
24 Controlled Substances Act, or the Methamphetamine Control
25 and Community Protection Act after a previous conviction
26 or disposition of supervision for possession of a

1 substance prohibited by the Cannabis Control Act or
2 Illinois Controlled Substances Act or after a sentence of
3 probation under Section 10 of the Cannabis Control Act,
4 Section 410 of the Illinois Controlled Substances Act, or
5 Section 70 of the Methamphetamine Control and Community
6 Protection Act and upon a finding by the court that the
7 person is addicted, undergo treatment at a substance abuse
8 program approved by the court;

9 (8.5) if convicted of a felony sex offense as defined
10 in the Sex Offender Management Board Act, the person shall
11 undergo and successfully complete sex offender treatment
12 by a treatment provider approved by the Board and
13 conducted in conformance with the standards developed
14 under the Sex Offender Management Board Act;

15 (8.6) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, refrain from residing
17 at the same address or in the same condominium unit or
18 apartment unit or in the same condominium complex or
19 apartment complex with another person he or she knows or
20 reasonably should know is a convicted sex offender or has
21 been placed on supervision for a sex offense; the
22 provisions of this paragraph do not apply to a person
23 convicted of a sex offense who is placed in a Department of
24 Corrections licensed transitional housing facility for sex
25 offenders;

26 (8.7) if convicted for an offense committed on or

1 after June 1, 2008 (the effective date of Public Act
2 95-464) that would qualify the accused as a child sex
3 offender as defined in Section 11-9.3 or 11-9.4 of the
4 Criminal Code of 1961 or the Criminal Code of 2012,
5 refrain from communicating with or contacting, by means of
6 the Internet, a person who is not related to the accused
7 and whom the accused reasonably believes to be under 18
8 years of age; for purposes of this paragraph (8.7),
9 "Internet" has the meaning ascribed to it in Section
10 16-0.1 of the Criminal Code of 2012; and a person is not
11 related to the accused if the person is not: (i) the
12 spouse, brother, or sister of the accused; (ii) a
13 descendant of the accused; (iii) a first or second cousin
14 of the accused; or (iv) a step-child or adopted child of
15 the accused;

16 (8.8) if convicted for an offense under Section 11-6,
17 11-9.1, 11-14.4 that involves soliciting for a juvenile
18 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
19 of the Criminal Code of 1961 or the Criminal Code of 2012,
20 or any attempt to commit any of these offenses, committed
21 on or after June 1, 2009 (the effective date of Public Act
22 95-983):

23 (i) not access or use a computer or any other
24 device with Internet capability without the prior
25 written approval of the offender's probation officer,
26 except in connection with the offender's employment or

1 search for employment with the prior approval of the
2 offender's probation officer;

3 (ii) submit to periodic unannounced examinations
4 of the offender's computer or any other device with
5 Internet capability by the offender's probation
6 officer, a law enforcement officer, or assigned
7 computer or information technology specialist,
8 including the retrieval and copying of all data from
9 the computer or device and any internal or external
10 peripherals and removal of such information,
11 equipment, or device to conduct a more thorough
12 inspection;

13 (iii) submit to the installation on the offender's
14 computer or device with Internet capability, at the
15 offender's expense, of one or more hardware or
16 software systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions
18 concerning the offender's use of or access to a
19 computer or any other device with Internet capability
20 imposed by the offender's probation officer;

21 (8.9) if convicted of a sex offense as defined in the
22 Sex Offender Registration Act committed on or after
23 January 1, 2010 (the effective date of Public Act 96-262),
24 refrain from accessing or using a social networking
25 website as defined in Section 17-0.5 of the Criminal Code
26 of 2012;

1 (9) if convicted of a felony or of any misdemeanor
2 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
3 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
4 2012 that was determined, pursuant to Section 112A-11.1 of
5 the Code of Criminal Procedure of 1963, to trigger the
6 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
7 at a time and place designated by the court, ~~his or her~~
8 ~~Firearm Owner's Identification Card~~ and any and all
9 firearms in his or her possession. ~~The Court shall return~~
10 ~~to the Illinois State Police Firearm Owner's~~
11 ~~Identification Card Office the person's Firearm Owner's~~
12 ~~Identification Card;~~

13 (10) if convicted of a sex offense as defined in
14 subsection (a-5) of Section 3-1-2 of this Code, unless the
15 offender is a parent or guardian of the person under 18
16 years of age present in the home and no non-familial
17 minors are present, not participate in a holiday event
18 involving children under 18 years of age, such as
19 distributing candy or other items to children on
20 Halloween, wearing a Santa Claus costume on or preceding
21 Christmas, being employed as a department store Santa
22 Claus, or wearing an Easter Bunny costume on or preceding
23 Easter;

24 (11) if convicted of a sex offense as defined in
25 Section 2 of the Sex Offender Registration Act committed
26 on or after January 1, 2010 (the effective date of Public

1 Act 96-362) that requires the person to register as a sex
2 offender under that Act, may not knowingly use any
3 computer scrub software on any computer that the sex
4 offender uses;

5 (12) if convicted of a violation of the
6 Methamphetamine Control and Community Protection Act, the
7 Methamphetamine Precursor Control Act, or a
8 methamphetamine related offense:

9 (A) prohibited from purchasing, possessing, or
10 having under his or her control any product containing
11 pseudoephedrine unless prescribed by a physician; and

12 (B) prohibited from purchasing, possessing, or
13 having under his or her control any product containing
14 ammonium nitrate; and

15 (13) if convicted of a hate crime involving the
16 protected class identified in subsection (a) of Section
17 12-7.1 of the Criminal Code of 2012 that gave rise to the
18 offense the offender committed, perform public or
19 community service of no less than 200 hours and enroll in
20 an educational program discouraging hate crimes that
21 includes racial, ethnic, and cultural sensitivity training
22 ordered by the court.

23 (b) The Court may in addition to other reasonable
24 conditions relating to the nature of the offense or the
25 rehabilitation of the defendant as determined for each
26 defendant in the proper discretion of the Court require that

1 the person:

2 (1) serve a term of periodic imprisonment under
3 Article 7 for a period not to exceed that specified in
4 paragraph (d) of Section 5-7-1;

5 (2) pay a fine and costs;

6 (3) work or pursue a course of study or vocational
7 training;

8 (4) undergo medical, psychological or psychiatric
9 treatment; or treatment for drug addiction or alcoholism;

10 (5) attend or reside in a facility established for the
11 instruction or residence of defendants on probation;

12 (6) support his dependents;

13 (7) and in addition, if a minor:

14 (i) reside with his parents or in a foster home;

15 (ii) attend school;

16 (iii) attend a non-residential program for youth;

17 (iv) contribute to his own support at home or in a
18 foster home;

19 (v) with the consent of the superintendent of the
20 facility, attend an educational program at a facility
21 other than the school in which the offense was
22 committed if he or she is convicted of a crime of
23 violence as defined in Section 2 of the Crime Victims
24 Compensation Act committed in a school, on the real
25 property comprising a school, or within 1,000 feet of
26 the real property comprising a school;

1 (8) make restitution as provided in Section 5-5-6 of
2 this Code;

3 (9) perform some reasonable public or community
4 service;

5 (10) serve a term of home confinement. In addition to
6 any other applicable condition of probation or conditional
7 discharge, the conditions of home confinement shall be
8 that the offender:

9 (i) remain within the interior premises of the
10 place designated for his confinement during the hours
11 designated by the court;

12 (ii) admit any person or agent designated by the
13 court into the offender's place of confinement at any
14 time for purposes of verifying the offender's
15 compliance with the conditions of his confinement; and

16 (iii) if further deemed necessary by the court or
17 the Probation or Court Services Department, be placed
18 on an approved electronic monitoring device, subject
19 to Article 8A of Chapter V;

20 (iv) for persons convicted of any alcohol,
21 cannabis or controlled substance violation who are
22 placed on an approved monitoring device as a condition
23 of probation or conditional discharge, the court shall
24 impose a reasonable fee for each day of the use of the
25 device, as established by the county board in
26 subsection (g) of this Section, unless after

1 determining the inability of the offender to pay the
2 fee, the court assesses a lesser fee or no fee as the
3 case may be. This fee shall be imposed in addition to
4 the fees imposed under subsections (g) and (i) of this
5 Section. The fee shall be collected by the clerk of the
6 circuit court, except as provided in an administrative
7 order of the Chief Judge of the circuit court. The
8 clerk of the circuit court shall pay all monies
9 collected from this fee to the county treasurer for
10 deposit in the substance abuse services fund under
11 Section 5-1086.1 of the Counties Code, except as
12 provided in an administrative order of the Chief Judge
13 of the circuit court.

14 The Chief Judge of the circuit court of the county
15 may by administrative order establish a program for
16 electronic monitoring of offenders, in which a vendor
17 supplies and monitors the operation of the electronic
18 monitoring device, and collects the fees on behalf of
19 the county. The program shall include provisions for
20 indigent offenders and the collection of unpaid fees.
21 The program shall not unduly burden the offender and
22 shall be subject to review by the Chief Judge.

