



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5859

Introduced 1/4/2023, by Rep. Denyse Wang Stoneback and Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Open Meetings Act. Provides that a public body may hold a closed meeting to consider specified actions to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. Amends the Mental Health and Developmental Disabilities Code to require a physician, clinical psychologist, or qualified examiner to determine whether to file an action under the Firearms Restraining Order Act under specified circumstances, and amends the Firearm Owners Identification Card Act to make a corresponding change. Amends the Firearms Restraining Order Act. Provides that a petitioner may request a one-year (rather than 6-month) firearms restraining order, and makes conforming changes throughout the Act. Provides that the Illinois State Police may disseminate educational brochures containing information regarding firearms restraining orders created by the Attorney General's office and other materials concerning firearms restraining orders created by the Department of Public Health to any law enforcement agency in the State, who may in turn disseminate the brochure to persons as the law enforcement agency determines. Subject to appropriation, establishes the Office of Firearms Restraining Order Coordination within the Department of Human Services. Provides that a lawful owner of a firearm may not knowingly, recklessly, or negligently allow the subject of a firearms restraining order to access the firearms of the lawful owner, and that the court may award a person aggrieved by such a violation actual and punitive damages, as well as attorney's fees and other costs. Amends the Illinois Vehicle Code. Provides that the driver's license shall be suspended and the motor vehicle registration shall not be renewed until a person fully complies with an order to surrender firearms. Amends various other Acts to make conforming and other changes. Effective immediately.

LRB102 29985 RLC 42168 b

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 1. This Act may be referred to as the Prevent A Gun
5 Tragedy Act.

6 Section 2. Findings; intent.

7 (a) The General Assembly finds that:

8 (1) Members of the General Assembly are elected by the
9 people of Illinois to debate and pass meaningful
10 legislation in the best interests of the public.

11 (2) In the light of gun tragedies, it behooves us to
12 reexamine the status quo and decide how we can improve
13 State laws to prevent another tragedy from occurring.

14 (3) It is imperative not only to mourn victims of gun
15 violence, but honor the victims with action, and shine a
16 light on the devastating epidemic of gun violence.

17 (4) The ripple effect that each gun homicide has on
18 each victim's family, friends, and community is
19 astounding. The victim's family and friends bear the grief
20 and shock of the violent death of their loved one. If law
21 enforcement is not able to obtain evidence that leads to
22 an arrest, the perpetrator escapes accountability.

23 (5) December 14, 2022 is the 10-year mark of the Sandy

1 Hook tragedy, during which 20 children between 6 and 7
2 years old and 6 adult staff members were fatally shot in an
3 elementary school in Newtown, Connecticut.

4 (6) In the days following the Sandy Hook shooting, the
5 appalling lack of action by lawmakers who failed to pass
6 background checks outraged the nation and has led to
7 repercussions in terms of gun injuries and deaths.

8 (7) By December 2022, over 1,000,000 Americans will
9 have been killed or injured by guns since the Sandy Hook
10 shooting tragedy.

11 (8) Gun violence is the number one cause of death for
12 children in the United States. Nationally, guns kill twice
13 as many children and young people than cancer. United
14 States children and teens are 17 times more likely to die
15 from a gun than their peers in 25 other high-income
16 countries combined. Gun violence affects all children, but
17 children of color are at greatest risk.

18 (9) During the pandemic, Illinois led the nation in
19 gun sales. With many people obtaining guns for the first
20 time, the risk for gun tragedies has dramatically
21 increased.

22 (10) As of December 2022, there have been 55 mass
23 shootings in Illinois and 620 nationwide in the year 2022,
24 according to the Gun Violence Archive.

25 (11) There is an urgent need to address gun violence
26 through legislative change.

1 (12) Extreme Risk Protection Orders, also known as red
2 flag laws, exist in 19 states and the District of
3 Columbia, allowing petitioners to ask a judge to issue a
4 civil order for the temporary removal of firearms and
5 barring of new purchases for individuals who are deemed at
6 risk of harming themselves or others.

7 (13) Research suggests that red flag laws have
8 prevented gun suicides, domestic-violence-related
9 shootings, homicides, and mass shootings.

10 (14) Illinois' red flag law, the Firearms Restraining
11 Order Act, has been in effect since January 1, 2019.

12 (15) On July 4, 2022, a mass shooting occurred in
13 Highland Park, Illinois, in which a man with a history of
14 threatening violence and posting violent gun-related
15 images online allegedly opened fire, killing 7 people and
16 wounding dozens of others at an Independence Day parade,
17 turning a cherished parade into a scene of fear and death.
18 Despite the alleged shooter's history and online postings
19 about violence, there is no record that anyone pursued a
20 firearms restraining order petition against him.

21 (16) On October 31, 2022, a mass shooting occurred in
22 East Garfield Park in Chicago, Illinois in which 14
23 people, including 3 children, were shot. Ten of the
24 victims were from the same family.

25 (17) As of August 2022, fewer than 250 firearms
26 restraining orders had been filed in Illinois, while in

1 other states, such as Florida, thousands had been filed,
2 showing that the firearms restraining order in Illinois is
3 underused compared with other states.

4 (18) The first recommendation of a report by
5 researchers and experts at Johns Hopkins Center for Gun
6 Violence Solutions, released in the fall of 2022,
7 recommends strengthening Illinois' Firearms Restraining
8 Order to address flaws identified by experts and
9 lawmakers. The Hopkins report makes specific
10 recommendations, including investing in firearms
11 restraining order training and education, hiring state
12 firearms restraining order coordinators who can assist
13 petitioners and the courts with firearms restraining order
14 petitions, and expanding petitioners to include licensed
15 healthcare providers.

16 (19) State legislators must take steps to prevent
17 future mass shootings and gun tragedies based on
18 evidence-based data and research and policy suggestions by
19 experts.

20 (b) It is the intent of the General Assembly to provide
21 needed improvements to the Firearms Restraining Order Act and
22 corresponding laws.

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

1 (5 ILCS 120/2) (from Ch. 102, par. 42)

2 Sec. 2. Open meetings.

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

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

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

15 (1) The appointment, employment, compensation,
16 discipline, performance, or dismissal of specific
17 employees, specific individuals who serve as independent
18 contractors in a park, recreational, or educational
19 setting, or specific volunteers of the public body or
20 legal counsel for the public body, including hearing
21 testimony on a complaint lodged against an employee, a
22 specific individual who serves as an independent
23 contractor in a park, recreational, or educational
24 setting, or a volunteer of the public body or against
25 legal counsel for the public body to determine its
26 validity. However, a meeting to consider an increase in

1 compensation to a specific employee of a public body that
2 is subject to the Local Government Wage Increase
3 Transparency Act may not be closed and shall be open to the
4 public and posted and held in accordance with this Act.

5 (2) Collective negotiating matters between the public
6 body and its employees or their representatives, or
7 deliberations concerning salary schedules for one or more
8 classes of employees.

9 (3) The selection of a person to fill a public office,
10 as defined in this Act, including a vacancy in a public
11 office, when the public body is given power to appoint
12 under law or ordinance, or the discipline, performance or
13 removal of the occupant of a public office, when the
14 public body is given power to remove the occupant under
15 law or ordinance.

16 (4) Evidence or testimony presented in open hearing,
17 or in closed hearing where specifically authorized by law,
18 to a quasi-adjudicative body, as defined in this Act,
19 provided that the body prepares and makes available for
20 public inspection a written decision setting forth its
21 determinative reasoning.

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

26 (6) The setting of a price for sale or lease of

1 property owned by the public body.

2 (7) The sale or purchase of securities, investments,
3 or investment contracts. This exception shall not apply to
4 the investment of assets or income of funds deposited into
5 the Illinois Prepaid Tuition Trust Fund.

6 (8) Security procedures, school building safety and
7 security, and the use of personnel, ~~and~~ equipment,
8 reporting to law enforcement, or legal action to respond
9 to an actual, a threatened, or a reasonably potential
10 danger to the safety of employees, students, staff, the
11 public, or public property.

12 (9) Student disciplinary cases.

13 (10) The placement of individual students in special
14 education programs and other matters relating to
15 individual students.

16 (11) Litigation, when an action against, affecting or
17 on behalf of the particular public body has been filed and
18 is pending before a court or administrative tribunal, or
19 when the public body finds that an action is probable or
20 imminent, in which case the basis for the finding shall be
21 recorded and entered into the minutes of the closed
22 meeting.

23 (12) The establishment of reserves or settlement of
24 claims as provided in the Local Governmental and
25 Governmental Employees Tort Immunity Act, if otherwise the
26 disposition of a claim or potential claim might be

1 prejudiced, or the review or discussion of claims, loss or
2 risk management information, records, data, advice or
3 communications from or with respect to any insurer of the
4 public body or any intergovernmental risk management
5 association or self insurance pool of which the public
6 body is a member.

