

# HB1134



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1134

Introduced 1/12/2023, by Rep. Chris Miller

### SYNOPSIS AS INTRODUCED:

See Index

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

LRB103 05118 RLC 50132 b

A BILL FOR

1 AN ACT concerning firearms.

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

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

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

7 Sec. 2. Open meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (9) Student disciplinary cases.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 as mandated by Section 2.06.

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

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

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

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

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

19 (27) (Blank).

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

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

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

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

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

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

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

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



1 Revenue Law of the Civil Administrative Code of Illinois.

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

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

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

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

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

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

1 amendatory Act of the 103rd General Assembly.

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

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

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

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

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

26 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;

1 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.  
2 8-20-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

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

5 (5 ILCS 140/7.5)

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

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

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

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

21 (d) Information and records held by the Department of  
22 Public Health and its authorized representatives relating  
23 to known or suspected cases of sexually transmissible  
24 disease or any information the disclosure of which is

1 restricted under the Illinois Sexually Transmissible  
2 Disease Control Act.

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

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

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

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

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

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

24 (k) Law enforcement officer identification information  
25 or driver identification information compiled by a law  
26 enforcement agency or the Department of Transportation

1 under Section 11-212 of the Illinois Vehicle Code.

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

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

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

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

20 (p) Security portions of system safety program plans,  
21 investigation reports, surveys, schedules, lists, data, or  
22 information compiled, collected, or prepared by or for the  
23 Department of Transportation under Sections 2705-300 and  
24 2705-616 of the Department of Transportation Law of the  
25 Civil Administrative Code of Illinois, the Regional  
26 Transportation Authority under Section 2.11 of the

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

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

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

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

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

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

1 (v) Names and information of people who have applied  
2 for or received Firearm Owner's Identification Cards under  
3 the Firearm Owners Identification Card Act before the  
4 effective date of this amendatory Act of the 103rd General  
5 Assembly or applied for or received a concealed carry  
6 license under the Firearm Concealed Carry Act, unless  
7 otherwise authorized by the Firearm Concealed Carry Act;  
8 and databases under the Firearm Concealed Carry Act,  
9 records of the Concealed Carry Licensing Review Board  
10 under the Firearm Concealed Carry Act, and law enforcement  
11 agency objections under the Firearm Concealed Carry Act.

12 (v-5) Records of the Firearm Owner's Identification  
13 Card Review Board that are exempted from disclosure under  
14 Section 10 of the Firearm Owners Identification Card Act  
15 before the effective date of this amendatory Act of the  
16 103rd General Assembly.

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

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

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

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

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

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

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

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

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

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

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

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

26 (hh) Records that are exempt from disclosure under



1 Section 1A-16.7 of the Election Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (aaa) Information prohibited from being disclosed

1 under Section 1-167 of the Illinois Pension Code.

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

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

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

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

15 (fff) Images from cameras under the Expressway Camera  
16 Act. This subsection (fff) is inoperative on and after  
17 July 1, 2023.

18 (ggg) ~~(fff)~~ Information prohibited from disclosure  
19 under paragraph (3) of subsection (a) of Section 14 of the  
20 Nurse Agency Licensing Act.

21 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;  
22 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.  
23 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,  
24 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;  
25 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.  
26 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,

1 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;  
2 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.  
3 7-1-22; 102-1042, eff. 6-3-22; revised 8-1-22.)

4 Section 5.5. The Illinois TRUST Act is amended by changing  
5 Section 15 as follows:

6 (5 ILCS 805/15)

7 Sec. 15. Prohibition on enforcing federal civil  
8 immigration laws.

9 (a) A law enforcement agency or law enforcement official  
10 shall not detain or continue to detain any individual solely  
11 on the basis of any immigration detainer or civil immigration  
12 warrant or otherwise comply with an immigration detainer or  
13 civil immigration warrant.

14 (b) A law enforcement agency or law enforcement official  
15 shall not stop, arrest, search, detain, or continue to detain  
16 a person solely based on an individual's citizenship or  
17 immigration status.

18 (c) (Blank).

19 (d) A law enforcement agency or law enforcement official  
20 acting in good faith in compliance with this Section who  
21 releases a person subject to an immigration detainer or civil  
22 immigration warrant shall have immunity from any civil or  
23 criminal liability that might otherwise occur as a result of  
24 making the release, with the exception of willful or wanton

1 misconduct.

2 (e) A law enforcement agency or law enforcement official  
3 may not inquire about or investigate the citizenship or  
4 immigration status or place of birth of any individual in the  
5 agency or official's custody or who has otherwise been stopped  
6 or detained by the agency or official. Nothing in this  
7 subsection shall be construed to limit the ability of a law  
8 enforcement agency or law enforcement official, pursuant to  
9 State or federal law, to notify a person in the law enforcement  
10 agency's custody about that person's right to communicate with  
11 consular officers from that person's country of nationality,  
12 or facilitate such communication, in accordance with the  
13 Vienna Convention on Consular Relations or other bilateral  
14 agreements. Nothing in this subsection shall be construed to  
15 limit the ability of a law enforcement agency or law  
16 enforcement official to request evidence of citizenship or  
17 immigration status pursuant to ~~the Firearm Owners~~  
18 ~~Identification Card Act,~~ the Firearm Concealed Carry Act,  
19 Article 24 of the Criminal Code of 2012, or 18 United States  
20 Code Sections 921 through 931.

21 (f) Unless otherwise limited by federal law, a law  
22 enforcement agency or law enforcement official may not deny  
23 services, benefits, privileges, or opportunities to an  
24 individual in custody or under probation status, including,  
25 but not limited to, eligibility for or placement in a lower  
26 custody classification, educational, rehabilitative, or

1 diversionary programs, on the basis of the individual's  
2 citizenship or immigration status, the issuance of an  
3 immigration detainer or civil immigration warrant against the  
4 individual, or the individual being in immigration removal  
5 proceedings.

6 (g) (1) No law enforcement agency, law enforcement  
7 official, or any unit of State or local government may enter  
8 into or renew any contract, intergovernmental service  
9 agreement, or any other agreement to house or detain  
10 individuals for federal civil immigration violations.

11 (2) Any law enforcement agency, law enforcement official,  
12 or unit of State or local government with an existing  
13 contract, intergovernmental agreement, or other agreement,  
14 whether in whole or in part, that is utilized to house or  
15 detain individuals for civil immigration violations shall  
16 exercise the termination provision in the agreement as applied  
17 to housing or detaining individuals for civil immigration  
18 violations no later than January 1, 2022.

19 (h) Unless presented with a federal criminal warrant, or  
20 otherwise required by federal law, a law enforcement agency or  
21 official may not:

22 (1) participate, support, or assist in any capacity  
23 with an immigration agent's enforcement operations,  
24 including any collateral assistance such as coordinating  
25 an arrest in a courthouse or other public facility,  
26 providing use of any equipment, transporting any

1 individuals, or establishing a security or traffic  
2 perimeter surrounding such operations, or any other  
3 on-site support;

4 (2) give any immigration agent access, including by  
5 telephone, to any individual who is in that agency's  
6 custody;

7 (3) transfer any person into an immigration agent's  
8 custody;

9 (4) permit immigration agents use of agency facilities  
10 or equipment, including any agency electronic databases  
11 not available to the public, for investigative interviews  
12 or other investigative or immigration enforcement purpose;

13 (5) enter into or maintain any agreement regarding  
14 direct access to any electronic database or other  
15 data-sharing platform maintained by any law enforcement  
16 agency, or otherwise provide such direct access to the  
17 U.S. Immigration and Customs Enforcement, United States  
18 Customs and Border Protection or any other federal entity  
19 enforcing civil immigration violations;

20 (6) provide information in response to any immigration  
21 agent's inquiry or request for information regarding any  
22 individual in the agency's custody; or

23 (7) provide to any immigration agent information not  
24 otherwise available to the public relating to an  
25 individual's release or contact information, or otherwise  
26 facilitate for an immigration agent to apprehend or

1 question an individual for immigration enforcement.

2 (i) Nothing in this Section shall preclude a law  
3 enforcement official from otherwise executing that official's  
4 duties in investigating violations of criminal law and  
5 cooperating in such investigations with federal and other law  
6 enforcement agencies (including criminal investigations  
7 conducted by federal Homeland Security Investigations (HSI))  
8 in order to ensure public safety.

9 (Source: P.A. 102-234, eff. 8-2-21; revised 9-14-22.)