23 The Chief Judge of the circuit court may suspend
24 any additional charges or fees for late payment,
25 interest, or damage to any device; and

26 (v) for persons convicted of offenses other than

1 those referenced in clause (iv) above and who are
2 placed on an approved monitoring device as a condition
3 of probation or conditional discharge, the court shall
4 impose a reasonable fee for each day of the use of the
5 device, as established by the county board in
6 subsection (g) of this Section, unless after
7 determining the inability of the defendant to pay the
8 fee, the court assesses a lesser fee or no fee as the
9 case may be. This fee shall be imposed in addition to
10 the fees imposed under subsections (g) and (i) of this
11 Section. The fee shall be collected by the clerk of the
12 circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The
14 clerk of the circuit court shall pay all monies
15 collected from this fee to the county treasurer who
16 shall use the monies collected to defray the costs of
17 corrections. The county treasurer shall deposit the
18 fee collected in the probation and court services
19 fund. The Chief Judge of the circuit court of the
20 county may by administrative order establish a program
21 for electronic monitoring of offenders, in which a
22 vendor supplies and monitors the operation of the
23 electronic monitoring device, and collects the fees on
24 behalf of the county. The program shall include
25 provisions for indigent offenders and the collection
26 of unpaid fees. The program shall not unduly burden

1 the offender and shall be subject to review by the
2 Chief Judge.

3 The Chief Judge of the circuit court may suspend
4 any additional charges or fees for late payment,
5 interest, or damage to any device.

6 (11) comply with the terms and conditions of an order
7 of protection issued by the court pursuant to the Illinois
8 Domestic Violence Act of 1986, as now or hereafter
9 amended, or an order of protection issued by the court of
10 another state, tribe, or United States territory. A copy
11 of the order of protection shall be transmitted to the
12 probation officer or agency having responsibility for the
13 case;

14 (12) reimburse any "local anti-crime program" as
15 defined in Section 7 of the Anti-Crime Advisory Council
16 Act for any reasonable expenses incurred by the program on
17 the offender's case, not to exceed the maximum amount of
18 the fine authorized for the offense for which the
19 defendant was sentenced;

20 (13) contribute a reasonable sum of money, not to
21 exceed the maximum amount of the fine authorized for the
22 offense for which the defendant was sentenced, (i) to a
23 "local anti-crime program", as defined in Section 7 of the
24 Anti-Crime Advisory Council Act, or (ii) for offenses
25 under the jurisdiction of the Department of Natural
26 Resources, to the fund established by the Department of

1 Natural Resources for the purchase of evidence for
2 investigation purposes and to conduct investigations as
3 outlined in Section 805-105 of the Department of Natural
4 Resources (Conservation) Law;

5 (14) refrain from entering into a designated
6 geographic area except upon such terms as the court finds
7 appropriate. Such terms may include consideration of the
8 purpose of the entry, the time of day, other persons
9 accompanying the defendant, and advance approval by a
10 probation officer, if the defendant has been placed on
11 probation or advance approval by the court, if the
12 defendant was placed on conditional discharge;

13 (15) refrain from having any contact, directly or
14 indirectly, with certain specified persons or particular
15 types of persons, including but not limited to members of
16 street gangs and drug users or dealers;

17 (16) refrain from having in his or her body the
18 presence of any illicit drug prohibited by the Cannabis
19 Control Act, the Illinois Controlled Substances Act, or
20 the Methamphetamine Control and Community Protection Act,
21 unless prescribed by a physician, and submit samples of
22 his or her blood or urine or both for tests to determine
23 the presence of any illicit drug;

24 (17) if convicted for an offense committed on or after
25 June 1, 2008 (the effective date of Public Act 95-464)
26 that would qualify the accused as a child sex offender as

1 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, refrain from
3 communicating with or contacting, by means of the
4 Internet, a person who is related to the accused and whom
5 the accused reasonably believes to be under 18 years of
6 age; for purposes of this paragraph (17), "Internet" has
7 the meaning ascribed to it in Section 16-0.1 of the
8 Criminal Code of 2012; and a person is related to the
9 accused if the person is: (i) the spouse, brother, or
10 sister of the accused; (ii) a descendant of the accused;
11 (iii) a first or second cousin of the accused; or (iv) a
12 step-child or adopted child of the accused;

13 (18) if convicted for an offense committed on or after
14 June 1, 2009 (the effective date of Public Act 95-983)
15 that would qualify as a sex offense as defined in the Sex
16 Offender Registration Act:

17 (i) not access or use a computer or any other
18 device with Internet capability without the prior
19 written approval of the offender's probation officer,
20 except in connection with the offender's employment or
21 search for employment with the prior approval of the
22 offender's probation officer;

23 (ii) submit to periodic unannounced examinations
24 of the offender's computer or any other device with
25 Internet capability by the offender's probation
26 officer, a law enforcement officer, or assigned

1 computer or information technology specialist,
2 including the retrieval and copying of all data from
3 the computer or device and any internal or external
4 peripherals and removal of such information,
5 equipment, or device to conduct a more thorough
6 inspection;

7 (iii) submit to the installation on the offender's
8 computer or device with Internet capability, at the
9 subject's expense, of one or more hardware or software
10 systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions
12 concerning the offender's use of or access to a
13 computer or any other device with Internet capability
14 imposed by the offender's probation officer; and

15 (19) refrain from possessing a firearm or other
16 dangerous weapon where the offense is a misdemeanor that
17 did not involve the intentional or knowing infliction of
18 bodily harm or threat of bodily harm.

19 (c) The court may as a condition of probation or of
20 conditional discharge require that a person under 18 years of
21 age found guilty of any alcohol, cannabis or controlled
22 substance violation, refrain from acquiring a driver's license
23 during the period of probation or conditional discharge. If
24 such person is in possession of a permit or license, the court
25 may require that the minor refrain from driving or operating
26 any motor vehicle during the period of probation or

1 conditional discharge, except as may be necessary in the
2 course of the minor's lawful employment.

3 (d) An offender sentenced to probation or to conditional
4 discharge shall be given a certificate setting forth the
5 conditions thereof.

6 (e) Except where the offender has committed a fourth or
7 subsequent violation of subsection (c) of Section 6-303 of the
8 Illinois Vehicle Code, the court shall not require as a
9 condition of the sentence of probation or conditional
10 discharge that the offender be committed to a period of
11 imprisonment in excess of 6 months. This 6-month limit shall
12 not include periods of confinement given pursuant to a
13 sentence of county impact incarceration under Section 5-8-1.2.

14 Persons committed to imprisonment as a condition of
15 probation or conditional discharge shall not be committed to
16 the Department of Corrections.

17 (f) The court may combine a sentence of periodic
18 imprisonment under Article 7 or a sentence to a county impact
19 incarceration program under Article 8 with a sentence of
20 probation or conditional discharge.

21 (g) An offender sentenced to probation or to conditional
22 discharge and who during the term of either undergoes
23 mandatory drug or alcohol testing, or both, or is assigned to
24 be placed on an approved electronic monitoring device, shall
25 be ordered to pay all costs incidental to such mandatory drug
26 or alcohol testing, or both, and all costs incidental to such

1 approved electronic monitoring in accordance with the
2 defendant's ability to pay those costs. The county board with
3 the concurrence of the Chief Judge of the judicial circuit in
4 which the county is located shall establish reasonable fees
5 for the cost of maintenance, testing, and incidental expenses
6 related to the mandatory drug or alcohol testing, or both, and
7 all costs incidental to approved electronic monitoring,
8 involved in a successful probation program for the county. The
9 concurrence of the Chief Judge shall be in the form of an
10 administrative order. The fees shall be collected by the clerk
11 of the circuit court, except as provided in an administrative
12 order of the Chief Judge of the circuit court. The clerk of the
13 circuit court shall pay all moneys collected from these fees
14 to the county treasurer who shall use the moneys collected to
15 defray the costs of drug testing, alcohol testing, and
16 electronic monitoring. The county treasurer shall deposit the
17 fees collected in the county working cash fund under Section
18 6-27001 or Section 6-29002 of the Counties Code, as the case
19 may be. The Chief Judge of the circuit court of the county may
20 by administrative order establish a program for electronic
21 monitoring of offenders, in which a vendor supplies and
22 monitors the operation of the electronic monitoring device,
23 and collects the fees on behalf of the county. The program
24 shall include provisions for indigent offenders and the
25 collection of unpaid fees. The program shall not unduly burden
26 the offender and shall be subject to review by the Chief Judge.

1 The Chief Judge of the circuit court may suspend any
2 additional charges or fees for late payment, interest, or
3 damage to any device.

4 (h) Jurisdiction over an offender may be transferred from
5 the sentencing court to the court of another circuit with the
6 concurrence of both courts. Further transfers or retransfers
7 of jurisdiction are also authorized in the same manner. The
8 court to which jurisdiction has been transferred shall have
9 the same powers as the sentencing court. The probation
10 department within the circuit to which jurisdiction has been
11 transferred, or which has agreed to provide supervision, may
12 impose probation fees upon receiving the transferred offender,
13 as provided in subsection (i). For all transfer cases, as
14 defined in Section 9b of the Probation and Probation Officers
15 Act, the probation department from the original sentencing
16 court shall retain all probation fees collected prior to the
17 transfer. After the transfer, all probation fees shall be paid
18 to the probation department within the circuit to which
19 jurisdiction has been transferred.

