

HB5788



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5788

Introduced 11/16/2022, by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

430 ILCS 67/10

Amends the Firearms Restraining Order Act. Provides that a firearms restraining order may be granted against a respondent under the Act regardless of whether the respondent has in his or her custody or control a firearm, ammunition, or firearm parts that could be assembled to make an operable firearm.

LRB102 28590 RLC 40480 b

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 5. The Firearms Restraining Order Act is amended
5 by changing Section 10 as follows:

6 (430 ILCS 67/10)

7 Sec. 10. Commencement of action; procedure.

8 (a) An action for a firearms restraining order is
9 commenced by filing a verified petition for a firearms
10 restraining order in any circuit court.

11 (b) A petition for a firearms restraining order may be
12 filed in: (1) any county where the respondent resides or (2)
13 any county where an incident occurred that involved the
14 respondent posing an immediate and present danger of causing
15 personal injury to the respondent or another by having in his
16 or her custody or control, or purchasing, possessing, or
17 receiving, a firearm, ammunition, or firearm parts that could
18 be assembled to make an operable firearm.

19 (c) No fee shall be charged by the clerk for filing,
20 amending, vacating, certifying, printing, or photocopying
21 petitions or orders; or for issuing alias summons; or for any
22 related filing service. No fee shall be charged by the sheriff
23 or other law enforcement for service by the sheriff or other

1 law enforcement of a petition, rule, motion, or order in an
2 action commenced under this Section.

3 (d) The court shall provide, through the office of the
4 clerk of the court, simplified forms and clerical assistance
5 to help with the writing and filing of a petition under this
6 Section by any person not represented by counsel. In addition,
7 that assistance may be provided by the State's Attorney.

8 (e) A firearms restraining order may be granted against a
9 respondent under this Act regardless of whether the respondent
10 has in his or her custody or control a firearm, ammunition, or
11 firearm parts that could be assembled to make an operable
12 firearm.

13 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22.)