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

12 (5 ILCS 830/10-5)

13 Sec. 10-5. Gun trafficking information.

14 (a) The Illinois State Police shall use all reasonable  
15 efforts in making publicly available, on a regular and ongoing  
16 basis, key information related to firearms used in the  
17 commission of crimes in this State, including, but not limited  
18 to: reports on crimes committed with firearms, locations where  
19 the crimes occurred, the number of persons killed or injured  
20 in the commission of the crimes, the state where the firearms  
21 used originated, the Federal Firearms Licensee that sold the  
22 firearm, the type of firearms used, annual statistical  
23 information concerning ~~Firearm Owner's Identification Card and~~  
24 concealed carry license applications, revocations, ~~and~~



1 ~~compliance with Section 9.5 of the Firearm Owners~~  
2 ~~Identification Card Act,~~ firearm restraining order  
3 dispositions, and firearm dealer license certification  
4 inspections. The Illinois State Police shall make the  
5 information available on its website, which may be presented  
6 in a dashboard format, in addition to electronically filing a  
7 report with the Governor and the General Assembly. The report  
8 to the General Assembly shall be filed with the Clerk of the  
9 House of Representatives and the Secretary of the Senate in  
10 electronic form only, in the manner that the Clerk and the  
11 Secretary shall direct.

12 (b) The Illinois State Police shall study, on a regular  
13 and ongoing basis, and compile reports on the number of NICS  
14 ~~Firearm Owner's Identification Card~~ checks to determine  
15 firearms trafficking or straw purchase patterns. The Illinois  
16 State Police shall, to the extent not inconsistent with law,  
17 share such reports and underlying data with academic centers,  
18 foundations, and law enforcement agencies studying firearms  
19 trafficking, provided that personally identifying information  
20 is protected. ~~For purposes of this subsection (b), a Firearm~~  
21 ~~Owner's Identification Card number is not personally~~  
22 ~~identifying information, provided that no other personal~~  
23 ~~information of the card holder is attached to the record. The~~  
24 ~~Illinois State Police may create and attach an alternate~~  
25 ~~unique identifying number to each Firearm Owner's~~  
26 ~~Identification Card number, instead of releasing the Firearm~~

1 ~~Owner's Identification Card number itself.~~

2 (c) Each department, office, division, and agency of this  
3 State shall, to the extent not inconsistent with law,  
4 cooperate fully with the Illinois State Police and furnish the  
5 Illinois State Police with all relevant information and  
6 assistance on a timely basis as is necessary to accomplish the  
7 purpose of this Act. The Illinois Criminal Justice Information  
8 Authority shall submit the information required in subsection  
9 (a) of this Section to the Illinois State Police, and any other  
10 information as the Illinois State Police may request, to  
11 assist the Illinois State Police in carrying out its duties  
12 under this Act.

13 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
14 102-813, eff. 5-13-22.)

15 Section 6.5. The First Responders Suicide Prevention Act  
16 is amended by changing Section 40 as follows:

17 (5 ILCS 840/40)

18 Sec. 40. Task Force recommendations.

19 (a) Task Force members shall recommend that agencies and  
20 organizations guarantee access to mental health and wellness  
21 services, including, but not limited to, peer support programs  
22 and providing ongoing education related to the ever-evolving  
23 concept of mental health wellness. These recommendations could  
24 be accomplished by:

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

3           (2) Urging health care providers to replace outdated  
4 healthcare plans and include more progressive options  
5 catering to the needs and disproportionate risks  
6 shouldered by our first responders.

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

10           (4) Encouraging agencies and organizations to attach  
11 lists of all available resources to training manuals and  
12 continuing education requirements.

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

18           (1) Assigning, appointing, or designating one member  
19 of an agency or organization to attend specialized  
20 training(s) sponsored by an accredited agency,  
21 association, or organization recognized in their fields of  
22 study.

23           (2) Seeking sponsorships or conducting fund-raisers,  
24 to host annual or semiannual on-site visits from qualified  
25 clinicians or physicians to provide early detection  
26 training techniques, or to provide regular access to

1 mental health professionals.

2 (3) Requiring a minimum number of hours of disorders  
3 and wellness training be incorporated into reoccurring,  
4 annual or biannual training standards, examinations, and  
5 curriculums, taking into close consideration respective  
6 agency or organization size, frequency, and number of all  
7 current federal and state mandatory examinations and  
8 trainings expected respectively.

9 (4) Not underestimating the crucial importance of a  
10 balanced diet, sleep, mindfulness-based stress reduction  
11 techniques, moderate and vigorous intensity activities,  
12 and recreational hobbies, which have been scientifically  
13 proven to play a major role in brain health and mental  
14 wellness.

15 (c) Task Force members shall recommend that administrators  
16 and leadership personnel solicit training services from  
17 evidence-based, data driven organizations. Organizations with  
18 personnel trained on the analytical review and interpretation  
19 of specific fields related to the nature of first responders'  
20 exploits, such as PTSD, substance abuse, chronic state of  
21 duress. Task Force members shall further recommend funding for  
22 expansion and messaging campaigns of preliminary  
23 self-diagnosing technologies like the one described above.  
24 These objectives could be met by:

25 (1) Contacting an accredited agency, association, or  
26 organization recognized in the field or fields of specific

1 study. Unbeknownst to the majority, many of the agencies  
2 and organizations listed above receive grants and  
3 allocations to assist communities with the very issues  
4 being discussed in this Section.

5 (2) Normalizing help-seeking behaviors for both first  
6 responders and their families through regular messaging  
7 and peer support outreach, beginning with academy  
8 curricula and continuing education throughout individuals'  
9 careers.

10 (3) Funding and implementing PSA campaigns that  
11 provide clear and concise calls to action about mental  
12 health and wellness, resiliency, help-seeking, treatment,  
13 and recovery.

14 (4) Promoting and raising awareness of not-for-profit  
15 ~~non-for-profit~~ organizations currently available to assist  
16 individuals in search of care and treatment. Organizations  
17 have intuitive user-friendly sites, most of which have  
18 mobile applications, so first responders can access at a  
19 moment's notice. However, because of limited funds, these  
20 organizations have a challenging time of getting the word  
21 out there about their existence.

22 (5) Expanding Family and Medical Leave Act protections  
23 for individuals voluntarily seeking preventative  
24 treatment.

25 (6) Promoting and ensuring complete patient  
26 confidentiality protections.

1 (d) Task Force members shall recommend that agencies and  
2 organizations incorporate the following training components  
3 into already existing modules and educational curriculums.  
4 Doing so could be done by:

5 (1) Bolstering academy and school curricula by  
6 requiring depressive disorder training catered to PTSD,  
7 substance abuse, and early detection techniques training,  
8 taking into close consideration respective agency or  
9 organization size, and the frequency and number of all  
10 current federal and state mandatory examinations and  
11 trainings expected respectively.

12 (2) Continuing to allocate or match federal and state  
13 funds to maintain Mobile ~~Mobil~~ Training Units (MTUs).

14 (3) Incorporating a state certificate for peer support  
15 training into already exiting statewide curriculums and  
16 mandatory examinations, annual State Fire Marshal  
17 examinations, and physical fitness examinations. The  
18 subject matter of the certificate should have an emphasis  
19 on mental health and wellness, as well as familiarization  
20 with topics ranging from clinical social work, clinical  
21 psychology, clinical behaviorist, and clinical psychiatry.

22 (4) Incorporating and performing statewide mental  
23 health check-ins during the same times as already mandated  
24 trainings. These checks are not to be compared or used as  
25 measures of fitness for duty evaluations or structured  
26 psychological examinations.

1           (5) Recommending comprehensive and evidence-based  
2 training on the importance of preventative measures on the  
3 topics of sleep, nutrition, mindfulness, and physical  
4 movement.

5           (6) (Blank). ~~Law enforcement agencies should provide~~  
6 ~~training on the Firearm Owner's Identification Card Act,~~  
7 ~~including seeking relief from the Illinois State Police~~  
8 ~~under Section 10 of the Firearm Owners Identification Card~~  
9 ~~Act and a FOID card being a continued condition of~~  
10 ~~employment under Section 7.2 of the Uniform Peace~~  
11 ~~Officers' Disciplinary Act.~~

12 (Source: P.A. 102-352, eff. 6-1-22; revised 8-8-22.)

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

16           (20 ILCS 805/805-538)

17           Sec. 805-538. Retiring officer; purchase of service  
18 firearm and police badge. The Director of Natural Resources  
19 shall establish a program to allow a Conservation Police  
20 Officer who is honorably retiring in good standing to purchase  
21 either one or both of the following: (1) any Department of  
22 Natural Resources police badge previously issued to that  
23 officer; or (2) ~~if the officer has a currently valid Firearm~~  
24 ~~Owner's Identification Card,~~ the service firearm issued or

1 previously issued to the officer by the Department of Natural  
2 Resources. The cost of the firearm shall be the replacement  
3 value of the firearm and not the firearm's fair market value.  
4 (Source: P.A. 100-931, eff. 8-17-18.)

5 Section 8. The Department of Revenue Law of the Civil  
6 Administrative Code of Illinois is amended by changing Section  
7 2505-306 as follows:

8 (20 ILCS 2505/2505-306)

9 Sec. 2505-306. Retiring investigators; purchase of service  
10 firearm and badge. The Director shall establish a program to  
11 allow a Department investigator who is honorably retiring in  
12 good standing to purchase either one or both of the following:  
13 (1) any badge previously issued to the investigator by the  
14 Department; or (2) ~~if the investigator has a currently valid~~  
15 ~~Firearm Owner's Identification Card,~~ the service firearm  
16 issued or previously issued to the investigator by the  
17 Department. The cost of the firearm shall be the replacement  
18 value of the firearm and not the firearm's fair market value.  
19 (Source: P.A. 102-719, eff. 5-6-22.)