20 (i) The court shall impose upon an offender sentenced to
21 probation after January 1, 1989 or to conditional discharge
22 after January 1, 1992 or to community service under the
23 supervision of a probation or court services department after
24 January 1, 2004, as a condition of such probation or
25 conditional discharge or supervised community service, a fee
26 of \$50 for each month of probation or conditional discharge

1 supervision or supervised community service ordered by the
2 court, unless after determining the inability of the person
3 sentenced to probation or conditional discharge or supervised
4 community service to pay the fee, the court assesses a lesser
5 fee. The court may not impose the fee on a minor who is placed
6 in the guardianship or custody of the Department of Children
7 and Family Services under the Juvenile Court Act of 1987 while
8 the minor is in placement. The fee shall be imposed only upon
9 an offender who is actively supervised by the probation and
10 court services department. The fee shall be collected by the
11 clerk of the circuit court. The clerk of the circuit court
12 shall pay all monies collected from this fee to the county
13 treasurer for deposit in the probation and court services fund
14 under Section 15.1 of the Probation and Probation Officers
15 Act.

16 A circuit court may not impose a probation fee under this
17 subsection (i) in excess of \$25 per month unless the circuit
18 court has adopted, by administrative order issued by the chief
19 judge, a standard probation fee guide determining an
20 offender's ability to pay. Of the amount collected as a
21 probation fee, up to \$5 of that fee collected per month may be
22 used to provide services to crime victims and their families.

23 The Court may only waive probation fees based on an
24 offender's ability to pay. The probation department may
25 re-evaluate an offender's ability to pay every 6 months, and,
26 with the approval of the Director of Court Services or the

1 Chief Probation Officer, adjust the monthly fee amount. An
2 offender may elect to pay probation fees due in a lump sum. Any
3 offender that has been assigned to the supervision of a
4 probation department, or has been transferred either under
5 subsection (h) of this Section or under any interstate
6 compact, shall be required to pay probation fees to the
7 department supervising the offender, based on the offender's
8 ability to pay.

9 Public Act 93-970 deletes the \$10 increase in the fee
10 under this subsection that was imposed by Public Act 93-616.
11 This deletion is intended to control over any other Act of the
12 93rd General Assembly that retains or incorporates that fee
13 increase.

14 (i-5) In addition to the fees imposed under subsection (i)
15 of this Section, in the case of an offender convicted of a
16 felony sex offense (as defined in the Sex Offender Management
17 Board Act) or an offense that the court or probation
18 department has determined to be sexually motivated (as defined
19 in the Sex Offender Management Board Act), the court or the
20 probation department shall assess additional fees to pay for
21 all costs of treatment, assessment, evaluation for risk and
22 treatment, and monitoring the offender, based on that
23 offender's ability to pay those costs either as they occur or
24 under a payment plan.

25 (j) All fines and costs imposed under this Section for any
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any
2 violation of the Child Passenger Protection Act, or a similar
3 provision of a local ordinance, shall be collected and
4 disbursed by the circuit clerk as provided under the Criminal
5 and Traffic Assessment Act.

6 (k) Any offender who is sentenced to probation or
7 conditional discharge for a felony sex offense as defined in
8 the Sex Offender Management Board Act or any offense that the
9 court or probation department has determined to be sexually
10 motivated as defined in the Sex Offender Management Board Act
11 shall be required to refrain from any contact, directly or
12 indirectly, with any persons specified by the court and shall
13 be available for all evaluations and treatment programs
14 required by the court or the probation department.

15 (l) The court may order an offender who is sentenced to
16 probation or conditional discharge for a violation of an order
17 of protection be placed under electronic surveillance as
18 provided in Section 5-8A-7 of this Code.

19 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

20 Section 95. The Stalking No Contact Order Act is amended
21 by changing Section 80 as follows:

22 (740 ILCS 21/80)

23 Sec. 80. Stalking no contact orders; remedies.

24 (a) If the court finds that the petitioner has been a

1 victim of stalking, a stalking no contact order shall issue;
2 provided that the petitioner must also satisfy the
3 requirements of Section 95 on emergency orders or Section 100
4 on plenary orders. The petitioner shall not be denied a
5 stalking no contact order because the petitioner or the
6 respondent is a minor. The court, when determining whether or
7 not to issue a stalking no contact order, may not require
8 physical injury on the person of the petitioner. Modification
9 and extension of prior stalking no contact orders shall be in
10 accordance with this Act.

11 (b) A stalking no contact order shall order one or more of
12 the following:

13 (1) prohibit the respondent from threatening to commit
14 or committing stalking;

15 (2) order the respondent not to have any contact with
16 the petitioner or a third person specifically named by the
17 court;

18 (3) prohibit the respondent from knowingly coming
19 within, or knowingly remaining within a specified distance
20 of the petitioner or the petitioner's residence, school,
21 daycare, or place of employment, or any specified place
22 frequented by the petitioner; however, the court may order
23 the respondent to stay away from the respondent's own
24 residence, school, or place of employment only if the
25 respondent has been provided actual notice of the
26 opportunity to appear and be heard on the petition;

1 (4) prohibit the respondent from ~~possessing a Firearm~~
2 ~~Owners Identification Card,~~ or possessing or buying
3 firearms; and

4 (5) order other injunctive relief the court determines
5 to be necessary to protect the petitioner or third party
6 specifically named by the court.

7 (b-5) When the petitioner and the respondent attend the
8 same public, private, or non-public elementary, middle, or
9 high school, the court when issuing a stalking no contact
10 order and providing relief shall consider the severity of the
11 act, any continuing physical danger or emotional distress to
12 the petitioner, the educational rights guaranteed to the
13 petitioner and respondent under federal and State law, the
14 availability of a transfer of the respondent to another
15 school, a change of placement or a change of program of the
16 respondent, the expense, difficulty, and educational
17 disruption that would be caused by a transfer of the
18 respondent to another school, and any other relevant facts of
19 the case. The court may order that the respondent not attend
20 the public, private, or non-public elementary, middle, or high
21 school attended by the petitioner, order that the respondent
22 accept a change of placement or program, as determined by the
23 school district or private or non-public school, or place
24 restrictions on the respondent's movements within the school
25 attended by the petitioner. The respondent bears the burden of
26 proving by a preponderance of the evidence that a transfer,

1 change of placement, or change of program of the respondent is
2 not available. The respondent also bears the burden of
3 production with respect to the expense, difficulty, and
4 educational disruption that would be caused by a transfer of
5 the respondent to another school. A transfer, change of
6 placement, or change of program is not unavailable to the
7 respondent solely on the ground that the respondent does not
8 agree with the school district's or private or non-public
9 school's transfer, change of placement, or change of program
10 or solely on the ground that the respondent fails or refuses to
11 consent to or otherwise does not take an action required to
12 effectuate a transfer, change of placement, or change of
13 program. When a court orders a respondent to stay away from the
14 public, private, or non-public school attended by the
15 petitioner and the respondent requests a transfer to another
16 attendance center within the respondent's school district or
17 private or non-public school, the school district or private
18 or non-public school shall have sole discretion to determine
19 the attendance center to which the respondent is transferred.
20 In the event the court order results in a transfer of the minor
21 respondent to another attendance center, a change in the
22 respondent's placement, or a change of the respondent's
23 program, the parents, guardian, or legal custodian of the
24 respondent is responsible for transportation and other costs
25 associated with the transfer or change.

26 (b-6) The court may order the parents, guardian, or legal

1 custodian of a minor respondent to take certain actions or to
2 refrain from taking certain actions to ensure that the
3 respondent complies with the order. In the event the court
4 orders a transfer of the respondent to another school, the
5 parents, guardian, or legal custodian of the respondent are
6 responsible for transportation and other costs associated with
7 the change of school by the respondent.

8 (b-7) The court shall not hold a school district or
9 private or non-public school or any of its employees in civil
10 or criminal contempt unless the school district or private or
11 non-public school has been allowed to intervene.

12 (b-8) The court may hold the parents, guardian, or legal
13 custodian of a minor respondent in civil or criminal contempt
14 for a violation of any provision of any order entered under
15 this Act for conduct of the minor respondent in violation of
16 this Act if the parents, guardian, or legal custodian
17 directed, encouraged, or assisted the respondent minor in such
18 conduct.

19 (c) The court may award the petitioner costs and attorneys
20 fees if a stalking no contact order is granted.

21 (d) Monetary damages are not recoverable as a remedy.

22 (e) If the stalking no contact order prohibits the
23 respondent ~~from possessing a Firearm Owner's Identification~~
24 ~~Card, or~~ possessing or buying firearms; the court shall
25 confiscate the respondent's firearms ~~Firearm Owner's~~
26 ~~Identification Card and immediately return the card to the~~

1 ~~Illinois State Police Firearm Owner's Identification Card~~
2 ~~Office.~~

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 Section 100. The Mental Health and Developmental
5 Disabilities Confidentiality Act is amended by changing
6 Section 12 as follows:

7 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

8 Sec. 12. (a) If the United States Secret Service or the
9 Illinois State Police requests information from a mental
10 health or developmental disability facility, as defined in
11 Section 1-107 and 1-114 of the Mental Health and Developmental
12 Disabilities Code, relating to a specific recipient and the
13 facility director determines that disclosure of such
14 information may be necessary to protect the life of, or to
15 prevent the infliction of great bodily harm to, a public
16 official, or a person under the protection of the United
17 States Secret Service, only the following information may be
18 disclosed: the recipient's name, address, and age and the date
19 of any admission to or discharge from a facility; and any
20 information which would indicate whether or not the recipient
21 has a history of violence or presents a danger of violence to
22 the person under protection. Any information so disclosed
23 shall be used for investigative purposes only and shall not be
24 publicly disseminated. Any person participating in good faith

1 in the disclosure of such information in accordance with this
2 provision shall have immunity from any liability, civil,
3 criminal or otherwise, if such information is disclosed
4 relying upon the representation of an officer of the United
5 States Secret Service or the Illinois State Police that a
6 person is under the protection of the United States Secret
7 Service or is a public official.