7 (13) Conciliation of complaints of discrimination in
8 the sale or rental of housing, when closed meetings are
9 authorized by the law or ordinance prescribing fair
10 housing practices and creating a commission or
11 administrative agency for their enforcement.

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

16 (15) Professional ethics or performance when
17 considered by an advisory body appointed to advise a
18 licensing or regulatory agency on matters germane to the
19 advisory body's field of competence.

20 (16) Self evaluation, practices and procedures or
21 professional ethics, when meeting with a representative of
22 a statewide association of which the public body is a
23 member.

24 (17) The recruitment, credentialing, discipline or
25 formal peer review of physicians or other health care
26 professionals, or for the discussion of matters protected

1 under the federal Patient Safety and Quality Improvement
2 Act of 2005, and the regulations promulgated thereunder,
3 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
4 Health Insurance Portability and Accountability Act of
5 1996, and the regulations promulgated thereunder,
6 including 45 C.F.R. Parts 160, 162, and 164, by a
7 hospital, or other institution providing medical care,
8 that is operated by the public body.

9 (18) Deliberations for decisions of the Prisoner
10 Review Board.

11 (19) Review or discussion of applications received
12 under the Experimental Organ Transplantation Procedures
13 Act.

14 (20) The classification and discussion of matters
15 classified as confidential or continued confidential by
16 the State Government Suggestion Award Board.

17 (21) Discussion of minutes of meetings lawfully closed
18 under this Act, whether for purposes of approval by the
19 body of the minutes or semi-annual review of the minutes
20 as mandated by Section 2.06.

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

23 (23) The operation by a municipality of a municipal
24 utility or the operation of a municipal power agency or
25 municipal natural gas agency when the discussion involves
26 (i) contracts relating to the purchase, sale, or delivery

1 of electricity or natural gas or (ii) the results or
2 conclusions of load forecast studies.

3 (24) Meetings of a residential health care facility
4 resident sexual assault and death review team or the
5 Executive Council under the Abuse Prevention Review Team
6 Act.

7 (25) Meetings of an independent team of experts under
8 Brian's Law.

9 (26) Meetings of a mortality review team appointed
10 under the Department of Juvenile Justice Mortality Review
11 Team Act.

12 (27) (Blank).

13 (28) Correspondence and records (i) that may not be
14 disclosed under Section 11-9 of the Illinois Public Aid
15 Code or (ii) that pertain to appeals under Section 11-8 of
16 the Illinois Public Aid Code.

17 (29) Meetings between internal or external auditors
18 and governmental audit committees, finance committees, and
19 their equivalents, when the discussion involves internal
20 control weaknesses, identification of potential fraud risk
21 areas, known or suspected frauds, and fraud interviews
22 conducted in accordance with generally accepted auditing
23 standards of the United States of America.

24 (30) Those meetings or portions of meetings of a
25 fatality review team or the Illinois Fatality Review Team
26 Advisory Council during which a review of the death of an

1 eligible adult in which abuse or neglect is suspected,
2 alleged, or substantiated is conducted pursuant to Section
3 15 of the Adult Protective Services Act.

4 (31) Meetings and deliberations for decisions of the
5 Concealed Carry Licensing Review Board under the Firearm
6 Concealed Carry Act.

7 (32) Meetings between the Regional Transportation
8 Authority Board and its Service Boards when the discussion
9 involves review by the Regional Transportation Authority
10 Board of employment contracts under Section 28d of the
11 Metropolitan Transit Authority Act and Sections 3A.18 and
12 3B.26 of the Regional Transportation Authority Act.

13 (33) Those meetings or portions of meetings of the
14 advisory committee and peer review subcommittee created
15 under Section 320 of the Illinois Controlled Substances
16 Act during which specific controlled substance prescriber,
17 dispenser, or patient information is discussed.

18 (34) Meetings of the Tax Increment Financing Reform
19 Task Force under Section 2505-800 of the Department of
20 Revenue Law of the Civil Administrative Code of Illinois.

21 (35) Meetings of the group established to discuss
22 Medicaid capitation rates under Section 5-30.8 of the
23 Illinois Public Aid Code.

24 (36) Those deliberations or portions of deliberations
25 for decisions of the Illinois Gaming Board in which there
26 is discussed any of the following: (i) personal,

1 commercial, financial, or other information obtained from
2 any source that is privileged, proprietary, confidential,
3 or a trade secret; or (ii) information specifically
4 exempted from the disclosure by federal or State law.

5 (37) Deliberations for decisions of the Illinois Law
6 Enforcement Training Standards Board, the Certification
7 Review Panel, and the Illinois State Police Merit Board
8 regarding certification and decertification.

9 (38) Meetings of the Ad Hoc Statewide Domestic
10 Violence Fatality Review Committee of the Illinois
11 Criminal Justice Information Authority Board that occur in
12 closed executive session under subsection (d) of Section
13 35 of the Domestic Violence Fatality Review Act.

14 (39) Meetings of the regional review teams under
15 subsection (a) of Section 75 of the Domestic Violence
16 Fatality Review Act.

17 (40) Meetings of the Firearm Owner's Identification
18 Card Review Board under Section 10 of the Firearm Owners
19 Identification Card Act.

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

21 "Employee" means a person employed by a public body whose
22 relationship with the public body constitutes an
23 employer-employee relationship under the usual common law
24 rules, and who is not an independent contractor.

25 "Public office" means a position created by or under the
26 Constitution or laws of this State, the occupant of which is

1 charged with the exercise of some portion of the sovereign
2 power of this State. The term "public office" shall include
3 members of the public body, but it shall not include
4 organizational positions filled by members thereof, whether
5 established by law or by a public body itself, that exist to
6 assist the body in the conduct of its business.

7 "Quasi-adjudicative body" means an administrative body
8 charged by law or ordinance with the responsibility to conduct
9 hearings, receive evidence or testimony and make
10 determinations based thereon, but does not include local
11 electoral boards when such bodies are considering petition
12 challenges.

13 (e) Final action. No final action may be taken at a closed
14 meeting. Final action shall be preceded by a public recital of
15 the nature of the matter being considered and other
16 information that will inform the public of the business being
17 conducted.

18 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;
19 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
20 8-20-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

21 Section 11. The Illinois State Police Law of the Civil
22 Administrative Code of Illinois is amended by changing Section
23 2605-51.1 as follows:

24 (20 ILCS 2605/2605-51.1)

1 (Section scheduled to be repealed on June 1, 2026)

2 Sec. 2605-51.1. Commission on Implementing the Firearms
3 Restraining Order Act.

4 (a) There is created the Commission on Implementing the
5 Firearms Restraining Order Act composed of at least 12 members
6 to advise on the strategies of education and implementation of
7 the Firearms Restraining Order Act. The Commission shall be
8 appointed by the Director of the Illinois State Police or his
9 or her designee and shall include a liaison or representative
10 nominated from the following:

11 (1) the Office of the Attorney General, appointed by
12 the Attorney General;

13 (2) the Director of the Illinois State Police or his
14 or her designee;

15 (3) at least 3 State's Attorneys, nominated by the
16 Director of the Office of the State's Attorneys Appellate
17 Prosecutor;

18 (4) at least 2 municipal police department
19 representatives, nominated by the Illinois Association of
20 Chiefs of Police;

21 (5) an Illinois sheriff, nominated by the Illinois
22 Sheriffs' Association;

23 (6) the Director of Public Health or his or her
24 designee;

25 (7) the Illinois Law Enforcement Training Standards
26 Board, nominated by the Executive Director of the Board;

1 (8) a representative from a public defender's office,
2 nominated by the State Appellate Defender;

3 (9) a circuit court judge, nominated by the Chief
4 Justice of the Supreme Court;

5 (10) a prosecutor with experience managing or
6 directing a program in another state where the
7 implementation of that state's extreme risk protection
8 order law has achieved high rates of petition filings
9 nominated by the National District Attorneys Association;

10 ~~and~~

11 (11) an expert from law enforcement who has experience
12 managing or directing a program in another state where the
13 implementation of that state's extreme risk protection
14 order law has achieved high rates of petition filings
15 nominated by the Director of the Illinois State Police;

16 and

17 (12) a circuit clerk, nominated by the President of
18 the Illinois Association of Court Clerks.

19 (b) The Commission shall be chaired by the Director of the
20 Illinois State Police or his or her designee. The Commission
21 shall meet, either virtually or in person, to discuss the
22 implementation of the Firearms Restraining Order Act as
23 determined by the Commission while the strategies are being
24 established.

25 (c) The members of the Commission shall serve without
26 compensation and shall serve 3-year terms.

1 (d) An annual report shall be submitted to the General
2 Assembly by the Commission that may include summary
3 information about firearms restraining order use by county,
4 challenges to Firearms Restraining Order Act implementation,
5 and recommendations for increasing and improving
6 implementation.