20 Section 10. The Department of State Police Law of the  
21 Civil Administrative Code of Illinois is amended by changing  
22 Sections 2605-10, 2605-45, 2605-200, 2605-595, and 2605-605 as  
23 follows:



1 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

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

3 (a) The Illinois State Police shall exercise the rights,  
4 powers, and duties that have been vested in the Illinois State  
5 Police by the following:

6 The Illinois State Police Act.

7 The Illinois State Police Radio Act.

8 The Criminal Identification Act.

9 The Illinois Vehicle Code.

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

11 The Firearm Concealed Carry Act.

12 The Gun Dealer Licensing Act.

13 The Intergovernmental Missing Child Recovery Act of 1984.

14 The Intergovernmental Drug Laws Enforcement Act.

15 The Narcotic Control Division Abolition Act.

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

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

19 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

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

22 (1) Operate and maintain the Law Enforcement Agencies  
23 Data System (LEADS), a statewide, computerized  
24 telecommunications system designed to provide services,

1 information, and capabilities to the law enforcement and  
2 criminal justice community in the State of Illinois. The  
3 Director is responsible for establishing policy,  
4 procedures, and regulations consistent with State and  
5 federal rules, policies, and law by which LEADS operates.  
6 The Director shall designate a statewide LEADS  
7 Administrator for management of the system. The Director  
8 may appoint a LEADS Advisory Policy Board to reflect the  
9 needs and desires of the law enforcement and criminal  
10 justice community and to make recommendations concerning  
11 policies and procedures.

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

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

17 (4) Operate an electronic data processing and computer  
18 center for the storage and retrieval of data pertaining to  
19 criminal activity.

20 (5) Exercise the rights, powers, and duties vested in  
21 the Illinois State Police by the Cannabis Regulation and  
22 Tax Act and the Compassionate Use of Medical Cannabis  
23 Program Act.

24 (6) (Blank).

25 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~  
26 ~~vested in the Illinois State Police by the Firearm Owners~~

1 ~~Identification Card Act, the Firearm Concealed Carry Act,~~  
2 ~~and the Firearm Dealer License Certification Act.~~

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

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

9 (9) Exercise the powers and perform the duties that  
10 have been vested in the Illinois State Police by the Sex  
11 Offender Registration Act and the Sex Offender Community  
12 Notification Law and adopt reasonable rules necessitated  
13 thereby.

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

15 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)  
16 Sec. 2605-200. Investigations of crime; enforcement of  
17 laws; records; crime laboratories; personnel.

18 (a) To do the following:

19 (1) Investigate the origins, activities, personnel,  
20 and incidents of crime and the ways and means to redress  
21 the victims of crimes; study the impact, if any, of  
22 legislation relative to the effusion of crime and growing  
23 crime rates; and enforce the criminal laws of this State  
24 related thereto.

25 (2) Enforce all laws regulating the production, sale,

1       prescribing, manufacturing, administering, transporting,  
2       having in possession, dispensing, delivering,  
3       distributing, or use of controlled substances and  
4       cannabis.

5               (3) Employ skilled experts, scientists, technicians,  
6       investigators, or otherwise specially qualified persons to  
7       aid in preventing or detecting crime, apprehending  
8       criminals, or preparing and presenting evidence of  
9       violations of the criminal laws of the State.

10              (4) Cooperate with the police of cities, villages, and  
11       incorporated towns and with the police officers of any  
12       county in enforcing the laws of the State and in making  
13       arrests and recovering property.

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

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

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

21              (8) Be a central repository for criminal history  
22       record information.

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

26              (10) Procure and file for record copies of

1 fingerprints that may be required by law.

2 (11) Establish general and field crime laboratories.

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

8 (13) Employ laboratory technicians and other specially  
9 qualified persons to aid in the identification of criminal  
10 activity and the identification, collection, and recovery  
11 of cyber forensics, including but not limited to digital  
12 evidence, and may employ polygraph operators.

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

16 (b) Persons exercising the powers set forth in subsection  
17 (a) within the Illinois State Police are conservators of the  
18 peace and as such have all the powers possessed by policemen in  
19 cities and sheriffs, except that they may exercise those  
20 powers anywhere in the State in cooperation with and after  
21 contact with the local law enforcement officials. Those  
22 persons may use false or fictitious names in the performance  
23 of their duties under this Section, upon approval of the  
24 Director, and shall not be subject to prosecution under the  
25 criminal laws for that use.

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

1 (20 ILCS 2605/2605-595)

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

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

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

22 (b) The Illinois State Police may use moneys in the Fund to  
23 finance any of its lawful purposes, mandates, functions, and  
24 duties under ~~the Firearm Owners Identification Card Act~~, the  
25 Firearm Dealer License Certification Act, ~~7~~ and the Firearm

1 Concealed Carry Act, including the cost of sending notices of  
2 expiration of ~~Firearm Owner's Identification Cards~~, concealed  
3 carry licenses, the prompt and efficient processing of  
4 applications under the ~~Firearm Owners Identification Card Act~~  
5 ~~and the~~ Firearm Concealed Carry Act, the improved efficiency  
6 and reporting of the LEADS and federal NICS law enforcement  
7 data systems, and support for investigations required under  
8 these Acts and law. Any surplus funds beyond what is needed to  
9 comply with the aforementioned purposes shall be used by the  
10 Illinois State Police to improve the Law Enforcement Agencies  
11 Data System (LEADS) and criminal history background check  
12 system.

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

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

17 (20 ILCS 2605/2605-605)

18 Sec. 2605-605. Violent Crime Intelligence Task Force. The  
19 Director of the Illinois State Police shall establish a  
20 statewide multi-jurisdictional Violent Crime Intelligence Task  
21 Force led by the Illinois State Police dedicated to combating  
22 gun violence, gun-trafficking, and other violent crime with  
23 the primary mission of preservation of life and reducing the  
24 occurrence and the fear of crime. The objectives of the Task  
25 Force shall include, but not be limited to, reducing and

1 preventing illegal possession and use of firearms,  
2 firearm-related homicides, and other violent crimes, and  
3 solving firearm-related crimes.

4 (1) The Task Force may develop and acquire information,  
5 training, tools, and resources necessary to implement a  
6 data-driven approach to policing, with an emphasis on  
7 intelligence development.

8 (2) The Task Force may utilize information sharing,  
9 partnerships, crime analysis, and evidence-based practices to  
10 assist in the reduction of firearm-related shootings,  
11 homicides, and gun-trafficking, including, but not limited to,  
12 ballistic data, eTrace data, DNA evidence, latent  
13 fingerprints, firearm training data, and National Integrated  
14 Ballistic Information Network (NIBIN) data. The Task Force may  
15 design a model crime gun intelligence strategy which may  
16 include, but is not limited to, comprehensive collection and  
17 documentation of all ballistic evidence, timely transfer of  
18 NIBIN and eTrace leads to an intelligence center, which may  
19 include the Division of Criminal Investigation of the Illinois  
20 State Police, timely dissemination of intelligence to  
21 investigators, investigative follow-up, and coordinated  
22 prosecution.

23 (3) The Task Force may recognize and utilize best  
24 practices of community policing and may develop potential  
25 partnerships with faith-based and community organizations to  
26 achieve its goals.



1           (4) The Task Force may identify and utilize best practices  
2 in drug-diversion programs and other community-based services  
3 to redirect low-level offenders.

4           (5) The Task Force may assist in violence suppression  
5 strategies including, but not limited to, details in  
6 identified locations that have shown to be the most prone to  
7 gun violence and violent crime, focused deterrence against  
8 violent gangs and groups considered responsible for the  
9 violence in communities, and other intelligence driven methods  
10 deemed necessary to interrupt cycles of violence or prevent  
11 retaliation.

12           (6) In consultation with the Chief Procurement Officer,  
13 the Illinois State Police may obtain contracts for software,  
14 commodities, resources, and equipment to assist the Task Force  
15 with achieving this Act. Any contracts necessary to support  
16 the delivery of necessary software, commodities, resources,  
17 and equipment are not subject to the Illinois Procurement  
18 Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and  
19 Article 50 of that Code, provided that the Chief Procurement  
20 Officer may, in writing with justification, waive any  
21 certification required under Article 50 of the Illinois  
22 Procurement Code.