8 For the purpose of this subsection (a), the term "public
9 official" means the Governor, Lieutenant Governor, Attorney
10 General, Secretary of State, State Comptroller, State
11 Treasurer, member of the General Assembly, member of the
12 United States Congress, Judge of the United States as defined
13 in 28 U.S.C. 451, Justice of the United States as defined in 28
14 U.S.C. 451, United States Magistrate Judge as defined in 28
15 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
16 Supreme, Appellate, Circuit, or Associate Judge of the State
17 of Illinois. The term shall also include the spouse, child or
18 children of a public official.

19 (b) The Department of Human Services (acting as successor
20 to the Department of Mental Health and Developmental
21 Disabilities) and all public or private hospitals and mental
22 health facilities are required, as hereafter described in this
23 subsection, to furnish the Illinois State Police only such
24 information as may be required for the sole purpose of
25 determining whether an individual who may be or may have been a
26 patient is disqualified because of that status from receiving

1 or retaining a firearm under paragraph (4) of subsection (a)
2 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
3 ~~Identification Card or falls within the federal prohibitors~~
4 ~~under subsection (c), (f), (g), (r), (s), or (t) of Section 8~~
5 ~~of the Firearm Owners Identification Card Act~~, or falls within
6 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
7 physicians, clinical psychologists, or qualified examiners at
8 public or private mental health facilities or parts thereof as
9 defined in this subsection shall, in the form and manner
10 required by the Department, provide notice directly to the
11 Department of Human Services, or to his or her employer who
12 shall then report to the Department, within 24 hours after
13 determining that a person poses a clear and present danger to
14 himself, herself, or others, or within 7 days after a person 14
15 years or older is determined to be a person with a
16 developmental disability by a physician, clinical
17 psychologist, or qualified examiner as described in this
18 subsection (b) ~~Section 1.1 of the Firearm Owners~~
19 ~~Identification Card Act~~. If a person is a patient as described
20 in clause (2) (A) (1) of the definition of "patient" in (2) (A)
21 ~~Section 1.1 of the Firearm Owners Identification Card Act~~,
22 this information shall be furnished within 7 days after
23 admission to a public or private hospital or mental health
24 facility or the provision of services. Any such information
25 disclosed under this subsection shall remain privileged and
26 confidential, and shall not be redisclosed, except as required

1 by clause (e) (2) of Section 24-4.5 of the Criminal Code of 2012
2 ~~subsection (c) of Section 3.1 of the Firearm Owners~~
3 ~~Identification Card Act~~, nor utilized for any other purpose.
4 The method of requiring the providing of such information
5 shall guarantee that no information is released beyond what is
6 necessary for this purpose. In addition, the information
7 disclosed shall be provided by the Department within the time
8 period established by Section 24-3 of the Criminal Code of
9 2012 regarding the delivery of firearms. The method used shall
10 be sufficient to provide the necessary information within the
11 prescribed time period, which may include periodically
12 providing lists to the Department of Human Services or any
13 public or private hospital or mental health facility of
14 ~~Firearm Owner's Identification Card~~ applicants for firearm
15 purchases on which the Department or hospital shall indicate
16 the identities of those individuals who are to its knowledge
17 disqualified from having a firearm ~~Firearm Owner's~~
18 ~~Identification Card~~ for reasons described herein. The
19 Department may provide for a centralized source of information
20 for the State on this subject under its jurisdiction. The
21 identity of the person reporting under this subsection shall
22 not be disclosed to the subject of the report. For the purposes
23 of this subsection, the physician, clinical psychologist, or
24 qualified examiner making the determination and his or her
25 employer shall not be held criminally, civilly, or
26 professionally liable for making or not making the

1 notification required under this subsection, except for
2 willful or wanton misconduct.

3 Any person, institution, or agency, under this Act,
4 participating in good faith in the reporting or disclosure of
5 records and communications otherwise in accordance with this
6 provision or with rules, regulations or guidelines issued by
7 the Department shall have immunity from any liability, civil,
8 criminal or otherwise, that might result by reason of the
9 action. For the purpose of any proceeding, civil or criminal,
10 arising out of a report or disclosure in accordance with this
11 provision, the good faith of any person, institution, or
12 agency so reporting or disclosing shall be presumed. The full
13 extent of the immunity provided in this subsection (b) shall
14 apply to any person, institution or agency that fails to make a
15 report or disclosure in the good faith belief that the report
16 or disclosure would violate federal regulations governing the
17 confidentiality of alcohol and drug abuse patient records
18 implementing 42 U.S.C. 290dd-3 and 290ee-3.

19 For purposes of this subsection (b) only, the following
20 terms shall have the meaning prescribed:

21 (1) (Blank).

22 (1.3) "Clear and present danger" has the meaning as
23 defined in Section 6-103.3 of the Mental Health and
24 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
25 ~~Identification Card Act.~~

26 (1.5) "Person with a developmental disability" has the

1 meaning as defined in Section 6-103.3 of the Mental Health
2 and Developmental Disabilities Code 1.1 of the Firearm
3 Owners Identification Card Act.

4 (2) "Patient" means (A) a person who voluntarily
5 receives mental health treatment as an in-patient or
6 resident of any public or private mental health facility,
7 unless the treatment was solely for an alcohol abuse
8 disorder and no other secondary substance abuse disorder
9 or mental illness; or (B) a person who voluntarily
10 receives mental health treatment as an out-patient or is
11 provided services by a public or private mental health
12 facility, and who poses a clear and present danger to
13 himself, herself, or to others ~~has the meaning as defined~~
14 ~~in Section 1.1 of the Firearm Owners Identification Card~~
15 ~~Act.~~

16 (3) "Mental health facility" means any licensed
17 private hospital or hospital affiliate, institution, or
18 facility, or part thereof, and any facility, or part
19 thereof, operated by the State or a political subdivision
20 thereof which provide treatment of persons with mental
21 illness and includes all hospitals, institutions, clinics,
22 evaluation facilities, mental health centers, colleges,
23 universities, long-term care facilities, and nursing
24 homes, or parts thereof, which provide treatment of
25 persons with mental illness whether or not the primary
26 purpose is to provide treatment of persons with mental

1 ~~illness has the meaning as defined in Section 1.1 of the~~
2 ~~Firearm Owners Identification Card Act.~~

3 (c) Upon the request of a peace officer who takes a person
4 into custody and transports such person to a mental health or
5 developmental disability facility pursuant to Section 3-606 or
6 4-404 of the Mental Health and Developmental Disabilities Code
7 or who transports a person from such facility, a facility
8 director shall furnish said peace officer the name, address,
9 age and name of the nearest relative of the person transported
10 to or from the mental health or developmental disability
11 facility. In no case shall the facility director disclose to
12 the peace officer any information relating to the diagnosis,
13 treatment or evaluation of the person's mental or physical
14 health.

15 For the purposes of this subsection (c), the terms "mental
16 health or developmental disability facility", "peace officer"
17 and "facility director" shall have the meanings ascribed to
18 them in the Mental Health and Developmental Disabilities Code.

19 (d) Upon the request of a peace officer or prosecuting
20 authority who is conducting a bona fide investigation of a
21 criminal offense, or attempting to apprehend a fugitive from
22 justice, a facility director may disclose whether a person is
23 present at the facility. Upon request of a peace officer or
24 prosecuting authority who has a valid forcible felony warrant
25 issued, a facility director shall disclose: (1) whether the
26 person who is the subject of the warrant is present at the

1 facility and (2) the date of that person's discharge or future
2 discharge from the facility. The requesting peace officer or
3 prosecuting authority must furnish a case number and the
4 purpose of the investigation or an outstanding arrest warrant
5 at the time of the request. Any person, institution, or agency
6 participating in good faith in disclosing such information in
7 accordance with this subsection (d) is immune from any
8 liability, civil, criminal or otherwise, that might result by
9 reason of the action.

10 (Source: P.A. 102-538, eff. 8-20-21.)

11 Section 105. The Illinois Domestic Violence Act of 1986 is
12 amended by changing Sections 210 and 214 as follows:

13 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

14 Sec. 210. Process.

15 (a) Summons. Any action for an order of protection,
16 whether commenced alone or in conjunction with another
17 proceeding, is a distinct cause of action and requires that a
18 separate summons be issued and served, except that in pending
19 cases the following methods may be used:

20 (1) By delivery of the summons to respondent
21 personally in open court in pending civil or criminal
22 cases.

23 (2) By notice in accordance with Section 210.1 in
24 civil cases in which the defendant has filed a general

1 appearance.

2 The summons shall be in the form prescribed by Supreme
3 Court Rule 101(d), except that it shall require respondent to
4 answer or appear within 7 days. Attachments to the summons or
5 notice shall include the petition for order of protection and
6 supporting affidavits, if any, and any emergency order of
7 protection that has been issued. The enforcement of an order
8 of protection under Section 223 shall not be affected by the
9 lack of service, delivery, or notice, provided the
10 requirements of subsection (d) of that Section are otherwise
11 met.