7 (e) The Commission shall develop a model policy with an
8 overall framework for the timely relinquishment of firearms
9 whenever a firearms restraining order is issued. The model
10 policy shall be finalized within the first 4 months of
11 convening. In formulating the model policy, the Commission
12 shall consult counties in Illinois and other states with
13 extreme risk protection order laws which have achieved a high
14 rate of petition filings. Once approved, the Illinois State
15 Police shall work with their local law enforcement agencies
16 within their county to design a comprehensive strategy for the
17 timely relinquishment of firearms, using the model policy as
18 an overall framework. Each individual agency may make small
19 modifications as needed to the model policy and must approve
20 and adopt a policy that aligns with the model policy. The
21 Illinois State Police shall convene local police chiefs and
22 sheriffs within their county as needed to discuss the
23 relinquishment of firearms.

24 (f) The Commission shall be dissolved June 1, 2025 (3
25 years after the effective date of Public Act 102-345).

26 (g) This Section is repealed June 1, 2026 (4 years after

1 the effective date of Public Act 102-345).

2 (Source: P.A. 102-345, eff. 6-1-22; 102-813, eff. 5-13-22.)

3 Section 12. The Counties Code is amended by changing
4 Section 3-9005 as follows:

5 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

6 Sec. 3-9005. Powers and duties of State's Attorney.

7 (a) The duty of each State's Attorney shall be:

8 (1) To commence and prosecute all actions, suits,
9 indictments and prosecutions, civil and criminal, in the
10 circuit court for the county, in which the people of the
11 State or county may be concerned.

12 (2) To prosecute all forfeited bonds and
13 recognizances, and all actions and proceedings for the
14 recovery of debts, revenues, moneys, fines, penalties and
15 forfeitures accruing to the State or the county, or to any
16 school district or road district in the county; also, to
17 prosecute all suits in the county against railroad or
18 transportation companies, which may be prosecuted in the
19 name of the People of the State of Illinois.

20 (3) To commence and prosecute all actions and
21 proceedings brought by any county officer in the county
22 officer's official capacity.

23 (4) To defend all actions and proceedings brought
24 against the county, or against any county or State

1 officer, in the county or State officer's official
2 capacity, within the county.

3 (5) To attend the examination of all persons brought
4 before any judge on habeas corpus, when the prosecution is
5 in the county.

6 (6) To attend before judges and prosecute charges of
7 felony or misdemeanor, for which the offender is required
8 to be recognized to appear before the circuit court, when
9 in the State's Attorney's power so to do.

10 (7) To give the State's Attorney's opinion, without
11 fee or reward, to any county officer in the county, upon
12 any question or law relating to any criminal or other
13 matter, in which the people or the county may be
14 concerned.

15 (8) To assist the Attorney General whenever it may be
16 necessary, and in cases of appeal from the county to the
17 Supreme Court, to which it is the duty of the Attorney
18 General to attend, the State's Attorney shall furnish the
19 Attorney General at least 10 days before such is due to be
20 filed, a manuscript of a proposed statement, brief and
21 argument to be printed and filed on behalf of the people,
22 prepared in accordance with the rules of the Supreme
23 Court. However, if such brief, argument or other document
24 is due to be filed by law or order of court within this
25 10-day period, then the State's Attorney shall furnish
26 such as soon as may be reasonable.

1 (9) To pay all moneys received by the State's Attorney
2 in trust, without delay, to the officer who by law is
3 entitled to the custody thereof.

4 (10) To notify, by first class mail, complaining
5 witnesses of the ultimate disposition of the cases arising
6 from an indictment or an information.

7 (11) To perform such other and further duties as may,
8 from time to time, be enjoined on the State's Attorney by
9 law.

10 (12) To appear in all proceedings by collectors of
11 taxes against delinquent taxpayers for judgments to sell
12 real estate, and see that all the necessary preliminary
13 steps have been legally taken to make the judgment legal
14 and binding.

15 (13) To notify, by first-class mail, the State
16 Superintendent of Education, the applicable regional
17 superintendent of schools, and the superintendent of the
18 employing school district or the chief school
19 administrator of the employing nonpublic school, if any,
20 upon the conviction of any individual known to possess a
21 certificate or license issued pursuant to Article 21 or
22 21B, respectively, of the School Code of any offense set
23 forth in Section 21B-80 of the School Code or any other
24 felony conviction, providing the name of the certificate
25 holder, the fact of the conviction, and the name and
26 location of the court where the conviction occurred. The

1 certificate holder must also be contemporaneously sent a
2 copy of the notice.

3 (b) The State's Attorney of each county shall have
4 authority to appoint one or more special investigators to
5 serve subpoenas and summonses, make return of process, and
6 conduct investigations which assist the State's Attorney in
7 the performance of the State's Attorney duties. In counties of
8 the first and second class, the fees for service of subpoenas
9 and summonses are allowed by this Section and shall be
10 consistent with those set forth in Section 4-5001 of this Act,
11 except when increased by county ordinance as provided for in
12 Section 4-5001. In counties of the third class, the fees for
13 service of subpoenas and summonses are allowed by this Section
14 and shall be consistent with those set forth in Section
15 4-12001 of this Act. A special investigator shall not carry
16 firearms except with permission of the State's Attorney and
17 only while carrying appropriate identification indicating the
18 special investigator's employment and in the performance of
19 the special investigator's assigned duties.

20 Subject to the qualifications set forth in this
21 subsection, special investigators shall be peace officers and
22 shall have all the powers possessed by investigators under the
23 State's Attorneys Appellate Prosecutor's Act.

24 No special investigator employed by the State's Attorney
25 shall have peace officer status or exercise police powers
26 unless the special investigator successfully completes the

1 basic police training course mandated and approved by the
2 Illinois Law Enforcement Training Standards Board or such
3 board waives the training requirement by reason of the special
4 investigator's prior law enforcement experience or training or
5 both. Any State's Attorney appointing a special investigator
6 shall consult with all affected local police agencies, to the
7 extent consistent with the public interest, if the special
8 investigator is assigned to areas within that agency's
9 jurisdiction.

10 Before a person is appointed as a special investigator,
11 the person's fingerprints shall be taken and transmitted to
12 the Department of State Police. The Department shall examine
13 its records and submit to the State's Attorney of the county in
14 which the investigator seeks appointment any conviction
15 information concerning the person on file with the Department.
16 No person shall be appointed as a special investigator if the
17 person has been convicted of a felony or other offense
18 involving moral turpitude. A special investigator shall be
19 paid a salary and be reimbursed for actual expenses incurred
20 in performing the special investigator's assigned duties. The
21 county board shall approve the salary and actual expenses and
22 appropriate the salary and expenses in the manner prescribed
23 by law or ordinance.

24 (c) The State's Attorney may request and receive from
25 employers, labor unions, telephone companies, and utility
26 companies location information concerning putative fathers and

1 noncustodial parents for the purpose of establishing a child's
2 paternity or establishing, enforcing, or modifying a child
3 support obligation. In this subsection, "location information"
4 means information about (i) the physical whereabouts of a
5 putative father or noncustodial parent, (ii) the putative
6 father or noncustodial parent's employer, or (iii) the salary,
7 wages, and other compensation paid and the health insurance
8 coverage provided to the putative father or noncustodial
9 parent by the employer of the putative father or noncustodial
10 parent or by a labor union of which the putative father or
11 noncustodial parent is a member.

12 (d) (Blank).

13 (e) The State's Attorney shall have the authority to enter
14 into a written agreement with the Department of Revenue for
15 pursuit of civil liability under subsection (E) of Section
16 17-1 of the Criminal Code of 2012 against persons who have
17 issued to the Department checks or other orders in violation
18 of the provisions of paragraph (1) of subsection (B) of
19 Section 17-1 of the Criminal Code of 2012, with the Department
20 to retain the amount owing upon the dishonored check or order
21 along with the dishonored check fee imposed under the Uniform
22 Penalty and Interest Act, with the balance of damages, fees,
23 and costs collected under subsection (E) of Section 17-1 of
24 the Criminal Code of 2012 or under Section 17-1a of that Code
25 to be retained by the State's Attorney. The agreement shall
26 not affect the allocation of fines and costs imposed in any

1 criminal prosecution.

2 (f) In a county with less than 2,000,000 inhabitants, and
3 only upon receipt of a written request by the superintendent
4 of the county Veterans Assistance Commission for the county in
5 which the State's Attorney is located, the State's Attorney
6 shall have the discretionary authority to render an opinion,
7 without fee or reward, upon any question of law relating to a
8 matter in which the county Veterans Assistance Commission may
9 be concerned. The State's Attorney shall have the discretion
10 to grant or decline such a request.

11 (g) Within 60 days after the effective date of any
12 amendatory changes to the Firearms Restraining Order Act, it
13 is the duty of each State's Attorney to update law enforcement
14 agencies within the State's Attorney's jurisdiction of those
15 changes to the Firearms Restraining Order Act.