23           (7) (Blank). ~~The Task Force shall conduct enforcement~~  
24 ~~operations against persons whose Firearm Owner's~~  
25 ~~Identification Cards have been revoked or suspended and~~  
26 ~~persons who fail to comply with the requirements of Section~~

1 ~~9.5 of the Firearm Owners Identification Card Act,~~  
2 ~~prioritizing individuals presenting a clear and present danger~~  
3 ~~to themselves or to others under paragraph (2) of subsection~~  
4 ~~(d) of Section 8.1 of the Firearm Owners Identification Card~~  
5 ~~Act.~~

6 (8) The Task Force shall collaborate with local law  
7 enforcement agencies to enforce provisions of ~~the Firearm~~  
8 ~~Owners Identification Card Act,~~ the Firearm Concealed Carry  
9 Act, the Firearm Dealer License Certification Act, and Article  
10 24 of the Criminal Code of 2012.

11 (9) To implement this Section, the Director of the  
12 Illinois State Police may establish intergovernmental  
13 agreements with law enforcement agencies in accordance with  
14 the Intergovernmental Cooperation Act.

15 (10) Law enforcement agencies that participate in  
16 activities described in paragraphs (7) through (9) may apply  
17 to the Illinois State Police for grants from the State Police  
18 Revocation Enforcement Fund.

19 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
20 102-813, eff. 5-13-22.)

21 (20 ILCS 2605/2605-304 rep.)

22 (20 ILCS 2605/2605-610 rep.)

23 Section 11. The Illinois State Police Law of the Civil  
24 Administrative Code of Illinois is amended by repealing  
25 Sections 2605-304 and 2605-610.

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

3           (20 ILCS 2610/17b)

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

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

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

18          (20 ILCS 2630/2.2)

19          Sec. 2.2. Notification to the Illinois State Police. Upon  
20          judgment of conviction of a violation of Section 12-1, 12-2,  
21          12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or  
22          the Criminal Code of 2012 when the defendant has been

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

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

18 Section 20.5. The Peace Officer Fire Investigation Act is  
19 amended by changing Section 1 as follows:

20 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 1. Peace officer status.

23 (a) Any person who is a sworn member of any organized and  
24 paid fire department of a political subdivision of this State

1 and is authorized to investigate fires or explosions for such  
2 political subdivision and to determine the cause, origin and  
3 circumstances of fires or explosions that are suspected to be  
4 arson or arson-related crimes, may be classified as a peace  
5 officer by the political subdivision or agency employing such  
6 person. A person so classified shall possess the same powers  
7 of arrest, search and seizure and the securing and service of  
8 warrants as sheriffs of counties, and police officers within  
9 the jurisdiction of their political subdivision. While in the  
10 actual investigation and matters incident thereto, such person  
11 may carry weapons as may be necessary, but only if that person  
12 has satisfactorily completed (1) a training program offered or  
13 approved by the Illinois Law Enforcement Training Standards  
14 Board which substantially conforms to standards promulgated  
15 pursuant to the Illinois Police Training Act and the Peace  
16 Officer and Probation Officer Firearm Training Act; and (2) a  
17 course in fire and arson investigation approved by the Office  
18 of the State Fire Marshal pursuant to the Illinois Fire  
19 Protection Training Act. Such training need not include  
20 exposure to vehicle and traffic law, traffic control and  
21 accident investigation, or first aid, but shall include  
22 training in the law relating to the rights of persons  
23 suspected of involvement in criminal activities.

24 Any person granted the powers enumerated in this  
25 subsection (a) may exercise such powers only during the actual  
26 investigation of the cause, origin and circumstances of such

1 fires or explosions that are suspected to be arson or  
2 arson-related crimes.

3 (b) Persons employed by the Office of the State Fire  
4 Marshal to conduct arson investigations shall be designated  
5 State Fire Marshal Arson Investigator Special Agents and shall  
6 be peace officers with all of the powers of peace officers in  
7 cities and sheriffs in counties, except that they may exercise  
8 those powers throughout the State. These Special Agents may  
9 exercise these powers only when engaging in official duties  
10 during the actual investigation of the cause, origin, and  
11 circumstances of such fires or explosions that are suspected  
12 to be arson or arson-related crimes and may carry weapons at  
13 all times, but only if they have satisfactorily completed (1)  
14 a training course approved by the Illinois Law Enforcement  
15 Training Standards Board that substantially conforms to the  
16 standards promulgated pursuant to the Peace Officer and  
17 Probation Officer Firearm Training Act and (2) a course in  
18 fire and arson investigation approved by the Office of the  
19 State Fire Marshal pursuant to the Illinois Fire Protection  
20 Training Act. Such training need not include exposure to  
21 vehicle and traffic law, traffic control and accident  
22 investigation, or first aid, but shall include training in the  
23 law relating to the rights of persons suspected of involvement  
24 in criminal activities.

25 For purposes of this subsection (b), a "State Fire Marshal  
26 Arson Investigator Special Agent" does not include any fire

1 investigator, fireman, police officer, or other employee of  
2 the federal government; any fire investigator, fireman, police  
3 officer, or other employee of any unit of local government; or  
4 any fire investigator, fireman, police officer, or other  
5 employee of the State of Illinois other than an employee of the  
6 Office of the State Fire Marshal assigned to investigate  
7 arson.

8 The State Fire Marshal must authorize to each employee of  
9 the Office of the State Fire Marshal who is exercising the  
10 powers of a peace officer a distinct badge that, on its face,  
11 (i) clearly states that the badge is authorized by the Office  
12 of the State Fire Marshal and (ii) contains a unique  
13 identifying number. No other badge shall be authorized by the  
14 Office of the State Fire Marshal, except that a badge,  
15 different from the badge issued to peace officers, may be  
16 authorized by the Office of the State Fire Marshal for the use  
17 of fire prevention inspectors employed by that Office. Nothing  
18 in this subsection prohibits the State Fire Marshal from  
19 issuing shields or other distinctive identification to  
20 employees not exercising the powers of a peace officer if the  
21 State Fire Marshal determines that a shield or distinctive  
22 identification is needed by the employee to carry out his or  
23 her responsibilities.

24 (c) The Office of the State Fire Marshal shall establish a  
25 policy to allow a State Fire Marshal Arson Investigator  
26 Special Agent who is honorably retiring or separating in good

1 standing to purchase either one or both of the following: (i)  
2 any badge previously issued to that State Fire Marshal Arson  
3 Investigator Special Agent; or (ii) ~~if the State Fire Marshal~~  
4 ~~Arson Investigator Special Agent has a currently valid Firearm~~  
5 ~~Owner's Identification Card,~~ the service firearm issued or  
6 previously issued to the State Fire Marshal Arson Investigator  
7 Special Agent by the Office of the State Fire Marshal. The cost  
8 of the firearm purchased shall be the replacement value of the  
9 firearm and not the firearm's fair market value. All funds  
10 received by the agency under this program shall be deposited  
11 into the Fire Prevention Fund.

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

13 (Text of Section after amendment by P.A. 102-982)

14 Sec. 1. Peace officer status.

15 (a) Any person who is a sworn member of any organized and  
16 paid fire department of a political subdivision of this State  
17 and is authorized to investigate fires or explosions for such  
18 political subdivision and to determine the cause, origin and  
19 circumstances of fires or explosions that are suspected to be  
20 arson or arson-related crimes, may be classified as a peace  
21 officer by the political subdivision or agency employing such  
22 person. A person so classified shall possess the same powers  
23 of arrest, search and seizure and the securing and service of  
24 warrants as sheriffs of counties, and police officers within  
25 the jurisdiction of their political subdivision. While in the



1 actual investigation and matters incident thereto, such person  
2 may carry weapons as may be necessary, but only if that person  
3 has satisfactorily completed (1) a training program offered or  
4 approved by the Illinois Law Enforcement Training Standards  
5 Board which substantially conforms to standards promulgated  
6 pursuant to the Illinois Police Training Act and the Peace  
7 Officer and Probation Officer Firearm Training Act; and (2) a  
8 course in fire and arson investigation approved by the Office  
9 of the State Fire Marshal pursuant to the Illinois Fire  
10 Protection Training Act. Such training need not include  
11 exposure to vehicle and traffic law, traffic control and crash  
12 investigation, or first aid, but shall include training in the  
13 law relating to the rights of persons suspected of involvement  
14 in criminal activities.

15 Any person granted the powers enumerated in this  
16 subsection (a) may exercise such powers only during the actual  
17 investigation of the cause, origin and circumstances of such  
18 fires or explosions that are suspected to be arson or  
19 arson-related crimes.

20 (b) Persons employed by the Office of the State Fire  
21 Marshal to conduct arson investigations shall be designated  
22 State Fire Marshal Arson Investigator Special Agents and shall  
23 be peace officers with all of the powers of peace officers in  
24 cities and sheriffs in counties, except that they may exercise  
25 those powers throughout the State. These Special Agents may  
26 exercise these powers only when engaging in official duties

1 during the actual investigation of the cause, origin, and  
2 circumstances of such fires or explosions that are suspected  
3 to be arson or arson-related crimes and may carry weapons at  
4 all times, but only if they have satisfactorily completed (1)  
5 a training course approved by the Illinois Law Enforcement  
6 Training Standards Board that substantially conforms to the  
7 standards promulgated pursuant to the Peace Officer and  
8 Probation Officer Firearm Training Act and (2) a course in  
9 fire and arson investigation approved by the Office of the  
10 State Fire Marshal pursuant to the Illinois Fire Protection  
11 Training Act. Such training need not include exposure to  
12 vehicle and traffic law, traffic control and crash  
13 investigation, or first aid, but shall include training in the  
14 law relating to the rights of persons suspected of involvement  
15 in criminal activities.