12 (b) Blank.

13 (c) Expedited service. The summons shall be served by the
14 sheriff or other law enforcement officer at the earliest time
15 and shall take precedence over other summonses except those of
16 a similar emergency nature. Special process servers may be
17 appointed at any time, and their designation shall not affect
18 the responsibilities and authority of the sheriff or other
19 official process servers. In counties with a population over
20 3,000,000, a special process server may not be appointed if
21 the order of protection grants the surrender of a child, the
22 surrender of a firearm ~~or firearm owners identification card,~~
23 or the exclusive possession of a shared residence.

24 (d) Remedies requiring actual notice. The counseling,
25 payment of support, payment of shelter services, and payment
26 of losses remedies provided by paragraphs 4, 12, 13, and 16 of

1 subsection (b) of Section 214 may be granted only if
2 respondent has been personally served with process, has
3 answered or has made a general appearance.

4 (e) Remedies upon constructive notice. Service of process
5 on a member of respondent's household or by publication shall
6 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
7 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
8 214, but only if: (i) petitioner has made all reasonable
9 efforts to accomplish actual service of process personally
10 upon respondent, but respondent cannot be found to effect such
11 service and (ii) petitioner files an affidavit or presents
12 sworn testimony as to those efforts.

13 (f) Default. A plenary order of protection may be entered
14 by default as follows:

15 (1) For any of the remedies sought in the petition, if
16 respondent has been served or given notice in accordance
17 with subsection (a) and if respondent then fails to appear
18 as directed or fails to appear on any subsequent
19 appearance or hearing date agreed to by the parties or set
20 by the court; or

21 (2) For any of the remedies provided in accordance
22 with subsection (e), if respondent fails to answer or
23 appear in accordance with the date set in the publication
24 notice or the return date indicated on the service of a
25 household member.

26 (g) Emergency orders. If an order is granted under

1 subsection (c) of Section 217, the court shall immediately
2 file a certified copy of the order with the sheriff or other
3 law enforcement official charged with maintaining Department
4 of State Police records.

5 (Source: P.A. 101-508, eff. 1-1-20.)

6 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

7 Sec. 214. Order of protection; remedies.

8 (a) Issuance of order. If the court finds that petitioner
9 has been abused by a family or household member or that
10 petitioner is a high-risk adult who has been abused,
11 neglected, or exploited, as defined in this Act, an order of
12 protection prohibiting the abuse, neglect, or exploitation
13 shall issue; provided that petitioner must also satisfy the
14 requirements of one of the following Sections, as appropriate:
15 Section 217 on emergency orders, Section 218 on interim
16 orders, or Section 219 on plenary orders. Petitioner shall not
17 be denied an order of protection because petitioner or
18 respondent is a minor. The court, when determining whether or
19 not to issue an order of protection, shall not require
20 physical manifestations of abuse on the person of the victim.
21 Modification and extension of prior orders of protection shall
22 be in accordance with this Act.

23 (b) Remedies and standards. The remedies to be included in
24 an order of protection shall be determined in accordance with
25 this Section and one of the following Sections, as

1 appropriate: Section 217 on emergency orders, Section 218 on
2 interim orders, and Section 219 on plenary orders. The
3 remedies listed in this subsection shall be in addition to
4 other civil or criminal remedies available to petitioner.

5 (1) Prohibition of abuse, neglect, or exploitation.
6 Prohibit respondent's harassment, interference with
7 personal liberty, intimidation of a dependent, physical
8 abuse, or willful deprivation, neglect or exploitation, as
9 defined in this Act, or stalking of the petitioner, as
10 defined in Section 12-7.3 of the Criminal Code of 2012, if
11 such abuse, neglect, exploitation, or stalking has
12 occurred or otherwise appears likely to occur if not
13 prohibited.

14 (2) Grant of exclusive possession of residence.
15 Prohibit respondent from entering or remaining in any
16 residence, household, or premises of the petitioner,
17 including one owned or leased by respondent, if petitioner
18 has a right to occupancy thereof. The grant of exclusive
19 possession of the residence, household, or premises shall
20 not affect title to real property, nor shall the court be
21 limited by the standard set forth in subsection (c-2) of
22 Section 501 of the Illinois Marriage and Dissolution of
23 Marriage Act.

24 (A) Right to occupancy. A party has a right to
25 occupancy of a residence or household if it is solely
26 or jointly owned or leased by that party, that party's

1 spouse, a person with a legal duty to support that
2 party or a minor child in that party's care, or by any
3 person or entity other than the opposing party that
4 authorizes that party's occupancy (e.g., a domestic
5 violence shelter). Standards set forth in subparagraph
6 (B) shall not preclude equitable relief.

7 (B) Presumption of hardships. If petitioner and
8 respondent each has the right to occupancy of a
9 residence or household, the court shall balance (i)
10 the hardships to respondent and any minor child or
11 dependent adult in respondent's care resulting from
12 entry of this remedy with (ii) the hardships to
13 petitioner and any minor child or dependent adult in
14 petitioner's care resulting from continued exposure to
15 the risk of abuse (should petitioner remain at the
16 residence or household) or from loss of possession of
17 the residence or household (should petitioner leave to
18 avoid the risk of abuse). When determining the balance
19 of hardships, the court shall also take into account
20 the accessibility of the residence or household.
21 Hardships need not be balanced if respondent does not
22 have a right to occupancy.

23 The balance of hardships is presumed to favor
24 possession by petitioner unless the presumption is
25 rebutted by a preponderance of the evidence, showing
26 that the hardships to respondent substantially

1 outweigh the hardships to petitioner and any minor
2 child or dependent adult in petitioner's care. The
3 court, on the request of petitioner or on its own
4 motion, may order respondent to provide suitable,
5 accessible, alternate housing for petitioner instead
6 of excluding respondent from a mutual residence or
7 household.

8 (3) Stay away order and additional prohibitions. Order
9 respondent to stay away from petitioner or any other
10 person protected by the order of protection, or prohibit
11 respondent from entering or remaining present at
12 petitioner's school, place of employment, or other
13 specified places at times when petitioner is present, or
14 both, if reasonable, given the balance of hardships.
15 Hardships need not be balanced for the court to enter a
16 stay away order or prohibit entry if respondent has no
17 right to enter the premises.

18 (A) If an order of protection grants petitioner
19 exclusive possession of the residence, or prohibits
20 respondent from entering the residence, or orders
21 respondent to stay away from petitioner or other
22 protected persons, then the court may allow respondent
23 access to the residence to remove items of clothing
24 and personal adornment used exclusively by respondent,
25 medications, and other items as the court directs. The
26 right to access shall be exercised on only one

1 occasion as the court directs and in the presence of an
2 agreed-upon adult third party or law enforcement
3 officer.

4 (B) When the petitioner and the respondent attend
5 the same public, private, or non-public elementary,
6 middle, or high school, the court when issuing an
7 order of protection and providing relief shall
8 consider the severity of the act, any continuing
9 physical danger or emotional distress to the
10 petitioner, the educational rights guaranteed to the
11 petitioner and respondent under federal and State law,
12 the availability of a transfer of the respondent to
13 another school, a change of placement or a change of
14 program of the respondent, the expense, difficulty,
15 and educational disruption that would be caused by a
16 transfer of the respondent to another school, and any
17 other relevant facts of the case. The court may order
18 that the respondent not attend the public, private, or
19 non-public elementary, middle, or high school attended
20 by the petitioner, order that the respondent accept a
21 change of placement or change of program, as
22 determined by the school district or private or
23 non-public school, or place restrictions on the
24 respondent's movements within the school attended by
25 the petitioner. The respondent bears the burden of
26 proving by a preponderance of the evidence that a

1 transfer, change of placement, or change of program of
2 the respondent is not available. The respondent also
3 bears the burden of production with respect to the
4 expense, difficulty, and educational disruption that
5 would be caused by a transfer of the respondent to
6 another school. A transfer, change of placement, or
7 change of program is not unavailable to the respondent
8 solely on the ground that the respondent does not
9 agree with the school district's or private or
10 non-public school's transfer, change of placement, or
11 change of program or solely on the ground that the
12 respondent fails or refuses to consent or otherwise
13 does not take an action required to effectuate a
14 transfer, change of placement, or change of program.
15 When a court orders a respondent to stay away from the
16 public, private, or non-public school attended by the
17 petitioner and the respondent requests a transfer to
18 another attendance center within the respondent's
19 school district or private or non-public school, the
20 school district or private or non-public school shall
21 have sole discretion to determine the attendance
22 center to which the respondent is transferred. In the
23 event the court order results in a transfer of the
24 minor respondent to another attendance center, a
25 change in the respondent's placement, or a change of
26 the respondent's program, the parents, guardian, or

1 legal custodian of the respondent is responsible for
2 transportation and other costs associated with the
3 transfer or change.

4 (C) The court may order the parents, guardian, or
5 legal custodian of a minor respondent to take certain
6 actions or to refrain from taking certain actions to
7 ensure that the respondent complies with the order. In
8 the event the court orders a transfer of the
9 respondent to another school, the parents, guardian,
10 or legal custodian of the respondent is responsible
11 for transportation and other costs associated with the
12 change of school by the respondent.