16 (Source: P.A. 101-275, eff. 8-9-19; 102-56, eff. 7-9-21.)

17 Section 15. The Mental Health and Developmental
18 Disabilities Code is amended by changing Section 6-103.3 as
19 follows:

20 (405 ILCS 5/6-103.3)

21 Sec. 6-103.3. Clear and present danger; notice.

22 (a) If a person is determined to pose a clear and present
23 danger to himself, herself, or to others by a physician,
24 clinical psychologist, or qualified examiner, whether employed

1 by the State, by any public or private mental health facility
2 or part thereof, or by a law enforcement official or a school
3 administrator, then the physician, clinical psychologist,
4 qualified examiner shall notify the Department of Human
5 Services and a law enforcement official or school
6 administrator shall notify the Illinois State Police, within
7 24 hours of making the determination that the person poses a
8 clear and present danger. The Department of Human Services
9 shall immediately update its records and information relating
10 to mental health and developmental disabilities, and if
11 appropriate, shall notify the Illinois State Police in a form
12 and manner prescribed by the Illinois State Police. If a
13 person has been determined to pose a clear and present danger
14 under this subsection, the physician, clinical psychologist,
15 or qualified examiner shall determine whether to file an
16 action under the Firearms Restraining Order Act naming that
17 person as the respondent.

18 (b) Information disclosed under this Section shall remain
19 privileged and confidential, and shall not be redisclosed,
20 except as required under subsection (e) of Section 3.1 of the
21 Firearm Owners Identification Card Act or for the purpose of
22 an action under the Firearms Restraining Order Act, nor used
23 for any other purpose. The method of providing this
24 information shall guarantee that the information is not
25 released beyond that which is necessary for the purposes
26 provided by ~~purpose of~~ this Section and shall be provided by

1 rule by the Department of Human Services. The identity of the
2 person reporting under this Section shall not be disclosed to
3 the subject of the report. The physician, clinical
4 psychologist, qualified examiner, law enforcement official, or
5 school administrator making the determination and his or her
6 employer shall not be held criminally, civilly, or
7 professionally liable for making or not making the
8 notification required under this Section, except for willful
9 or wanton misconduct. This Section does not apply to a law
10 enforcement official, if making the notification under this
11 Section will interfere with an ongoing or pending criminal
12 investigation.

13 (c) For the purposes of this Section:

14 "Clear and present danger" has the meaning ascribed to
15 it in Section 1.1 of the Firearm Owners Identification
16 Card Act.

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

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

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

1 Section 20. The Firearm Owners Identification Card Act is
2 amended by changing Section 8.1 as follows:

3 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

4 Sec. 8.1. Notifications to the Illinois State Police.

5 (a) The Circuit Clerk shall, in the form and manner
6 required by the Supreme Court, notify the Illinois State
7 Police of all final dispositions of cases for which the
8 Department has received information reported to it under
9 Sections 2.1 and 2.2 of the Criminal Identification Act.

10 (b) Upon adjudication of any individual as a person with a
11 mental disability as defined in Section 1.1 of this Act or a
12 finding that a person has been involuntarily admitted, the
13 court shall direct the circuit court clerk to immediately
14 notify the Illinois State Police, Firearm Owner's
15 Identification (FOID) department, and shall forward a copy of
16 the court order to the Department.

17 (b-1) Beginning July 1, 2016, and each July 1 and December
18 30 of every year thereafter, the circuit court clerk shall, in
19 the form and manner prescribed by the Illinois State Police,
20 notify the Illinois State Police, Firearm Owner's
21 Identification (FOID) department if the court has not directed
22 the circuit court clerk to notify the Illinois State Police,
23 Firearm Owner's Identification (FOID) department under
24 subsection (b) of this Section, within the preceding 6 months,

1 because no person has been adjudicated as a person with a
2 mental disability by the court as defined in Section 1.1 of
3 this Act or if no person has been involuntarily admitted. The
4 Supreme Court may adopt any orders or rules necessary to
5 identify the persons who shall be reported to the Illinois
6 State Police under subsection (b), or any other orders or
7 rules necessary to implement the requirements of this Act.

8 (c) The Department of Human Services shall, in the form
9 and manner prescribed by the Illinois State Police, report all
10 information collected under subsection (b) of Section 12 of
11 the Mental Health and Developmental Disabilities
12 Confidentiality Act for the purpose of determining whether a
13 person who may be or may have been a patient in a mental health
14 facility is disqualified under State or federal law from
15 receiving or retaining a Firearm Owner's Identification Card,
16 or purchasing a weapon.

17 (d) If a person is determined to pose a clear and present
18 danger to himself, herself, or to others:

19 (1) by a physician, clinical psychologist, or
20 qualified examiner, or is determined to have a
21 developmental disability by a physician, clinical
22 psychologist, or qualified examiner, whether employed by
23 the State or privately, then the physician, clinical
24 psychologist, or qualified examiner shall, within 24 hours
25 of making the determination, notify the Department of
26 Human Services that the person poses a clear and present

1 danger or has a developmental disability; or

2 (2) by a law enforcement official or school
3 administrator, then the law enforcement official or school
4 administrator shall, within 24 hours of making the
5 determination, notify the Illinois State Police that the
6 person poses a clear and present danger.

7 The Department of Human Services shall immediately update
8 its records and information relating to mental health and
9 developmental disabilities, and if appropriate, shall notify
10 the Illinois State Police in a form and manner prescribed by
11 the Illinois State Police. When the Illinois State Police is
12 notified pursuant to this subsection that a person has been
13 determined to pose a clear and present danger, the ~~The~~
14 Illinois State Police shall determine whether to revoke the
15 person's Firearm Owner's Identification Card under Section 8
16 of this Act. The person reporting or alleging under this
17 subsection that another person poses a clear and present
18 danger to himself, herself, or to others shall determine
19 whether to file an action under the Firearms Restraining Order
20 Act naming that person as the respondent. Any information
21 disclosed under this subsection shall remain privileged and
22 confidential, and shall not be redisclosed, except as required
23 under subsection (e) of Section 3.1 of this Act or for the
24 purpose of an action under the Firearms Restraining Order Act,
25 nor used for any other purpose. The method of providing this
26 information shall guarantee that the information is not

1 released beyond what is necessary for the purposes provided by
2 ~~purpose of~~ this Section and shall be provided by rule by the
3 Department of Human Services. The identity of the person
4 reporting under this Section shall not be disclosed to the
5 subject of the report. The physician, clinical psychologist,
6 qualified examiner, law enforcement official, or school
7 administrator making the determination and his or her employer
8 shall not be held criminally, civilly, or professionally
9 liable for making or not making the notification required
10 under this subsection, except for willful or wanton
11 misconduct.

12 (e) The Illinois State Police shall adopt rules to
13 implement this Section.

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

15 Section 25. The Firearms Restraining Order Act is amended
16 by changing Sections 5, 10, 35, 40, 45, 50, 55, 60, 65, and 80
17 and by adding Sections 57, 57.5, 58, and 63 as follows:

18 (430 ILCS 67/5)

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

20 "Family member of the respondent" means a spouse, former
21 spouse, person with whom the respondent has a minor child in
22 common, parent, child, or step-child of the respondent, any
23 other person related by blood or present marriage to the
24 respondent, or a person who shares a common dwelling with the

1 respondent.

2 "Firearms restraining order" means an order issued by the
3 court, prohibiting and enjoining a named person from having in
4 his or her custody or control, purchasing, possessing, or
5 receiving any firearms or ammunition, ~~or removing~~ firearm
6 parts that could be assembled to make an operable firearm.

7 "Intimate partner" means a spouse, former spouse, a person
8 with whom the respondent has or allegedly has a child in
9 common, or a person with whom the respondent has or has had a
10 dating or engagement relationship.

11 "Petitioner" means:

12 (1) a family member of the respondent as defined in
13 this Act; ~~or~~

14 (2) a law enforcement officer who files a petition
15 alleging that the respondent poses a danger of causing
16 personal injury to himself, herself, or another by having
17 in his or her custody or control, purchasing, possessing,
18 or receiving a firearm, ammunition, or firearm parts that
19 could be assembled to make an operable firearm ~~or removing~~
20 ~~firearm parts that could be assembled to make an operable~~
21 ~~firearm; or~~ -

22 (3) a physician, psychologist, clinical social worker,
23 licensed clinical professional counselor, clinical nurse
24 specialist in psychiatric and mental health nursing,
25 psychiatric nurse practitioner, licensed clinical marriage
26 or family therapist, or health officer or designee of a

1 health officer who has examined a respondent.