16 For purposes of this subsection (b), a "State Fire Marshal  
17 Arson Investigator Special Agent" does not include any fire  
18 investigator, fireman, police officer, or other employee of  
19 the federal government; any fire investigator, fireman, police  
20 officer, or other employee of any unit of local government; or  
21 any fire investigator, fireman, police officer, or other  
22 employee of the State of Illinois other than an employee of the  
23 Office of the State Fire Marshal assigned to investigate  
24 arson.

25 The State Fire Marshal must authorize to each employee of  
26 the Office of the State Fire Marshal who is exercising the

1 powers of a peace officer a distinct badge that, on its face,  
2 (i) clearly states that the badge is authorized by the Office  
3 of the State Fire Marshal and (ii) contains a unique  
4 identifying number. No other badge shall be authorized by the  
5 Office of the State Fire Marshal, except that a badge,  
6 different from the badge issued to peace officers, may be  
7 authorized by the Office of the State Fire Marshal for the use  
8 of fire prevention inspectors employed by that Office. Nothing  
9 in this subsection prohibits the State Fire Marshal from  
10 issuing shields or other distinctive identification to  
11 employees not exercising the powers of a peace officer if the  
12 State Fire Marshal determines that a shield or distinctive  
13 identification is needed by the employee to carry out his or  
14 her responsibilities.

15 (c) The Office of the State Fire Marshal shall establish a  
16 policy to allow a State Fire Marshal Arson Investigator  
17 Special Agent who is honorably retiring or separating in good  
18 standing to purchase either one or both of the following: (i)  
19 any badge previously issued to that State Fire Marshal Arson  
20 Investigator Special Agent; or (ii) ~~if the State Fire Marshal~~  
21 ~~Arson Investigator Special Agent has a currently valid Firearm~~  
22 ~~Owner's Identification Card,~~ the service firearm issued or  
23 previously issued to the State Fire Marshal Arson Investigator  
24 Special Agent by the Office of the State Fire Marshal. The cost  
25 of the firearm purchased shall be the replacement value of the  
26 firearm and not the firearm's fair market value. All funds

1 received by the agency under this program shall be deposited  
2 into the Fire Prevention Fund.

3 (Source: P.A. 102-982, eff. 7-1-23.)

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

6 (20 ILCS 3930/7.9)

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

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

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

17 (b) The Firearm Prohibitors and Records Improvement Task  
18 Force is created to identify and research all available  
19 grants, resources, and revenue that may be applied for and  
20 used by all entities responsible for reporting federal and  
21 State firearm prohibitors to the Illinois State Police and the  
22 National Instant Criminal Background Check System. Under  
23 Section 24-3 or 24-3.1 of the Criminal Code of 2012 ~~the Firearm~~  
24 ~~Owners Identification Card Act~~, these reporting entities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 Section 25. The State Finance Act is amended by changing  
12 Sections 6z-99 and 6z-127 as follows:

13 (30 ILCS 105/6z-99)

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

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

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

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

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

16 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
17 102-813, eff. 5-13-22.)

18 (30 ILCS 105/6z-127)

19 Sec. 6z-127. State Police Revocation Enforcement Fund.

20 (a) The State Police Revocation Enforcement Fund is  
21 established as a special fund in the State treasury. This Fund  
22 is established to receive moneys from appropriations by the  
23 General Assembly ~~from the Firearm Owners Identification Card~~  
24 ~~Act~~ to enforce ~~that Act~~, the Firearm Concealed Carry Act,  
25 Article 24 of the Criminal Code of 2012, and other firearm



1 offenses. The Fund may also receive revenue from grants,  
2 donations, appropriations, and any other legal source.

3 (b) The Illinois State Police may use moneys from the Fund  
4 to establish task forces and, if necessary, include other law  
5 enforcement agencies, under intergovernmental contracts  
6 written and executed in conformity with the Intergovernmental  
7 Cooperation Act.

8 (c) The Illinois State Police may use moneys in the Fund to  
9 hire and train State Police officers and for the prevention of  
10 violent crime.

11 (d) The State Police Revocation Enforcement Fund is not  
12 subject to administrative chargebacks.

13 (e) (Blank). ~~Law enforcement agencies that participate in~~  
14 ~~Firearm Owner's Identification Card revocation enforcement in~~  
15 ~~the Violent Crime Intelligence Task Force may apply for grants~~  
16 ~~from the Illinois State Police.~~

17 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22.)

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

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

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

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

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

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

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

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

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

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

8 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
9 102-813, eff. 5-13-22.)

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

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

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

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

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

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

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

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

10 (50 ILCS 725/7.2 rep.)

11 Section 31. The Uniform Peace Officers' Disciplinary Act  
12 is amended by repealing Section 7.2.

13 Section 32. The Counties Code is amended by changing  
14 Section 3-6042 as follows:

15 (55 ILCS 5/3-6042)

16 Sec. 3-6042. Retiring employee; purchase of service  
17 firearm and badge. Each Sheriff shall establish a program to  
18 allow an employee of the Sheriff's Department who is honorably  
19 retiring in good standing to purchase either one or both of the  
20 following: (1) any badge previously issued to the employee by  
21 the Sheriff's Department; or (2) ~~if the employee has a~~  
22 ~~currently valid Firearm Owner's Identification Card,~~ the  
23 service firearm issued or previously issued to the employee by

1 the Sheriff's Department. The badge must be permanently and  
2 conspicuously marked in such a manner that the individual who  
3 possesses the badge is not mistaken for an actively serving  
4 law enforcement officer. The cost of the firearm shall be the  
5 replacement value of the firearm and not the firearm's fair  
6 market value.

7 (Source: P.A. 102-719, eff. 5-6-22.)

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

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

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

12 Sec. 10-22.6. Suspension or expulsion of pupils; school  
13 searches.

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

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

16 (b) To suspend or by policy to authorize the  
17 superintendent of the district or the principal, assistant  
18 principal, or dean of students of any school to suspend pupils  
19 guilty of gross disobedience or misconduct, or to suspend  
20 pupils guilty of gross disobedience or misconduct on the  
21 school bus from riding the school bus, pursuant to subsections  
22 (b-15) and (b-20) of this Section, and no action shall lie  
23 against them for such suspension. The board may by policy  
24 authorize the superintendent of the district or the principal,  
25 assistant principal, or dean of students of any school to  
26 suspend pupils guilty of such acts for a period not to exceed

1 10 school days. If a pupil is suspended due to gross  
2 disobedience or misconduct on a school bus, the board may  
3 suspend the pupil in excess of 10 school days for safety  
4 reasons.

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

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

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

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

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



1 a case-by-case basis by the school board or its designee.  
2 School officials shall make all reasonable efforts to resolve  
3 such threats, address such disruptions, and minimize the  
4 length of suspensions to the greatest extent practicable.

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

1 of this Section, it shall be documented whether other  
2 interventions were attempted or whether it was determined that  
3 there were no other appropriate and available interventions.

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

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

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

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

26 (c) A school board must invite a representative from a

1 local mental health agency to consult with the board at the  
2 meeting whenever there is evidence that mental illness may be  
3 the cause of a student's expulsion or suspension.

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

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

21 (1) A firearm. For the purposes of this Section,  
22 "firearm" means any gun, rifle, shotgun, weapon as defined  
23 by Section 921 of Title 18 of the United States Code,  
24 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~  
25 ~~Owners Identification Card Act, or firearm as defined in~~  
26 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion

1 period under this subdivision (1) may be modified by the  
2 superintendent, and the superintendent's determination may  
3 be modified by the board on a case-by-case basis.

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

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

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

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

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

1 the law, local ordinance, or the school's policies or rules,  
2 such evidence may be seized by school authorities, and  
3 disciplinary action may be taken. School authorities may also  
4 turn over such evidence to law enforcement authorities.

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

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

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

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

24 (j) Subsections (a) through (i) of this Section shall  
25 apply to elementary and secondary schools, charter schools,  
26 special charter districts, and school districts organized

1 under Article 34 of this Code.

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

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

14 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;  
15 102-813, eff. 5-13-22.)

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

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

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

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

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



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

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

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

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

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

25 (b-15) Out-of-school suspensions of 3 days or less may be  
26 used only if the student's continuing presence in school would

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

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

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

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

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

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

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

1 parents or guardians to notify school officials that a pupil  
2 suspended from the school bus does not have alternate  
3 transportation to school.