13 (4) Counseling. Require or recommend the respondent to
14 undergo counseling for a specified duration with a social
15 worker, psychologist, clinical psychologist,
16 psychiatrist, family service agency, alcohol or substance
17 abuse program, mental health center guidance counselor,
18 agency providing services to elders, program designed for
19 domestic violence abusers or any other guidance service
20 the court deems appropriate. The Court may order the
21 respondent in any intimate partner relationship to report
22 to an Illinois Department of Human Services protocol
23 approved partner abuse intervention program for an
24 assessment and to follow all recommended treatment.

25 (5) Physical care and possession of the minor child.
26 In order to protect the minor child from abuse, neglect,

1 or unwarranted separation from the person who has been the
2 minor child's primary caretaker, or to otherwise protect
3 the well-being of the minor child, the court may do either
4 or both of the following: (i) grant petitioner physical
5 care or possession of the minor child, or both, or (ii)
6 order respondent to return a minor child to, or not remove
7 a minor child from, the physical care of a parent or person
8 in loco parentis.

9 If a court finds, after a hearing, that respondent has
10 committed abuse (as defined in Section 103) of a minor
11 child, there shall be a rebuttable presumption that
12 awarding physical care to respondent would not be in the
13 minor child's best interest.

14 (6) Temporary allocation of parental responsibilities:
15 significant decision-making. Award temporary
16 decision-making responsibility to petitioner in accordance
17 with this Section, the Illinois Marriage and Dissolution
18 of Marriage Act, the Illinois Parentage Act of 2015, and
19 this State's Uniform Child-Custody Jurisdiction and
20 Enforcement Act.

21 If a court finds, after a hearing, that respondent has
22 committed abuse (as defined in Section 103) of a minor
23 child, there shall be a rebuttable presumption that
24 awarding temporary significant decision-making
25 responsibility to respondent would not be in the child's
26 best interest.

1 (7) Parenting time. Determine the parenting time, if
2 any, of respondent in any case in which the court awards
3 physical care or allocates temporary significant
4 decision-making responsibility of a minor child to
5 petitioner. The court shall restrict or deny respondent's
6 parenting time with a minor child if the court finds that
7 respondent has done or is likely to do any of the
8 following: (i) abuse or endanger the minor child during
9 parenting time; (ii) use the parenting time as an
10 opportunity to abuse or harass petitioner or petitioner's
11 family or household members; (iii) improperly conceal or
12 detain the minor child; or (iv) otherwise act in a manner
13 that is not in the best interests of the minor child. The
14 court shall not be limited by the standards set forth in
15 Section 603.10 of the Illinois Marriage and Dissolution of
16 Marriage Act. If the court grants parenting time, the
17 order shall specify dates and times for the parenting time
18 to take place or other specific parameters or conditions
19 that are appropriate. No order for parenting time shall
20 refer merely to the term "reasonable parenting time".

21 Petitioner may deny respondent access to the minor
22 child if, when respondent arrives for parenting time,
23 respondent is under the influence of drugs or alcohol and
24 constitutes a threat to the safety and well-being of
25 petitioner or petitioner's minor children or is behaving
26 in a violent or abusive manner.

1 If necessary to protect any member of petitioner's
2 family or household from future abuse, respondent shall be
3 prohibited from coming to petitioner's residence to meet
4 the minor child for parenting time, and the parties shall
5 submit to the court their recommendations for reasonable
6 alternative arrangements for parenting time. A person may
7 be approved to supervise parenting time only after filing
8 an affidavit accepting that responsibility and
9 acknowledging accountability to the court.

10 (8) Removal or concealment of minor child. Prohibit
11 respondent from removing a minor child from the State or
12 concealing the child within the State.

13 (9) Order to appear. Order the respondent to appear in
14 court, alone or with a minor child, to prevent abuse,
15 neglect, removal or concealment of the child, to return
16 the child to the custody or care of the petitioner or to
17 permit any court-ordered interview or examination of the
18 child or the respondent.

19 (10) Possession of personal property. Grant petitioner
20 exclusive possession of personal property and, if
21 respondent has possession or control, direct respondent to
22 promptly make it available to petitioner, if:

23 (i) petitioner, but not respondent, owns the
24 property; or

25 (ii) the parties own the property jointly; sharing
26 it would risk abuse of petitioner by respondent or is

1 impracticable; and the balance of hardships favors
2 temporary possession by petitioner.

3 If petitioner's sole claim to ownership of the
4 property is that it is marital property, the court may
5 award petitioner temporary possession thereof under the
6 standards of subparagraph (ii) of this paragraph only if a
7 proper proceeding has been filed under the Illinois
8 Marriage and Dissolution of Marriage Act, as now or
9 hereafter amended.

10 No order under this provision shall affect title to
11 property.

12 (11) Protection of property. Forbid the respondent
13 from taking, transferring, encumbering, concealing,
14 damaging or otherwise disposing of any real or personal
15 property, except as explicitly authorized by the court,
16 if:

17 (i) petitioner, but not respondent, owns the
18 property; or

19 (ii) the parties own the property jointly, and the
20 balance of hardships favors granting this remedy.

21 If petitioner's sole claim to ownership of the
22 property is that it is marital property, the court may
23 grant petitioner relief under subparagraph (ii) of this
24 paragraph only if a proper proceeding has been filed under
25 the Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended.

1 The court may further prohibit respondent from
2 improperly using the financial or other resources of an
3 aged member of the family or household for the profit or
4 advantage of respondent or of any other person.

5 (11.5) Protection of animals. Grant the petitioner the
6 exclusive care, custody, or control of any animal owned,
7 possessed, leased, kept, or held by either the petitioner
8 or the respondent or a minor child residing in the
9 residence or household of either the petitioner or the
10 respondent and order the respondent to stay away from the
11 animal and forbid the respondent from taking,
12 transferring, encumbering, concealing, harming, or
13 otherwise disposing of the animal.

14 (12) Order for payment of support. Order respondent to
15 pay temporary support for the petitioner or any child in
16 the petitioner's care or over whom the petitioner has been
17 allocated parental responsibility, when the respondent has
18 a legal obligation to support that person, in accordance
19 with the Illinois Marriage and Dissolution of Marriage
20 Act, which shall govern, among other matters, the amount
21 of support, payment through the clerk and withholding of
22 income to secure payment. An order for child support may
23 be granted to a petitioner with lawful physical care of a
24 child, or an order or agreement for physical care of a
25 child, prior to entry of an order allocating significant
26 decision-making responsibility. Such a support order shall

1 expire upon entry of a valid order allocating parental
2 responsibility differently and vacating the petitioner's
3 significant decision-making authority, unless otherwise
4 provided in the order.

5 (13) Order for payment of losses. Order respondent to
6 pay petitioner for losses suffered as a direct result of
7 the abuse, neglect, or exploitation. Such losses shall
8 include, but not be limited to, medical expenses, lost
9 earnings or other support, repair or replacement of
10 property damaged or taken, reasonable attorney's fees,
11 court costs and moving or other travel expenses, including
12 additional reasonable expenses for temporary shelter and
13 restaurant meals.

14 (i) Losses affecting family needs. If a party is
15 entitled to seek maintenance, child support or
16 property distribution from the other party under the
17 Illinois Marriage and Dissolution of Marriage Act, as
18 now or hereafter amended, the court may order
19 respondent to reimburse petitioner's actual losses, to
20 the extent that such reimbursement would be
21 "appropriate temporary relief", as authorized by
22 subsection (a) (3) of Section 501 of that Act.

23 (ii) Recovery of expenses. In the case of an
24 improper concealment or removal of a minor child, the
25 court may order respondent to pay the reasonable
26 expenses incurred or to be incurred in the search for

1 and recovery of the minor child, including but not
2 limited to legal fees, court costs, private
3 investigator fees, and travel costs.

4 (14) Prohibition of entry. Prohibit the respondent
5 from entering or remaining in the residence or household
6 while the respondent is under the influence of alcohol or
7 drugs and constitutes a threat to the safety and
8 well-being of the petitioner or the petitioner's children.

9 (14.5) Prohibition of firearm possession.

10 (a) Prohibit a respondent against whom an order of
11 protection was issued from possessing any firearms
12 during the duration of the order if the order:

13 (1) was issued after a hearing of which such
14 person received actual notice, and at which such
15 person had an opportunity to participate;

16 (2) restrains such person from harassing,
17 stalking, or threatening an intimate partner of
18 such person or child of such intimate partner or
19 person, or engaging in other conduct that would
20 place an intimate partner in reasonable fear of
21 bodily injury to the partner or child; and

22 (3) (i) includes a finding that such person
23 represents a credible threat to the physical
24 safety of such intimate partner or child; or (ii)
25 by its terms explicitly prohibits the use,
26 attempted use, or threatened use of physical force

1 against such intimate partner or child that would
2 reasonably be expected to cause bodily injury.