2 "Respondent" means the person alleged in the petition to
3 pose a danger of causing personal injury to himself, herself,
4 or another by having in his or her custody or control,
5 purchasing, possessing, or receiving a firearm, ammunition, or
6 firearm parts that could be assembled to make an operable
7 firearm ~~or removing firearm parts that could be assembled to~~
8 ~~make an operable firearm.~~

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

10 (430 ILCS 67/10)

11 Sec. 10. Commencement of action; procedure.

12 (a) An action for a firearms restraining order is
13 commenced by filing a verified petition for a firearms
14 restraining order in any circuit court.

15 (b) A petition for a firearms restraining order may be
16 filed in: (1) any county where the respondent resides or (2)
17 any county where an incident occurred that involved the
18 respondent posing a significant ~~an immediate and present~~
19 danger of causing personal injury to the respondent or another
20 by having in his or her custody or control, or purchasing,
21 possessing, or receiving, a firearm, ammunition, or firearm
22 parts that could be assembled to make an operable firearm. A
23 firearms restraining order may be issued against any
24 respondent, including, but not limited to, a respondent who,
25 at the time of the filing of the petition for a firearms

1 restraining order, is under the age of 21, does not have a
2 valid Firearm Owner's Identification Card, or does not hold or
3 have a right to possess a firearm.

4 (c) No fee shall be charged by the clerk for filing,
5 amending, vacating, certifying, printing, or photocopying
6 petitions or orders; or for issuing alias summons; or for any
7 related filing service. No fee shall be charged by the sheriff
8 or other law enforcement for service by the sheriff or other
9 law enforcement of a petition, rule, motion, or order in an
10 action commenced under this Section.

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

16 (e) The State's Attorney of the county where the petition
17 is filed may act as a friend of the court in any action filed
18 under this Act. An Assistant State's Attorney of the county
19 where the petition is filed may also be appointed as a friend
20 of the court to assist a petitioner in court regarding
21 firearms restraining orders.

22 (f) If the petitioner is a law enforcement officer, the
23 law enforcement officer does not have to witness threatening
24 behavior or other facts at issue from the respondent firsthand
25 in order to file a petition under this Act. A law enforcement
26 officer may collect evidence from other persons and sign an

1 affidavit asserting to the reliability of the evidence
2 presented to the court upon the filing of the petition.

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

4 (430 ILCS 67/35)

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

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

18 (b) If the respondent is alleged to pose a significant ~~an~~
19 ~~immediate and present~~ danger of causing personal injury to an
20 intimate partner, or an intimate partner is alleged to have
21 been the target of a threat or act of violence by the
22 respondent, the petitioner shall make a good faith effort to
23 provide notice to ~~any and all~~ intimate partners of the
24 respondent who are a target or under threat. A law enforcement
25 agency shall assist the petitioner with locating the targeted

1 or threatened intimate partner if necessary to provide notice.

2 The notice must include that the petitioner intends to
3 petition the court for an emergency firearms restraining
4 order, and, if the petitioner is a law enforcement officer,
5 referral to relevant domestic violence or stalking advocacy or
6 counseling resources, if appropriate. The petitioner shall
7 attest to having provided the notice in the filed affidavit or
8 verified pleading. If, after making a good faith effort, the
9 petitioner is unable to provide notice to any or all intimate
10 partners, the affidavit or verified pleading should describe
11 what efforts were made.

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

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

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

23 (f) If a circuit or associate judge finds probable cause
24 to believe that the respondent poses a significant ~~an~~
25 ~~immediate and present~~ danger of causing personal injury to
26 himself, herself, or another by having in his or her custody or

1 control, purchasing, possessing, or receiving a firearm,
2 ammunition, or firearm parts that could be assembled to make
3 an operable firearm, the circuit or associate judge shall
4 issue an emergency order. For purposes of this subsection, a
5 firearm, ammunition, or any firearm parts that could be
6 assembled to make an operable firearm need not be in a
7 respondent's physical possession in order to be considered in
8 the respondent's custody or control.

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

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

26 (1) the respondent to refrain from having in his or

1 her custody or control, purchasing, possessing, or
2 receiving additional firearms, ammunition, or firearm
3 parts that could be assembled to make an operable firearm,
4 ~~or removing firearm parts that could be assembled to make~~
5 ~~an operable firearm~~ for the duration of the order under
6 Section 8.2 of the Firearm Owners Identification Card Act;
7 and

8 (2) the respondent to comply with Section 9.5 of the
9 Firearm Owners Identification Card Act and subsection (g)
10 of Section 70 of the Firearm Concealed Carry Act.

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

1 that could be assembled to make an operable firearm for any
2 other application as deemed appropriate by the local law
3 enforcement agency.

4 (h-5) On or before January 1, 2022, a respondent whose
5 Firearm Owner's Identification Card has been revoked or
6 suspended may petition the court, if the petitioner is present
7 in court or has notice of the respondent's petition, to
8 transfer the respondent's firearm, ammunition, and firearm
9 parts that could be assembled to make an operable firearm to a
10 person who is lawfully able to possess the firearm,
11 ammunition, and firearm parts that could be assembled to make
12 an operable firearm if the person does not reside at the same
13 address as the respondent. Notice of the petition shall be
14 served upon the person protected by the emergency firearms
15 restraining order. While the order is in effect, the
16 transferee who receives the respondent's firearms, ammunition,
17 and firearm parts that could be assembled to make an operable
18 firearm must swear or affirm by affidavit that he or she shall
19 not transfer the firearm, ammunition, and firearm parts that
20 could be assembled to make an operable firearm to the
21 respondent or to anyone residing in the same residence as the
22 respondent.

23 (h-6) If a person other than the respondent claims title
24 to any firearms, ammunition, and firearm parts that could be
25 assembled to make an operable firearm surrendered under this
26 Section, he or she may petition the court, if the petitioner is

1 present in court or has notice of the petition, to have the
2 firearm, ammunition, and firearm parts that could be assembled
3 to make an operable firearm returned to him or her. If the
4 court determines that person to be the lawful owner of the
5 firearm, ammunition, and firearm parts that could be assembled
6 to make an operable firearm, the firearm, ammunition, and
7 firearm parts that could be assembled to make an operable
8 firearm shall be returned to him or her, provided that:

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

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

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

1 ammunition, and firearm parts that could be assembled to make
2 an operable firearm to the respondent; ~~and~~ (iii) will store
3 the firearm, ammunition, and firearm parts that could be
4 assembled to make an operable firearm in a manner that the
5 respondent does not have access to or control of the firearm,
6 ammunition, and firearm parts that could be assembled to make
7 an operable firearm; and (iv) does not reside in the same
8 household as the respondent.

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

18 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
19 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
20 5-13-22.)

21 (430 ILCS 67/40)

22 Sec. 40. One-year ~~Six-month~~ orders.

23 (a) A petitioner may request a one-year ~~6-month~~ firearms
24 restraining order by filing an affidavit or verified pleading
25 alleging that the respondent poses a significant danger of

1 causing personal injury to himself, herself, or another in the
2 near future by having in his or her custody or control,
3 purchasing, possessing, or receiving a firearm, ammunition,
4 and firearm parts that could be assembled to make an operable
5 firearm. The petition shall also describe the number, types,
6 and locations of any firearms, ammunition, and firearm parts
7 that could be assembled to make an operable firearm presently
8 believed by the petitioner to be possessed or controlled by
9 the respondent.

10 (b) If the respondent is alleged to pose a significant
11 danger of causing personal injury to an intimate partner, or
12 an intimate partner is alleged to have been the target of a
13 threat or act of violence by the respondent, the petitioner
14 shall make a good faith effort to provide notice to ~~any and all~~
15 intimate partners of the respondent who are a target or under
16 threat. A law enforcement agency shall assist the petitioner
17 with locating the targeted or threatened intimate partner if
18 necessary to provide notice. The notice must include that the
19 petitioner intends to petition the court for a one-year
20 ~~6-month~~ firearms restraining order, and, if the petitioner is
21 a law enforcement officer, referral to relevant domestic
22 violence or stalking advocacy or counseling resources, if
23 appropriate. The petitioner shall attest to having provided
24 the notice in the filed affidavit or verified pleading. If,
25 after making a good faith effort, the petitioner is unable to
26 provide notice to any or all intimate partners, the affidavit

1 or verified pleading should describe what efforts were made.

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

7 (d) Upon receipt of a petition for a one-year ~~6-month~~
8 firearms restraining order, the court shall order a hearing
9 within 30 days.

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

13 (1) The unlawful and reckless use, display, or
14 brandishing of a firearm, ammunition, and firearm parts
15 that could be assembled to make an operable firearm by the
16 respondent.

17 (2) The history of use, attempted use, or threatened
18 use of physical force by the respondent against another
19 person.

20 (3) Any prior arrest of the respondent for a felony
21 offense.

22 (4) Evidence of the abuse of controlled substances or
23 alcohol by the respondent.

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

1 (6) A violation of an emergency order of protection
2 issued under Section 217 of the Illinois Domestic Violence
3 Act of 1986 or Section 112A-17 of the Code of Criminal
4 Procedure of 1963 or of an order of protection issued
5 under Section 214 of the Illinois Domestic Violence Act of
6 1986 or Section 112A-14 of the Code of Criminal Procedure
7 of 1963.