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

1 pending or possible criminal charges, criminal investigations,  
2 or proceedings may not be a factor in school disciplinary  
3 decisions.

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

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

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

1 positive and healthy school climates.

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

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

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

26 Expulsion or suspension shall be construed in a manner

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

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

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



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

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

22 (g) A school district may adopt a policy providing that if  
23 a student is suspended or expelled for any reason from any  
24 public or private school in this or any other state, the  
25 student must complete the entire term of the suspension or  
26 expulsion in an alternative school program under Article 13A

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

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

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

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

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

25 (l) Beginning with the 2018-2019 school year, an in-school  
26 suspension program provided by a school district for any

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

7 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;  
8 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

9 (105 ILCS 5/10-27.1A)

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

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

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

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

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

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

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

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

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

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

13 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;  
14 102-813, eff. 5-13-22.)

15 (105 ILCS 5/34-8.05)

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

1 incident and to the Illinois State Police in a form, manner,  
2 and frequency as prescribed by the Illinois State Police.

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

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

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

13 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

14 Sec. 2005. Qualifications for licensure.

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

16 (1) is under 21 years of age;

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

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

21 (4) is a fugitive from justice;

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

1 seq.);

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

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

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

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

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

17 (225 ILCS 447/35-30)

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

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



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

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

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

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

15 (4) Has had a license or permanent employee  
16 registration card denied, suspended, or revoked under this  
17 Act (i) within one year before the date the person's  
18 application for permanent employee registration card is  
19 received by the Department; and (ii) that refusal, denial,  
20 suspension, or revocation was based on any provision of  
21 this Act other than Section 40-50, item (6) or (8) of  
22 subsection (a) of Section 15-10, subsection (b) of Section  
23 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
24 subsection (b) of Section 20-10, item (6) or (8) of  
25 subsection (a) of Section 25-10, subsection (b) of Section  
26 25-10, item (7) of subsection (a) of Section 30-10,

1 subsection (b) of Section 30-10, or Section 10-40.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) The agency completes in its entirety and submits  
26 to the Department an application for a permanent employee

1 registration card, including the required fingerprint  
2 receipt and fees.

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

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

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

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



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

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

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

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

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

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

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

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

1 contracts, or technical security and alarm data.

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

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

12 (225 ILCS 447/35-35)

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

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

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

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

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

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

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

1 firearm instruction and shall specify the type of weapon or  
2 weapons the person is authorized by the Department to carry  
3 and for which the person has been trained.

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

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

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

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

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

25 (i) The Department shall not issue a firearm control card  
26 to a licensed fingerprint vendor or a licensed locksmith or

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

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

4 Section 46. The Illinois Gambling Act is amended by  
5 changing Section 5.4 as follows:

6 (230 ILCS 10/5.4)

7 Sec. 5.4. Retiring investigators; purchase of service  
8 firearm and badge. The Board shall establish a program to  
9 allow an investigator appointed under paragraph (20.6) of  
10 subsection (c) of Section 4 who is honorably retiring in good  
11 standing to purchase either one or both of the following: (1)  
12 any badge previously issued to the investigator by the Board;  
13 or (2) ~~if the investigator has a currently valid Firearm~~  
14 ~~Owner's Identification Card,~~ the service firearm issued or  
15 previously issued to the investigator by the Board. The badge  
16 must be permanently and conspicuously marked in such a manner  
17 that the individual who possesses the badge is not mistaken  
18 for an actively serving law enforcement officer. The cost of  
19 the firearm shall be the replacement value of the firearm and  
20 not the firearm's fair market value.

21 (Source: P.A. 102-719, eff. 5-6-22.)

22 Section 50. The Mental Health and Developmental  
23 Disabilities Code is amended by changing Sections 1-106,

1 6-103.1, 6-103.2, and 6-103.3 as follows:

2 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

3 Sec. 1-106. "Developmental disability" means a severe,  
4 chronic disability, other than mental illness, found to be  
5 closely related to an intellectual disability because this  
6 condition results in impairment of general intellectual  
7 functioning or adaptive behavior similar to that of persons  
8 with ID, and requires services similar to those required for a  
9 person with an intellectual disability. In addition, a  
10 developmental disability: (1) is manifested before the  
11 individual reaches 22 years of age; (2) is likely to continue  
12 indefinitely; (3) results in substantial functional  
13 limitations in three or more of the following areas of major  
14 life activity: self-care, receptive and expressive language,  
15 learning, mobility, self-direction, capacity for independent  
16 living, or economic self-sufficiency; and (4) reflects the  
17 individual's need for a combination and sequence of special  
18 interdisciplinary or generic services, individualized  
19 supports, or other forms of assistance that are of lifelong or  
20 extended duration and are individually planned and  
21 coordinated. ~~This definition does not supersede the~~  
22 ~~"developmental disability" definition in Section 1.1 of the~~  
23 ~~Firearm Owners Identification Card Act which is required to be~~  
24 ~~applied under that Act for the purpose of mandatory reporting.~~  
25 (Source: P.A. 102-972, eff. 1-1-23.)



1 (405 ILCS 5/6-103.1)

2 Sec. 6-103.1. Adjudication as a person with a mental  
3 disability. When a person has been adjudicated as a person  
4 with a mental disability as defined in this Section ~~Section~~  
5 ~~1.1 of the Firearm Owners Identification Card Act~~, including,  
6 but not limited to, an adjudication as a person with a  
7 disability as defined in Section 11a-2 of the Probate Act of  
8 1975, the court shall direct the circuit court clerk to notify  
9 the Illinois State Police, ~~Firearm Owner's Identification~~  
10 ~~(FOID) Office~~, in a form and manner prescribed by the Illinois  
11 State Police, and shall forward a copy of the court order to  
12 the Department no later than 7 days after the entry of the  
13 order. Upon receipt of the order, the Illinois State Police  
14 shall provide notification to the National Instant Criminal  
15 Background Check System. In this Section, "has been  
16 adjudicated as a person with a mental disability" means the  
17 person is the subject of a determination by a court, board,  
18 commission, or other lawful authority that the person, as a  
19 result of marked subnormal intelligence, or mental illness,  
20 mental impairment, incompetency, condition, or disease:

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

23 (2) lacks the mental capacity to manage his or her own  
24 affairs or is adjudicated a person with a disability as  
25 defined in Section 11a-2 of the Probate Act of 1975;

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

3           (3.5) is guilty but mentally ill, as provided in  
4           Section 5-2-6 of the Unified Code of Corrections;

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

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

9           (6) is a sexually violent person under subsection (f)  
10           of Section 5 of the Sexually Violent Persons Commitment  
11           Act;

12           (7) is a sexually dangerous person under the Sexually  
13           Dangerous Persons Act;

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

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

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

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

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

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

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

4           (405 ILCS 5/6-103.2)

5           Sec. 6-103.2. Developmental disability; notice. If a  
6           person 14 years old or older is determined to be a person with  
7           a developmental disability by a physician, clinical  
8           psychologist, or qualified examiner, the physician, clinical  
9           psychologist, or qualified examiner shall notify the  
10          Department of Human Services within 7 days of making the  
11          determination that the person has a developmental disability.  
12          The Department of Human Services shall immediately update its  
13          records and information relating to mental health and  
14          developmental disabilities, and if appropriate, shall notify  
15          the Illinois State Police in a form and manner prescribed by  
16          the Illinois State Police. Information disclosed under this  
17          Section shall remain privileged and confidential, and shall  
18          not be redisclosed, except as required under clause (e) (2) of  
19          Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~  
20          ~~Section 3.1 of the Firearm Owners Identification Card Act~~, nor  
21          used for any other purpose. The method of providing this  
22          information shall guarantee that the information is not  
23          released beyond that which is necessary for the purpose of  
24          this Section and shall be provided by rule by the Department of  
25          Human Services. The identity of the person reporting under

1 this Section shall not be disclosed to the subject of the  
2 report.

3 The physician, clinical psychologist, or qualified  
4 examiner making the determination and his or her employer may  
5 not be held criminally, civilly, or professionally liable for  
6 making or not making the notification required under this  
7 Section, except for willful or wanton misconduct.

8 In this Section, "person with a developmental disability"  
9 has the meaning ascribed to it in Section 12 of the Mental  
10 Health and Developmental Disabilities Confidentiality Act.

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

- 22 (i) self-care;  
23 (ii) receptive and expressive language;  
24 (iii) learning;  
25 (iv) mobility; or  
26 (v) self-direction.

1 "Determined to be a person with a developmental disability  
2 by a physician, clinical psychologist, or qualified examiner"  
3 means in the professional opinion of the physician, clinical  
4 psychologist, or qualified examiner, a person is diagnosed,  
5 assessed, or evaluated as having a developmental disability.  
6 (Source: P.A. 102-538, eff. 8-20-21.)