3 ~~Any Firearm Owner's Identification Card in the~~
4 ~~possession of the respondent, except as provided in~~
5 ~~subsection (b), shall be ordered by the court to be~~
6 ~~turned over to the local law enforcement agency. The~~
7 ~~local law enforcement agency shall immediately mail~~
8 ~~the card to the Illinois State Police Firearm Owner's~~
9 ~~Identification Card Office for safekeeping.~~ The court
10 shall issue a warrant for seizure of any firearm in the
11 possession of the respondent, to be kept by the local
12 law enforcement agency for safekeeping, except as
13 provided in subsection (b). The period of safekeeping
14 shall be for the duration of the order of protection.
15 The firearm or firearms ~~and Firearm Owner's~~
16 ~~Identification Card, if unexpired,~~ shall at the
17 respondent's request, be returned to the respondent at
18 the end of the order of protection. It is the
19 respondent's responsibility to notify the Illinois
20 State Police ~~Firearm Owner's Identification Card~~
21 ~~Office.~~

22 (b) If the respondent is a peace officer as
23 defined in Section 2-13 of the Criminal Code of 2012,
24 the court shall order that any firearms used by the
25 respondent in the performance of his or her duties as a
26 peace officer be surrendered to the chief law

1 enforcement executive of the agency in which the
2 respondent is employed, who shall retain the firearms
3 for safekeeping for the duration of the order of
4 protection.

5 (c) Upon expiration of the period of safekeeping,
6 if the firearms ~~or Firearm Owner's Identification Card~~
7 cannot be returned to respondent because respondent
8 cannot be located, fails to respond to requests to
9 retrieve the firearms, or is not lawfully eligible to
10 possess a firearm, upon petition from the local law
11 enforcement agency, the court may order the local law
12 enforcement agency to destroy the firearms, use the
13 firearms for training purposes, or for any other
14 application as deemed appropriate by the local law
15 enforcement agency; or that the firearms be turned
16 over to a third party who is lawfully eligible to
17 possess firearms, and who does not reside with
18 respondent.

19 (15) Prohibition of access to records. If an order of
20 protection prohibits respondent from having contact with
21 the minor child, or if petitioner's address is omitted
22 under subsection (b) of Section 203, or if necessary to
23 prevent abuse or wrongful removal or concealment of a
24 minor child, the order shall deny respondent access to,
25 and prohibit respondent from inspecting, obtaining, or
26 attempting to inspect or obtain, school or any other

1 records of the minor child who is in the care of
2 petitioner.

3 (16) Order for payment of shelter services. Order
4 respondent to reimburse a shelter providing temporary
5 housing and counseling services to the petitioner for the
6 cost of the services, as certified by the shelter and
7 deemed reasonable by the court.

8 (17) Order for injunctive relief. Enter injunctive
9 relief necessary or appropriate to prevent further abuse
10 of a family or household member or further abuse, neglect,
11 or exploitation of a high-risk adult with disabilities or
12 to effectuate one of the granted remedies, if supported by
13 the balance of hardships. If the harm to be prevented by
14 the injunction is abuse or any other harm that one of the
15 remedies listed in paragraphs (1) through (16) of this
16 subsection is designed to prevent, no further evidence is
17 necessary that the harm is an irreparable injury.

18 (18) Telephone services.

19 (A) Unless a condition described in subparagraph
20 (B) of this paragraph exists, the court may, upon
21 request by the petitioner, order a wireless telephone
22 service provider to transfer to the petitioner the
23 right to continue to use a telephone number or numbers
24 indicated by the petitioner and the financial
25 responsibility associated with the number or numbers,
26 as set forth in subparagraph (C) of this paragraph.

1 For purposes of this paragraph (18), the term
2 "wireless telephone service provider" means a provider
3 of commercial mobile service as defined in 47 U.S.C.
4 332. The petitioner may request the transfer of each
5 telephone number that the petitioner, or a minor child
6 in his or her custody, uses. The clerk of the court
7 shall serve the order on the wireless telephone
8 service provider's agent for service of process
9 provided to the Illinois Commerce Commission. The
10 order shall contain all of the following:

11 (i) The name and billing telephone number of
12 the account holder including the name of the
13 wireless telephone service provider that serves
14 the account.

15 (ii) Each telephone number that will be
16 transferred.

17 (iii) A statement that the provider transfers
18 to the petitioner all financial responsibility for
19 and right to the use of any telephone number
20 transferred under this paragraph.

21 (B) A wireless telephone service provider shall
22 terminate the respondent's use of, and shall transfer
23 to the petitioner use of, the telephone number or
24 numbers indicated in subparagraph (A) of this
25 paragraph unless it notifies the petitioner, within 72
26 hours after it receives the order, that one of the

1 following applies:

2 (i) The account holder named in the order has
3 terminated the account.

4 (ii) A difference in network technology would
5 prevent or impair the functionality of a device on
6 a network if the transfer occurs.

7 (iii) The transfer would cause a geographic or
8 other limitation on network or service provision
9 to the petitioner.

10 (iv) Another technological or operational
11 issue would prevent or impair the use of the
12 telephone number if the transfer occurs.

13 (C) The petitioner assumes all financial
14 responsibility for and right to the use of any
15 telephone number transferred under this paragraph. In
16 this paragraph, "financial responsibility" includes
17 monthly service costs and costs associated with any
18 mobile device associated with the number.

19 (D) A wireless telephone service provider may
20 apply to the petitioner its routine and customary
21 requirements for establishing an account or
22 transferring a number, including requiring the
23 petitioner to provide proof of identification,
24 financial information, and customer preferences.

25 (E) Except for willful or wanton misconduct, a
26 wireless telephone service provider is immune from

1 civil liability for its actions taken in compliance
2 with a court order issued under this paragraph.

3 (F) All wireless service providers that provide
4 services to residential customers shall provide to the
5 Illinois Commerce Commission the name and address of
6 an agent for service of orders entered under this
7 paragraph (18). Any change in status of the registered
8 agent must be reported to the Illinois Commerce
9 Commission within 30 days of such change.

10 (G) The Illinois Commerce Commission shall
11 maintain the list of registered agents for service for
12 each wireless telephone service provider on the
13 Commission's website. The Commission may consult with
14 wireless telephone service providers and the Circuit
15 Court Clerks on the manner in which this information
16 is provided and displayed.

17 (c) Relevant factors; findings.

18 (1) In determining whether to grant a specific remedy,
19 other than payment of support, the court shall consider
20 relevant factors, including but not limited to the
21 following:

22 (i) the nature, frequency, severity, pattern and
23 consequences of the respondent's past abuse, neglect
24 or exploitation of the petitioner or any family or
25 household member, including the concealment of his or
26 her location in order to evade service of process or

1 notice, and the likelihood of danger of future abuse,
2 neglect, or exploitation to petitioner or any member
3 of petitioner's or respondent's family or household;
4 and

5 (ii) the danger that any minor child will be
6 abused or neglected or improperly relocated from the
7 jurisdiction, improperly concealed within the State or
8 improperly separated from the child's primary
9 caretaker.

10 (2) In comparing relative hardships resulting to the
11 parties from loss of possession of the family home, the
12 court shall consider relevant factors, including but not
13 limited to the following:

14 (i) availability, accessibility, cost, safety,
15 adequacy, location and other characteristics of
16 alternate housing for each party and any minor child
17 or dependent adult in the party's care;

18 (ii) the effect on the party's employment; and

19 (iii) the effect on the relationship of the party,
20 and any minor child or dependent adult in the party's
21 care, to family, school, church and community.

22 (3) Subject to the exceptions set forth in paragraph
23 (4) of this subsection, the court shall make its findings
24 in an official record or in writing, and shall at a minimum
25 set forth the following:

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2)
2 of this subsection.

3 (ii) Whether the conduct or actions of respondent,
4 unless prohibited, will likely cause irreparable harm
5 or continued abuse.

6 (iii) Whether it is necessary to grant the
7 requested relief in order to protect petitioner or
8 other alleged abused persons.

9 (4) For purposes of issuing an ex parte emergency
10 order of protection, the court, as an alternative to or as
11 a supplement to making the findings described in
12 paragraphs (c)(3)(i) through (c)(3)(iii) of this
13 subsection, may use the following procedure:

14 When a verified petition for an emergency order of
15 protection in accordance with the requirements of Sections
16 203 and 217 is presented to the court, the court shall
17 examine petitioner on oath or affirmation. An emergency
18 order of protection shall be issued by the court if it
19 appears from the contents of the petition and the
20 examination of petitioner that the averments are
21 sufficient to indicate abuse by respondent and to support
22 the granting of relief under the issuance of the emergency
23 order of protection.

24 (5) Never married parties. No rights or
25 responsibilities for a minor child born outside of
26 marriage attach to a putative father until a father and

1 child relationship has been established under the Illinois
2 Parentage Act of 1984, the Illinois Parentage Act of 2015,
3 the Illinois Public Aid Code, Section 12 of the Vital
4 Records Act, the Juvenile Court Act of 1987, the Probate
5 Act of 1975, the Revised Uniform Reciprocal Enforcement of
6 Support Act, the Uniform Interstate Family Support Act,
7 the Expedited Child Support Act of 1990, any judicial,
8 administrative, or other act of another state or
9 territory, any other Illinois statute, or by any foreign
10 nation establishing the father and child relationship, any
11 other proceeding substantially in conformity with the
12 Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996 (Pub. L. 104-193), or where
14 both parties appeared in open court or at an
15 administrative hearing acknowledging under oath or
16 admitting by affirmation the existence of a father and
17 child relationship. Absent such an adjudication, finding,
18 or acknowledgment, no putative father shall be granted
19 temporary allocation of parental responsibilities,
20 including parenting time with the minor child, or physical
21 care and possession of the minor child, nor shall an order
22 of payment for support of the minor child be entered.