8 (7) A pattern of violent acts or violent threats,
9 including, but not limited to, threats of violence or acts
10 of violence by the respondent directed toward himself,
11 herself, or another.

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

19 (g) If the court finds that there is clear and convincing
20 evidence to issue a firearms restraining order, the court
21 shall issue a firearms restraining order that shall be in
22 effect for one year ~~6 months~~ subject to renewal under Section
23 45 of this Act or termination under that Section.

24 (g-5) If the court issues a one-year ~~6-month~~ firearms
25 restraining order, it shall, upon a finding of probable cause
26 that the respondent possesses firearms, ammunition, and

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

14 (h) A one-year ~~6-month~~ firearms restraining order shall
15 require:

16 (1) the respondent to refrain from having in his or
17 her custody or control, purchasing, possessing, or
18 receiving additional firearms, ammunition, and firearm
19 parts that could be assembled to make an operable firearm
20 for the duration of the order under Section 8.2 of the
21 Firearm Owners 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.

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

1 the firearms, ammunition, and firearm parts that could be
2 assembled to make an operable firearm or Firearm Owner's
3 Identification Card cannot be returned to the respondent
4 because the respondent cannot be located, fails to respond to
5 requests to retrieve the firearms, ammunition, and firearm
6 parts that could be assembled to make an operable firearm, or
7 is not lawfully eligible to possess a firearm, ammunition, and
8 firearm parts that could be assembled to make an operable
9 firearm, upon petition from the local law enforcement agency,
10 the court may order the local law enforcement agency to
11 destroy the firearms, ammunition, and firearm parts that could
12 be assembled to make an operable firearm, use the firearms,
13 ammunition, and firearm parts that could be assembled to make
14 an operable firearm for training purposes, or use the
15 firearms, ammunition, and firearm parts that could be
16 assembled to make an operable firearm for any other
17 application as deemed appropriate by the local law enforcement
18 agency.

19 (i-5) A respondent whose Firearm Owner's Identification
20 Card has been revoked or suspended may petition the court, if
21 the petitioner is present in court or has notice of the
22 respondent's petition, to transfer the respondent's firearm,
23 ammunition, and firearm parts that could be assembled to make
24 an operable firearm to a person who is lawfully able to possess
25 the firearm, ammunition, and firearm parts that could be
26 assembled to make an operable firearm if the person does not

1 reside at the same address as the respondent. Notice of the
2 petition shall be served upon the person protected by the
3 emergency firearms restraining order. While the order is in
4 effect, the transferee who receives the respondent's firearms,
5 ammunition, and firearm parts that could be assembled to make
6 an operable firearm must swear or affirm by affidavit that he
7 or she shall not transfer the firearm, ammunition, and firearm
8 parts that could be assembled to make an operable firearm to
9 the respondent or to anyone residing in the same residence as
10 the respondent.

11 (i-6) If a person other than the respondent claims title
12 to any firearms, ammunition, and firearm parts that could be
13 assembled to make an operable firearm surrendered under this
14 Section, he or she may petition the court, if the petitioner is
15 present in court or has notice of the petition, to have the
16 firearm, ammunition, and firearm parts that could be assembled
17 to make an operable firearm returned to him or her. If the
18 court determines that person to be the lawful owner of the
19 firearm, ammunition, and firearm parts that could be assembled
20 to make an operable firearm, the firearm, ammunition, and
21 firearm parts that could be assembled to make an operable
22 firearm shall be returned to him or her, provided that:

23 (1) the firearm, ammunition, and firearm parts that
24 could be assembled to make an operable firearm are removed
25 from the respondent's custody, control, or possession and
26 the lawful owner agrees to store the firearm, ammunition,

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

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

9 The person petitioning for the return of his or her
10 firearm, ammunition, and firearm parts that could be assembled
11 to make an operable firearm must swear or affirm by affidavit
12 that he or she: (i) is the lawful owner of the firearm,
13 ammunition, and firearm parts that could be assembled to make
14 an operable firearm; (ii) shall not transfer the firearm,
15 ammunition, and firearm parts that could be assembled to make
16 an operable firearm to the respondent; and (iii) will store
17 the firearm, ammunition, and firearm parts that could be
18 assembled to make an operable firearm in a manner that the
19 respondent does not have access to or control of the firearm,
20 ammunition, and firearm parts that could be assembled to make
21 an operable firearm.

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

25 (k) When the court issues a firearms restraining order
26 under this Section, the court shall inform the respondent that

1 he or she is entitled to one hearing during the period of the
2 order to request a termination of the order, under Section 45
3 of this Act, and shall provide the respondent with a form to
4 request a hearing.

5 (1) A firearms restraining order issued under this
6 subsection shall also include an order to surrender firearms,
7 ammunition, and firearm parts that could be assembled to make
8 an operable firearm. The order to surrender firearms,
9 ammunition, and firearm parts that could be assembled to make
10 an operable firearm shall require the respondent to surrender
11 all firearms, ammunition, and firearm parts that could be
12 assembled to make an operable firearm on the day the
13 respondent is served with the firearms restraining order. Upon
14 the respondent surrendering all firearms, ammunition, and
15 firearm parts that could be assembled to make an operable
16 firearm to the appropriate law enforcement agency, the law
17 enforcement agency shall provide a statement of receipt of any
18 and all firearms, ammunition, or firearm parts that could be
19 assembled to make an operable firearm with a description of
20 any and all firearms, ammunition, or firearm parts that could
21 be assembled to make an operable firearm surrendered, to the
22 respondent and the court. This statement of receipt shall be
23 considered proof of compliance with a firearms restraining
24 order and may be presented as proof at a hearing.

25 The failure to surrender any firearm within 24 hours to
26 the appropriate law enforcement agency under an order to

1 surrender firearms under this subsection may constitute
2 contempt of court for the violation of the terms of the
3 firearms restraining order.

4 Within 30 days after the effective date of this amendatory
5 Act of the 102nd General Assembly, the Supreme Court may adopt
6 a form for an order to surrender firearms and update any
7 existing forms for a firearms restraining order to reflect the
8 changes made by this amendatory Act of the 102nd General
9 Assembly. The form for an order to surrender firearms shall
10 also include forms for a declaration of surrender of firearms,
11 proof of surrender, declaration of nonsurrender, and order to
12 release firearms.

13 (m) After issuing a firearms restraining order under this
14 Section, the court shall hold a hearing within 3 days to
15 determine whether the respondent is complying with the
16 firearms restraining order. If compliance has already been
17 established and the disposition record is on file with the
18 court, the court may waive the compliance hearing. Nothing in
19 this subsection shall preclude the court from setting
20 additional compliance hearings.

21 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
22 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
23 5-13-22.)

24 (430 ILCS 67/45)

25 Sec. 45. Termination and renewal.

1 (a) A person subject to a firearms restraining order
2 issued under this Act may submit one written request at any
3 time during the effective period of the order for a hearing to
4 terminate the order.

5 (1) The respondent shall have the burden of proving by
6 a preponderance of the evidence that the respondent does
7 not pose a danger of causing personal injury to himself,
8 herself, or another in the near future by having in his or
9 her custody or control, purchasing, possessing, or
10 receiving a firearm, ammunition, and firearm parts that
11 could be assembled to make an operable firearm.

12 (2) If the court finds after the hearing that the
13 respondent has met his or her burden, the court shall
14 terminate the order.

15 (b) A petitioner may request a renewal of a firearms
16 restraining order at any time within the 3 months before the
17 expiration of a firearms restraining order.

18 (1) A court shall, after notice and a hearing, renew a
19 firearms restraining order issued under this part if the
20 petitioner proves, by clear and convincing evidence, that
21 the respondent continues to pose a danger of causing
22 personal injury to himself, herself, or another in the
23 near future by having in his or her custody or control,
24 purchasing, possessing, or receiving a firearm,
25 ammunition, and firearm parts that could be assembled to
26 make an operable firearm.

1 (2) In determining whether to renew a firearms
2 restraining order issued under this Act, the court shall
3 consider evidence of the facts identified in subsection
4 (e) of Section 40 of this Act and any other evidence of an
5 increased risk for violence.

6 (3) At the hearing, the petitioner shall have the
7 burden of proving by clear and convincing evidence that
8 the respondent continues to pose a danger of causing
9 personal injury to himself, herself, or another in the
10 near future by having in his or her custody or control,
11 purchasing, possessing, or receiving a firearm,
12 ammunition, and firearm parts that could be assembled to
13 make an operable firearm.

14 (4) The renewal of a firearms restraining order issued
15 under this Section shall be in effect for one year ~~6~~
16 ~~months~~, subject to termination by further order of the
17 court at a hearing held under this Section and further
18 renewal by further order of the court under this Section.