7 (405 ILCS 5/6-103.3)

8 Sec. 6-103.3. Clear and present danger; notice. If a  
9 person is determined to pose a clear and present danger to  
10 himself, herself, or to others by a physician, clinical  
11 psychologist, or qualified examiner, whether employed by the  
12 State, by any public or private mental health facility or part  
13 thereof, or by a law enforcement official or a school  
14 administrator, then the physician, clinical psychologist,  
15 qualified examiner shall notify the Department of Human  
16 Services and a law enforcement official or school  
17 administrator shall notify the Illinois State Police, within  
18 24 hours of making the determination that the person poses a  
19 clear and present danger. The Department of Human Services  
20 shall immediately update its records and information relating  
21 to mental health and developmental disabilities, and if  
22 appropriate, shall notify the Illinois State Police in a form  
23 and manner prescribed by the Illinois State Police.  
24 Information disclosed under this Section shall remain  
25 privileged and confidential, and shall not be redisclosed,

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

19 For the purposes of this Section:

20 "Clear and present danger" means a person who: ~~has the~~  
21 ~~meaning ascribed to it in Section 1.1 of the Firearm~~  
22 ~~Owners Identification Card Act.~~

23 (1) communicates a serious threat of physical  
24 violence against a reasonably identifiable victim or  
25 poses a clear and imminent risk of serious physical  
26 injury to himself, herself, or another person as

1 determined by a physician, clinical psychologist, or  
2 qualified examiner; or

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

9 "Physician", "clinical psychologist", and "qualified  
10 examiner" have the meanings ascribed to them in the Mental  
11 Health and Developmental Disabilities Code.

12 "Determined to pose a clear and present danger to  
13 himself, herself, or to others by a physician, clinical  
14 psychologist, or qualified examiner" means in the  
15 professional opinion of the physician, clinical  
16 psychologist, or qualified examiner, a person poses a  
17 clear and present danger.

18 "School administrator" means the person required to  
19 report under the School Administrator Reporting of Mental  
20 Health Clear and Present Danger Determinations Law.

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

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

24 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

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

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

11          "Delegate agency" means a unit of local government or  
12          health department approved by the Department to carry out the  
13          provisions of this Act.

14          "Department" means the Department of Public Health.

15          "Director" means the Director of Public Health.

16          "Dwelling unit" means an individual unit within a  
17          residential building used as living quarters for one  
18          household.

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

21          "Exposed surface" means any interior or exterior surface  
22          of a regulated facility.

23          "High risk area" means an area in the State determined by  
24          the Department to be high risk for lead exposure for children 6  
25          years of age or younger. The Department may consider, but is  
26          not limited to, the following factors to determine a high risk



1 area: age and condition (using Department of Housing and Urban  
2 Development definitions of "slum" and "blighted") of housing,  
3 proximity to highway traffic or heavy local traffic or both,  
4 percentage of housing determined as rental or vacant,  
5 proximity to industry using lead, established incidence of  
6 elevated blood lead levels in children, percentage of  
7 population living below 200% of federal poverty guidelines,  
8 and number of children residing in the area who are 6 years of  
9 age or younger.

10 "Lead abatement" means any approved work practices that  
11 will permanently eliminate lead exposure or remove the  
12 lead-bearing substances in a regulated facility. The  
13 Department shall establish by rule which work practices are  
14 approved or prohibited for lead abatement.

15 "Lead abatement contractor" means any person or entity  
16 licensed by the Department to perform lead abatement and  
17 mitigation.

18 "Lead abatement supervisor" means any person employed by a  
19 lead abatement contractor and licensed by the Department to  
20 perform lead abatement and lead mitigation and to supervise  
21 lead workers who perform lead abatement and lead mitigation.

22 "Lead abatement worker" means any person employed by a  
23 lead abatement contractor and licensed by the Department to  
24 perform lead abatement and mitigation.

25 "Lead activities" means the conduct of any lead services,  
26 including, lead inspection, lead risk assessment, lead

1 mitigation, or lead abatement work or supervision in a  
2 regulated facility.

3 "Lead-bearing substance" means any item containing or  
4 coated with lead such that the lead content is more than  
5 six-hundredths of one percent (0.06%) lead by total weight; or  
6 any dust on surfaces or in furniture or other nonpermanent  
7 elements of the regulated facility; or any paint or other  
8 surface coating material containing more than five-tenths of  
9 one percent (0.5%) lead by total weight (calculated as lead  
10 metal) in the total non-volatile content of liquid paint; or  
11 lead-bearing substances containing greater than one milligram  
12 per square centimeter or any lower standard for lead content  
13 in residential paint as may be established by federal law or  
14 rule; or more than 1 milligram per square centimeter in the  
15 dried film of paint or previously applied substance; or item  
16 or dust on item containing lead in excess of the amount  
17 specified in the rules authorized by this Act or a lower  
18 standard for lead content as may be established by federal law  
19 or rule. "Lead-bearing substance" does not include firearm  
20 ammunition or components as defined by Section 2-7.1 of the  
21 Criminal Code of 2012 ~~the Firearm Owners Identification Card~~  
22 ~~Act.~~

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

25 "Lead hazard screen" means a lead risk assessment that  
26 involves limited dust and paint sampling for lead-bearing

1 substances and lead hazards. This service is used as a  
2 screening tool designed to determine if further lead  
3 investigative services are required for the regulated  
4 facility.

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

7 "Lead inspector" means an individual who has been trained  
8 by a Department-approved training program and is licensed by  
9 the Department to conduct lead inspections; to sample for the  
10 presence of lead in paint, dust, soil, and water; and to  
11 conduct compliance investigations.

12 "Lead mitigation" means the remediation, in a manner  
13 described in Section 9, of a lead hazard so that the  
14 lead-bearing substance does not pose an immediate health  
15 hazard to humans.

16 "Lead poisoning" means having an elevated blood lead  
17 level.

18 "Lead risk assessment" means an on-site investigation to  
19 determine the existence, nature, severity, and location of  
20 lead hazards. "Lead risk assessment" includes any lead  
21 sampling and visual assessment associated with conducting a  
22 lead risk assessment and lead hazard screen and all lead  
23 sampling associated with compliance investigations.

24 "Lead risk assessor" means an individual who has been  
25 trained by a Department-approved training program and is  
26 licensed by the Department to conduct lead risk assessments,

1 lead inspections, and lead hazard screens; to sample for the  
2 presence of lead in paint, dust, soil, water, and sources for  
3 lead-bearing substances; and to conduct compliance  
4 investigations.

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

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

12 "Owner" means any person, who alone, jointly, or severally  
13 with others:

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

16 (b) Has charge, care, or control of the regulated  
17 facility as owner or agent of the owner, or as executor,  
18 administrator, trustee, or guardian of the estate of the  
19 owner.

20 "Person" means any individual, partnership, firm, company,  
21 limited liability company, corporation, association, joint  
22 stock company, trust, estate, political subdivision, State  
23 agency, or any other legal entity, or their legal  
24 representative, agent, or assign.

25 "Regulated facility" means a residential building or child  
26 care facility.

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

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

6 (430 ILCS 65/Act rep.)

7 Section 60. The Firearm Owners Identification Card Act is  
8 repealed.

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

11 (430 ILCS 66/25)

12 Sec. 25. Qualifications for a license.

13 The Illinois State Police shall issue a license to an  
14 applicant completing an application in accordance with Section  
15 30 of this Act if the person:

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

17 (2) ~~has a currently valid Firearm Owner's~~  
18 ~~Identification Card and at the time of application meets~~  
19 ~~the requirements for the issuance of a Firearm Owner's~~  
20 ~~Identification Card and is not prohibited under State the~~  
21 ~~Firearm Owners Identification Card Act~~ or federal law from  
22 possessing or receiving a firearm;

23 (3) has not been convicted or found guilty in this

1 State or in any other state of:

2 (A) a misdemeanor involving the use or threat of  
3 physical force or violence to any person within the 5  
4 years preceding the date of the license application;  
5 or

6 (B) 2 or more violations related to driving while  
7 under the influence of alcohol, other drug or drugs,  
8 intoxicating compound or compounds, or any combination  
9 thereof, within the 5 years preceding the date of the  
10 license application;

11 (4) is not the subject of a pending arrest warrant,  
12 prosecution, or proceeding for an offense or action that  
13 could lead to disqualification to own or possess a  
14 firearm;

15 (5) has not been in residential or court-ordered  
16 treatment for alcoholism, alcohol detoxification, or drug  
17 treatment within the 5 years immediately preceding the  
18 date of the license application; and

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

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

22 (430 ILCS 66/30)

23 Sec. 30. Contents of license application.

24 (a) The license application shall be in writing, under  
25 penalty of perjury, on a standard form adopted by the Illinois

1 State Police and shall be accompanied by the documentation  
2 required in this Section and the applicable fee. Each  
3 application form shall include the following statement printed  
4 in bold type: "Warning: Entering false information on this  
5 form is punishable as perjury under Section 32-2 of the  
6 Criminal Code of 2012."