23 (d) Balance of hardships; findings. If the court finds
24 that the balance of hardships does not support the granting of
25 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
26 subsection (b) of this Section, which may require such

1 balancing, the court's findings shall so indicate and shall
2 include a finding as to whether granting the remedy will
3 result in hardship to respondent that would substantially
4 outweigh the hardship to petitioner from denial of the remedy.
5 The findings shall be an official record or in writing.

6 (e) Denial of remedies. Denial of any remedy shall not be
7 based, in whole or in part, on evidence that:

8 (1) Respondent has cause for any use of force, unless
9 that cause satisfies the standards for justifiable use of
10 force provided by Article 7 of the Criminal Code of 2012;

11 (2) Respondent was voluntarily intoxicated;

12 (3) Petitioner acted in self-defense or defense of
13 another, provided that, if petitioner utilized force, such
14 force was justifiable under Article 7 of the Criminal Code
15 of 2012;

16 (4) Petitioner did not act in self-defense or defense
17 of another;

18 (5) Petitioner left the residence or household to
19 avoid further abuse, neglect, or exploitation by
20 respondent;

21 (6) Petitioner did not leave the residence or
22 household to avoid further abuse, neglect, or exploitation
23 by respondent;

24 (7) Conduct by any family or household member excused
25 the abuse, neglect, or exploitation by respondent, unless
26 that same conduct would have excused such abuse, neglect,

1 or exploitation if the parties had not been family or
2 household members.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 Section 110. The Uniform Disposition of Unclaimed Property
5 Act is amended by changing Section 1 as follows:

6 (765 ILCS 1025/1) (from Ch. 141, par. 101)

7 Sec. 1. As used in this Act, unless the context otherwise
8 requires:

9 (a) "Banking organization" means any bank, trust company,
10 savings bank, industrial bank, land bank, safe deposit
11 company, or a private banker.

12 (b) "Business association" means any corporation, joint
13 stock company, business trust, partnership, or any
14 association, limited liability company, or other business
15 entity consisting of one or more persons, whether or not for
16 profit.

17 (c) "Financial organization" means any savings and loan
18 association, building and loan association, credit union,
19 currency exchange, co-operative bank, mutual funds, or
20 investment company.

21 (d) "Holder" means any person in possession of property
22 subject to this Act belonging to another, or who is trustee in
23 case of a trust, or is indebted to another on an obligation
24 subject to this Act.

1 (e) "Life insurance corporation" means any association or
2 corporation transacting the business of insurance on the lives
3 of persons or insurance appertaining thereto, including, but
4 not by way of limitation, endowments and annuities.

5 (f) "Owner" means a depositor in case of a deposit, a
6 beneficiary in case of a trust, a creditor, claimant, or payee
7 in case of other property, or any person having a legal or
8 equitable interest in property subject to this Act, or his
9 legal representative.

10 (g) "Person" means any individual, business association,
11 financial organization, government or political subdivision or
12 agency, public authority, estate, trust, or any other legal or
13 commercial entity.

14 (h) "Utility" means any person who owns or operates, for
15 public use, any plant, equipment, property, franchise, or
16 license for the transmission of communications or the
17 production, storage, transmission, sale, delivery, or
18 furnishing of electricity, water, steam, oil or gas.

19 (i) (Blank).

20 (j) "Insurance company" means any person transacting the
21 kinds of business enumerated in Section 4 of the Illinois
22 Insurance Code other than life insurance.

23 (k) "Economic loss", as used in Sections 2a and 9 of this
24 Act includes, but is not limited to, delivery charges,
25 mark-downs and write-offs, carrying costs, restocking charges,
26 lay-aways, special orders, issuance of credit memos, and the

1 costs of special services or goods provided that reduce the
2 property value or that result in lost sales opportunity.

3 (l) "Reportable property" means property, tangible or
4 intangible, presumed abandoned under this Act that must be
5 appropriately and timely reported and remitted to the Office
6 of the State Treasurer under this Act. Interest, dividends,
7 stock splits, warrants, or other rights that become reportable
8 property under this Act include the underlying security or
9 commodity giving rise to the interest, dividend, split,
10 warrant, or other right to which the owner would be entitled.

11 (m) "Firearm" has the meaning ascribed to that term in
12 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~
13 ~~Identification Card Act.~~

14 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99;
15 91-748, eff. 6-2-00.)

16 Section 115. The Revised Uniform Unclaimed Property Act is
17 amended by changing Section 15-705 as follows:

18 (765 ILCS 1026/15-705)

19 Sec. 15-705. Exceptions to the sale of tangible property.
20 The administrator shall dispose of tangible property
21 identified by this Section in accordance with this Section.

22 (a) Military medals or decorations. The administrator may
23 not sell a medal or decoration awarded for military service in
24 the armed forces of the United States. Instead, the

1 administrator, with the consent of the respective organization
2 under paragraph (1), agency under paragraph (2), or entity
3 under paragraph (3), may deliver a medal or decoration to be
4 held in custody for the owner, to:

5 (1) a military veterans organization qualified under
6 Section 501(c)(19) of the Internal Revenue Code;

7 (2) the agency that awarded the medal or decoration;
8 or

9 (3) a governmental entity.

10 After delivery, the administrator is not responsible for
11 the safekeeping of the medal or decoration.

12 (b) Property with historical value. Property that the
13 administrator reasonably believes may have historical value
14 may be, at his or her discretion, loaned to an accredited
15 museum in the United States where it will be kept until such
16 time as the administrator orders it to be returned to his or
17 her custody.

18 (c) Human remains. If human remains are delivered to the
19 administrator under this Act, the administrator shall deliver
20 those human remains to the coroner of the county in which the
21 human remains were abandoned for disposition under Section
22 3-3034 of the Counties Code. The only human remains that may be
23 delivered to the administrator under this Act and that the
24 administrator may receive are those that are reported and
25 delivered as contents of a safe deposit box.

26 (d) Evidence in a criminal investigation. Property that

1 may have been used in the commission of a crime or that may
2 assist in the investigation of a crime, as determined after
3 consulting with the Illinois State Police, shall be delivered
4 to the Illinois State Police or other appropriate law
5 enforcement authority to allow law enforcement to determine
6 whether a criminal investigation should take place. Any such
7 property delivered to a law enforcement authority shall be
8 held in accordance with existing statutes and rules related to
9 the gathering, retention, and release of evidence.

10 (e) Firearms.

11 (1) The administrator, in cooperation with the
12 Illinois State Police, shall develop a procedure to
13 determine whether a firearm delivered to the administrator
14 under this Act has been stolen or used in the commission of
15 a crime. The Illinois State Police shall determine the
16 appropriate disposition of a firearm that has been stolen
17 or used in the commission of a crime. The administrator
18 shall attempt to return a firearm that has not been stolen
19 or used in the commission of a crime to the rightful owner
20 if the Illinois State Police determines that the owner may
21 lawfully possess the firearm.

22 (2) If the administrator is unable to return a firearm
23 to its owner, the administrator shall transfer custody of
24 the firearm to the Illinois State Police. Legal title to a
25 firearm transferred to the Illinois State Police under
26 this subsection (e) is vested in the Illinois State Police

1 by operation of law if:

2 (i) the administrator cannot locate the owner of
3 the firearm;

4 (ii) the owner of the firearm may not lawfully
5 possess the firearm;

6 (iii) the apparent owner does not respond to
7 notice published under Section 15-503 of this Act; or

8 (iv) the apparent owner responds to notice
9 published under Section 15-502 and states that he or
10 she no longer claims an interest in the firearm.

11 (3) With respect to a firearm whose title is
12 transferred to the Illinois State Police under this
13 subsection (e), the Illinois State Police may:

14 (i) retain the firearm for use by the crime
15 laboratory system, for training purposes, or for any
16 other application as deemed appropriate by the
17 Department;

18 (ii) transfer the firearm to the Illinois State
19 Museum if the firearm has historical value; or

20 (iii) destroy the firearm if it is not retained
21 pursuant to subparagraph (i) or transferred pursuant
22 to subparagraph (ii).

23 As used in this subsection, "firearm" has the meaning
24 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
25 ~~Firearm Owners Identification Card Act.~~

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 Section 195. No acceleration or delay. Where this Act
2 makes changes in a statute that is represented in this Act by
3 text that is not yet or no longer in effect (for example, a
4 Section represented by multiple versions), the use of that
5 text does not accelerate or delay the taking effect of (i) the
6 changes made by this Act or (ii) provisions derived from any
7 other Public Act.

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8 20 ILCS 2605/2605-45 was 20 ILCS 2605/55a-5
9 20 ILCS 2605/2605-200 was 20 ILCS 2605/55a in part
10 20 ILCS 2605/2605-595
11 20 ILCS 2605/2605-120 rep.
12 20 ILCS 2605/2605-304 rep.
13 20 ILCS 2630/2.2
14 20 ILCS 3930/7.9
15 30 ILCS 105/6z-99
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16	725 ILCS 5/112A-11.2	
17	725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
18	725 ILCS 5/112A-14.7	
19	730 ILCS 5/5-4.5-110	
20	730 ILCS 5/5-5-3	
21	730 ILCS 5/5-5-3.2	
22	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
23	740 ILCS 21/80	
24	740 ILCS 110/12	from Ch. 91 1/2, par. 812
25	750 ILCS 60/210	from Ch. 40, par. 2312-10
26	750 ILCS 60/214	from Ch. 40, par. 2312-14

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1 765 ILCS 1025/1

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2 765 ILCS 1026/15-705