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

20 (430 ILCS 67/50)

21 Sec. 50. Notice of orders.

22 (a) Entry and issuance. Upon issuance of any firearms
23 restraining order, the clerk shall immediately, or on the next
24 court day if an emergency firearms restraining order is issued
25 in accordance with Section 35 of this Act (emergency firearms

1 restraining order): (i) enter the order on the record and file
2 it in accordance with the circuit court procedures and (ii)
3 provide a file-stamped ~~file-stamped~~ copy of the order to the
4 respondent, if present, and to the petitioner.

5 (b) Filing with sheriff. The clerk of the issuing judge
6 shall, or the petitioner may, on the same day that a firearms
7 restraining order is issued, file a file-stamped ~~certified~~
8 copy of that order with the sheriff or other law enforcement
9 officials charged with maintaining Illinois State Police
10 records or charged with serving the order upon the respondent.
11 If the order was issued in accordance with Section 35 of this
12 Act (emergency firearms restraining order), the clerk shall,
13 on the next court day, file a file-stamped ~~certified~~ copy of
14 the order with the sheriff or other law enforcement officials
15 charged with maintaining Illinois State Police records.

16 (c) Service by sheriff. Unless the respondent was present
17 in court when the order was issued, the sheriff or other law
18 enforcement official shall promptly serve that order upon the
19 respondent and file proof of the service, in the manner
20 provided for service of process in civil proceedings. Instead
21 of serving the order upon the respondent, however, the
22 sheriff, other law enforcement official, or other persons
23 defined in Section 112A-22.10 of the Code of Criminal
24 Procedure of 1963 may serve the respondent with a short form
25 notification as provided in that Section. If process has not
26 yet been served upon the respondent, it shall be served with

1 the order or short form notification if the service is made by
2 the sheriff, or other law enforcement official.

3 (d) Any order renewing or terminating any firearms
4 restraining order shall be promptly recorded, issued, and
5 served as provided in this Section.

6 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

7 (430 ILCS 67/55)

8 Sec. 55. Data maintenance by law enforcement agencies.

9 (a) All sheriffs shall furnish to the Illinois State
10 Police, daily, in the form and detail the Illinois State
11 Police Department requires, copies of any recorded firearms
12 restraining orders issued by the court, and any foreign orders
13 of protection filed by the clerk of the court, and transmitted
14 to the sheriff by the clerk of the court under Section 50. Each
15 firearms restraining order shall be entered in the Law
16 Enforcement Agencies Data System (LEADS) on the same day it is
17 issued by the court. If an emergency firearms restraining
18 order was issued in accordance with Section 35 of this Act, the
19 order shall be entered in the Law Enforcement Agencies Data
20 System (LEADS) as soon as possible after receipt from the
21 clerk.

22 (b) The Illinois State Police shall maintain a complete
23 and systematic record and index of all valid and recorded
24 firearms restraining orders issued or filed under this Act.
25 The data shall be used to inform all dispatchers and law

1 enforcement officers at the scene of a violation of a firearms
2 restraining order of the effective dates and terms of any
3 recorded order of protection.

4 (c) The data, records, and transmittals required under
5 this Section shall pertain to any valid emergency or one-year
6 ~~6-month~~ firearms restraining order, whether issued in a civil
7 or criminal proceeding or authorized under the laws of another
8 state, tribe, or United States territory.

9 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

10 (430 ILCS 67/57 new)

11 Sec. 57. Educational brochure; law enforcement agencies.
12 The Illinois State Police may disseminate educational
13 brochures containing information regarding firearms
14 restraining orders created by the Attorney General's office
15 and other materials concerning firearms restraining orders
16 created by the Department of Public Health to any law
17 enforcement agency in this State, who may in turn disseminate
18 the brochure to persons as the law enforcement agency
19 determines.

20 (430 ILCS 67/57.5 new)

21 Sec. 57.5. Firearms restraining order training. The
22 Attorney General, or another appropriate entity, may develop
23 and offer training to judges, State's Attorneys, Assistant
24 State's Attorneys, victims' advocates, and clerks of the

1 circuit court. The training shall include information
2 concerning how to understand when both an order of protection
3 and a firearms restraining order are appropriate remedies or
4 when only an order of protection is sufficient.

5 (430 ILCS 67/58 new)

6 Sec. 58. Centralized State database; Department of Public
7 Health. Within 6 months after the effective date of this
8 amendatory Act of the 102nd General Assembly, the Department
9 of Public Health shall create, in coordination with the
10 Department of Human Services' Office of Firearm Violence
11 Prevention, a centralized State database to provide access to
12 data regarding firearms restraining orders for research and
13 policy purposes. The database shall include, but shall not be
14 limited to, all of the following information:

15 (1) Information regarding the petitioner for each
16 case, including, but not limited to, all of the following:

17 (A) The relationship of the petitioner to the
18 respondent.

19 (B) The type of petitioner as identified under
20 Section 5.

21 (C) The demographic information of the petitioner,
22 including the petitioner's age, gender identity, and
23 racial or ethnic identity.

24 (D) For law enforcement petitioners, the specific
25 law enforcement agency or department.

1 (2) Information regarding the respondent for each
2 case, including, but not limited to, all of the following:

3 (A) The demographic information of the respondent,
4 including the respondent's age, gender identity, and
5 racial or ethnic identity.

6 (B) Whether the respondent is or has been a
7 respondent to any current or previous order of
8 protection issued under the Illinois Domestic Violence
9 Act of 1986, firearms restraining order issued under
10 this Act, protective order issued under Article 112A
11 of the Code of Criminal Procedure of 1963, stalking no
12 contact order issued under the Stalking No Contact
13 Order Act, or civil no contact order issued under the
14 Civil No Contact Order Act.

15 (C) Whether the respondent is a suspect or
16 defendant in a criminal matter at the time the
17 petition is filed.

18 (3) Information regarding the firearms restraining
19 order and the conditions surrounding it, including, but
20 not limited to, all of the following:

21 (A) The city and county where a petition is filed,
22 the date a petition is filed, and the date that a
23 firearms restraining order is issued.

24 (B) The expiration date of the petition.

25 (C) Whether the respondent is alleged in the
26 petition to pose a clear and present danger of causing

1 personal injury only to himself or herself, only to
2 another, or to both himself or herself and another.

3 (D) A brief synopsis of the events precipitating
4 and giving rise to the petition.

5 (E) The eventual legal outcome of a petition,
6 including:

7 (i) whether an emergency firearms restraining
8 order was granted, denied, or renewed under
9 Section 35 and the reasons for the determination;

10 (ii) whether a one-year firearms restraining
11 order was granted, denied, or renewed under
12 Section 40 and the reasons for the determination;

13 (iii) whether the case surrounding the
14 petition was dismissed and, if so, the reasons for
15 the dismissal; and

16 (iv) whether the respondent contested the
17 issuance of a firearms restraining order.

18 (F) Whether a respondent was served with notice of
19 a firearms restraining order and, if so, the date he or
20 she was served.

21 (G) Whether the respondent was arrested,
22 hospitalized, or referred for psychiatric services for
23 the respondent's actions leading to the petition.

24 (H) Whether a search warrant was issued to
25 determine whether the respondent had in his or her
26 custody or control, purchased, possessed, or received

1 any firearms or ammunition or firearm parts that could
2 be assembled to make an operable firearm.

3 (4) Information regarding any firearms at issue,
4 including, but not limited to, all of the following:

5 (A) The number and type of firearms in the
6 respondent's possession or that are accessible to the
7 respondent.

8 (B) The number and type of firearms recovered,
9 seized, or transferred from the respondent as a result
10 of a petition.

11 (C) The number of possible firearms in the
12 respondent's possession or that are accessible to the
13 respondent and that are unaccounted for.

14 (D) Whether a respondent complied with a firearms
15 restraining order issued under this Act.

16 The information in the database shall be public, but
17 information disclosed to the public from the database shall
18 not contain any personal identifying information.

19 (430 ILCS 67/60)

20 Sec. 60. Filing of a firearms restraining order issued by
21 another state.

22 (a) A person who has sought a firearms restraining order
23 or similar order to temporarily remove firearms issued by the
24 court of another state, tribe, or United States territory may
25 file a file-stamped ~~certified~~ copy of the firearms restraining

1 order with the clerk of the court in a judicial circuit in
2 which the person believes that enforcement may be necessary.

3 (b) The clerk shall:

4 (1) treat the foreign firearms restraining order in
5 the same manner as a judgment of the circuit court for any
6 county of this State in accordance with the provisions of
7 the Uniform Enforcement of Foreign Judgments Act, except
8 that the clerk shall not mail notice of the filing of the
9 foreign order to the respondent named in the order; and

10 (2) on the same day that a foreign firearms
11 restraining order is filed, file a file-stamped ~~certified~~
12 copy of that order with the sheriff in the county in which
13 it is filed or other law enforcement officials charged
14 with maintaining Illinois State Police records as set
15 forth in Section 55 of this Act.

16 (c) Neither residence in this State nor filing of a
17 foreign firearms restraining order shall be required for
18 enforcement of the order by this State. Failure to file the
19 foreign order shall not be an impediment to its treatment in
20 all respects as an Illinois firearms restraining order.

21 (d) The clerk shall not charge a fee to file a foreign
22 order of protection under this Section.

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

24 (430 ILCS 67/63 new)

25 Sec. 63. Office of Firearms Restraining Order

1 Coordination.

2 (a) Subject to appropriation from State and federal funds,
3 there is established within the Department of Human Services
4 the Office of Firearms Restraining Order Coordination. The
5 Office shall consist of a Director and 5 Coordinators,
6 appointed by the Secretary of Human Services. One Coordinator
7 shall be selected from each of the 5 Illinois Appellate Court
8 Districts and shall serve as a liaison between petitioners,
9 State's Attorney offices, and the courts within that Appellate
10 District in matters concerning firearms restraining orders.
11 The Department of Human Services shall adopt any rules it
12 deems necessary to implement this Section.

13 (b) Edward Byrne Memorial Justice Assistance Grant (JAG)
14 program funds received by the State of Illinois from the
15 federal government may be used to hire county Firearms
16 Restraining Order coordinators, train law enforcement and
17 other collaborators about implementing this Act, fund the
18 establishment and maintenance of the centralized State
19 database created under Section 58, including, but not limited
20 to, the collection of data and the hiring of personnel to
21 operate and maintain the database, and fund other methods of
22 implementation of this Act.

23 (430 ILCS 67/65)

24 Sec. 65. Enforcement; sanctions ~~for violation of order.~~

25 (a) A respondent who knowingly violates a firearms

1 restraining order is guilty of a Class A misdemeanor.
2 Prosecution for a violation of a firearms restraining order
3 shall not bar concurrent prosecution for any other crime,
4 including any crime that may have been committed at the time of
5 the violation of the firearms restraining order.

6 (b) The lawful owner of a firearm may not knowingly,
7 recklessly, or negligently allow the subject of a firearms
8 restraining order to access the firearms of the lawful owner.
9 The court may award a person aggrieved by a violation of this
10 subsection actual and punitive damages, as well as attorney's
11 fees and other costs.

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

13 (430 ILCS 67/80)

14 Sec. 80. Expungement or sealing of order. If the court
15 denies issuance of a firearms restraining order against the
16 respondent, all records of the proceeding shall be immediately
17 expunged from the court records. ~~If the firearms restraining~~
18 ~~order is granted, all records of the proceeding shall, 3 years~~
19 ~~after the expiration of the order, be sealed.~~

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

21 Section 30. The Illinois Vehicle Code is amended by
22 changing Section 3-415 as follows:

23 (625 ILCS 5/3-415) (from Ch. 95 1/2, par. 3-415)

1 Sec. 3-415. Application for and renewal of registration.

2 (a) Calendar year. Application for renewal of a vehicle
3 registration shall be made by the owner, as to those vehicles
4 required to be registered on a calendar registration year, not
5 later than December 1 of each year, upon proper application
6 and by payment of the registration fee and tax for such
7 vehicle, as provided by law except that application for
8 renewal of a vehicle registration, as to those vehicles
9 required to be registered on a staggered calendar year basis,
10 shall be made by the owner in the form and manner prescribed by
11 the Secretary of State.

12 (b) Fiscal year. Application for renewal of a vehicle
13 registration shall be made by the owner, as to those vehicles
14 required to be registered on a fiscal registration year, not
15 later than June 1 of each year, upon proper application and by
16 payment of the registration fee and tax for such vehicle as
17 provided by law, except that application for renewal of a
18 vehicle registration, as to those vehicles required to be
19 registered on a staggered fiscal year basis, shall be made by
20 the owner in the form and manner prescribed by the Secretary of
21 State.

22 (c) Two calendar years. Application for renewal of a
23 vehicle registration shall be made by the owner, as to those
24 vehicles required to be registered for 2 calendar years, not
25 later than December 1 of the year preceding commencement of
26 the 2-year registration period, except that application for

1 renewal of a vehicle registration, as to those vehicles
2 required to be registered for 2 years on a staggered
3 registration basis, shall be made by the owner in the form and
4 manner prescribed by the Secretary of State.

5 (d) Two fiscal years. Application for renewal of a vehicle
6 registration shall be made by the owner, as to those vehicles
7 required to be registered for 2 fiscal years, not later than
8 June 1 immediately preceding commencement of the 2-year
9 registration period, except that application for renewal of a
10 vehicle registration, as to those vehicles required to be
11 registered for 2 fiscal years on a staggered registration
12 basis, shall be made by the owner in the form and manner
13 prescribed by the Secretary of State.

14 (d-5) Three calendar years. Application for renewal of a
15 vehicle registration shall be made by the owner, as to those
16 vehicles required to be registered for 3 calendar years, not
17 later than December 1 of the year preceding commencement of
18 the 3-year registration period.

19 (d-10) Five calendar years. Application for renewal of a
20 vehicle registration shall be made by the owner, as to those
21 vehicles required to be registered for 5 calendar years, not
22 later than December 1 of the year preceding commencement of
23 the 5-year registration period.

24 (e) Time of application. The Secretary of State may
25 receive applications for renewal of registration and grant the
26 same and issue new registration cards and plates or

1 registration stickers at any time prior to expiration of
2 registration. No person shall display upon a vehicle, the new
3 registration plates or registration stickers prior to the
4 dates the Secretary of State in his discretion may select.

5 (f) Verification. The Secretary of State may further
6 require, as to vehicles for-hire, that applications be
7 accompanied by verification that fees due under the Illinois
8 Motor Carrier of Property Law, as amended, have been paid.

9 (g) (Blank).

10 (h) Returning combat mission veterans. Beginning in
11 registration year 2017, the application for renewal, and
12 subsequent fees, of a vehicle registration for a member of the
13 active-duty or reserve component of the United States Armed
14 Forces returning from a combat mission shall not be required
15 for that service member's next scheduled renewal. Proof of
16 combat mission service shall come from the service member's
17 hostile fire pay or imminent danger pay documentation received
18 any time in the 12 months preceding the registration renewal.
19 Nothing in this subsection is applicable to the additional
20 fees incurred by specialty, personalized, or vanity license
21 plates.

22 (i) If an applicant for renewal of motor vehicle
23 registration is ordered to surrender the applicant's Firearm
24 Owner's Identification Card, firearms, and firearm ammunition
25 to a law enforcement agency under the Illinois Domestic
26 Violence Act of 1986, Article 112A of the Code of Criminal

1 Procedure of 1963, the Firearm Owners Identification Card Act,
2 or the Firearms Restraining Order Act and fails to complete
3 the transfer at the time of application for renewal of
4 registration, the Secretary of State shall not renew the
5 registration until the applicant fully complies with the
6 order. Upon the court finding that the respondent is not in
7 compliance with an order to surrender the applicant's Firearm
8 Owner's Identification Card, firearms, and firearm ammunition
9 to a law enforcement agency under the Illinois Domestic
10 Violence Act of 1986, Article 112A of the Code of Criminal
11 Procedure of 1963, the Firearm Owners Identification Card Act,
12 or the Firearms Restraining Order Act, the circuit court shall
13 report to the Secretary of State, on a form prescribed by the
14 Secretary, the respondent's noncompliance. If the respondent
15 complies with the order, the circuit court shall make a
16 similar report to the Secretary within 3 days of the
17 respondent's compliance.

18 (j) The Secretary of State shall not renew the motor
19 vehicle registration of any person with a revoked Firearm
20 Owner's Identification Card or a revoked concealed carry
21 license who has not surrendered the person's firearms to a law
22 enforcement agency as provided in the Illinois Domestic
23 Violence Act of 1986, Article 112A of the Code of Criminal
24 Procedure of 1963, the Firearm Owners Identification Card Act,
25 or the Firearms Restraining Order Act.

26 (Source: P.A. 98-539, eff. 1-1-14; 98-787, eff. 7-25-14;

1 99-32, eff. 7-10-15; 99-80, eff. 1-1-16; 99-642, eff.
2 7-28-16.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

10 Section 97. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.

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3	5 ILCS 120/2	from Ch. 102, par. 42
4	20 ILCS 2605/2605-51.1	
5	55 ILCS 5/3-9005	from Ch. 34, par. 3-9005
6	405 ILCS 5/6-103.3	
7	430 ILCS 65/8.1	from Ch. 38, par. 83-8.1
8	430 ILCS 67/5	
9	430 ILCS 67/10	
10	430 ILCS 67/35	
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20	430 ILCS 67/65	
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22	625 ILCS 5/3-415	from Ch. 95 1/2, par. 3-415