7 (b) The application shall contain the following:

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

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

16 (3) a waiver of the applicant's privacy and  
17 confidentiality rights and privileges under all federal  
18 and state laws, including those limiting access to  
19 juvenile court, criminal justice, psychological, or  
20 psychiatric records or records relating to any  
21 institutionalization of the applicant, and an affirmative  
22 request that a person having custody of any of these  
23 records provide it or information concerning it to the  
24 Illinois State Police. The waiver only applies to records  
25 sought in connection with determining whether the  
26 applicant qualifies for a license to carry a concealed

1 firearm under this Act, ~~or whether the applicant remains~~  
2 ~~in compliance with the Firearm Owners Identification Card~~  
3 ~~Act;~~

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

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

13 (A) a felony;

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

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

22 (6) whether the applicant has failed a drug test for a  
23 drug for which the applicant did not have a prescription,  
24 within the previous year, and if so, the provider of the  
25 test, the specific substance involved, and the date of the  
26 test;



1 (7) written consent for the Illinois State Police to  
2 review and use the applicant's Illinois digital driver's  
3 license or Illinois identification card photograph and  
4 signature;

5 (8) unless submitted under subsection (a-25) of  
6 Section 4 of the Firearm Owners Identification Card Act, a  
7 full set of fingerprints submitted to the Illinois State  
8 Police in electronic format, provided the Illinois State  
9 Police may accept an application submitted without a set  
10 of fingerprints, in which case the Illinois State Police  
11 shall be granted 30 days in addition to the 90 days  
12 provided under subsection (e) of Section 10 of this Act to  
13 issue or deny a license;

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

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

20 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
21 102-813, eff. 5-13-22.)

22 (430 ILCS 66/40)

23 Sec. 40. Non-resident license applications.

24 (a) For the purposes of this Section, "non-resident" means  
25 a person who has not resided within this State for more than 30

1 days and resides in another state or territory.

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

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

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

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

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

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

25 (C) understands Illinois laws pertaining to the  
26 possession and transport of firearms; and

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

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

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

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

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

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

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

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

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

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

14 (430 ILCS 66/66)

15 Sec. 66. Illinois State Police to monitor databases for  
16 firearms prohibitors. The Illinois State Police shall  
17 continuously monitor relevant State and federal databases for  
18 firearms prohibitors and correlate those records with  
19 concealed carry license holders to ensure compliance with this  
20 Act and any other State and federal laws. As used in this  
21 Section, "firearms prohibitor" means any factor listed in  
22 ~~Section 8 or Section 8.2 of the Firearm Owners Identification~~  
23 ~~Card Act or~~ Section 24-3 or 24-3.1 of the Criminal Code of 2012  
24 that prohibits a person from transferring or possessing a  
25 firearm, firearm ammunition, ~~Firearm Owner's Identification~~

1 ~~Card,~~ or concealed carry license.

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

3 (430 ILCS 66/70)

4 Sec. 70. Violations.

5 (a) A license issued or renewed under this Act shall be  
6 revoked if, at any time, the licensee is found to be ineligible  
7 for a license under this Act or the licensee is prohibited from  
8 possessing a firearm under State or federal law no longer  
9 ~~meets the eligibility requirements of the Firearm Owners~~  
10 ~~Identification Card Act.~~

11 (b) A license shall be suspended if an order of  
12 protection, including an emergency order of protection,  
13 plenary order of protection, or interim order of protection  
14 under Article 112A of the Code of Criminal Procedure of 1963 or  
15 under the Illinois Domestic Violence Act of 1986, or if a  
16 firearms restraining order, including an emergency firearms  
17 restraining order, under the Firearms Restraining Order Act,  
18 is issued against a licensee for the duration of the order, or  
19 if the Illinois State Police is made aware of a similar order  
20 issued against the licensee in any other jurisdiction. If an  
21 order of protection is issued against a licensee, the licensee  
22 shall surrender the license, as applicable, to the court at  
23 the time the order is entered or to the law enforcement agency  
24 or entity serving process at the time the licensee is served  
25 the order. The court, law enforcement agency, or entity

1 responsible for serving the order of protection shall notify  
2 the Illinois State Police within 7 days and transmit the  
3 license to the Illinois State Police.

4 (c) A license is invalid upon expiration of the license,  
5 unless the licensee has submitted an application to renew the  
6 license, and the applicant is otherwise eligible to possess a  
7 license under this Act.

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

13 A licensee in violation of this subsection (d) shall be  
14 guilty of a Class A misdemeanor for a first or second violation  
15 and a Class 4 felony for a third violation. The Illinois State  
16 Police may suspend a license for up to 6 months for a second  
17 violation and shall permanently revoke a license for a third  
18 violation.

19 (e) Except as otherwise provided, a licensee in violation  
20 of this Act shall be guilty of a Class B misdemeanor. A second  
21 or subsequent violation is a Class A misdemeanor. The Illinois  
22 State Police may suspend a license for up to 6 months for a  
23 second violation and shall permanently revoke a license for 3  
24 or more violations of Section 65 of this Act. Any person  
25 convicted of a violation under this Section shall pay a \$150  
26 fee to be deposited into the Mental Health Reporting Fund,

1 plus any applicable court costs or fees.

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

13 (g) A licensee whose license is revoked, suspended, or  
14 denied shall, within 48 hours of receiving notice of the  
15 revocation, suspension, or denial, surrender his or her  
16 concealed carry license to the local law enforcement agency  
17 where the person resides. The local law enforcement agency  
18 shall provide the licensee a receipt and transmit the  
19 concealed carry license to the Illinois State Police. If the  
20 licensee whose concealed carry license has been revoked,  
21 suspended, or denied fails to comply with the requirements of  
22 this subsection, the law enforcement agency where the person  
23 resides may petition the circuit court to issue a warrant to  
24 search for and seize the concealed carry license in the  
25 possession and under the custody or control of the licensee  
26 whose concealed carry license has been revoked, suspended, or

1 denied. The observation of a concealed carry license in the  
2 possession of a person whose license has been revoked,  
3 suspended, or denied constitutes a sufficient basis for the  
4 arrest of that person for violation of this subsection. A  
5 violation of this subsection is a Class A misdemeanor.

6 (h) (Blank). ~~Except as otherwise provided in subsection~~  
7 ~~(h 5), a license issued or renewed under this Act shall be~~  
8 ~~revoked if, at any time, the licensee is found ineligible for a~~  
9 ~~Firearm Owner's Identification Card, or the licensee no longer~~  
10 ~~possesses a valid Firearm Owner's Identification Card. If the~~  
11 ~~Firearm Owner's Identification Card is expired or suspended~~  
12 ~~rather than denied or revoked, the license may be suspended~~  
13 ~~for a period of up to one year to allow the licensee to~~  
14 ~~reinstate his or her Firearm Owner's Identification Card. The~~  
15 ~~Illinois State Police shall adopt rules to enforce this~~  
16 ~~subsection. A licensee whose license is revoked under this~~  
17 ~~subsection (h) shall surrender his or her concealed carry~~  
18 ~~license as provided for in subsection (g) of this Section.~~

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

23 (h-5) (Blank). ~~If the Firearm Owner's Identification Card~~  
24 ~~of a licensee under this Act expires during the term of the~~  
25 ~~license issued under this Act, the license and the Firearm~~  
26 ~~Owner's Identification Card remain valid, and the Illinois~~



1 ~~State Police may automatically renew the licensee's Firearm~~  
2 ~~Owner's Identification Card as provided in subsection (c) of~~  
3 ~~Section 5 of the Firearm Owners Identification Card Act.~~

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

12 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
13 102-813, eff. 5-13-22.)

14 (430 ILCS 66/80)

15 Sec. 80. Certified firearms instructors.

16 (a) Within 60 days of the effective date of this Act, the  
17 Illinois State Police shall begin approval of certified  
18 firearms instructors and enter certified firearms instructors  
19 into an online registry on the Illinois State Police's  
20 website.

21 (b) A person who is not a certified firearms instructor  
22 shall not teach applicant training courses or advertise or  
23 otherwise represent courses they teach as qualifying their  
24 students to meet the requirements to receive a license under  
25 this Act. Each violation of this subsection is a business

1 offense with a fine of at least \$1,000 per violation.

2 (c) A person seeking to become a certified firearms  
3 instructor shall:

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

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

6 (3) meet the requirements of Section 25 of this Act,  
7 ~~except for the Illinois residency requirement in item~~  
8 ~~(xiv) of paragraph (2) of subsection (a) of Section 4 of~~  
9 ~~the Firearm Owners Identification Card Act;~~ and any  
10 additional uniformly applied requirements established by  
11 the Illinois State Police.

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

15 (1) possess a high school diploma or State of Illinois  
16 High School Diploma; and

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

19 (A) certification from a law enforcement agency;

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

22 (C) certification from a firearm instructor  
23 qualification course offered by the Illinois Law  
24 Enforcement Training Standards Board; or

25 (D) certification from an entity approved by the  
26 Illinois State Police that offers firearm instructor

1 education and training in the use and safety of  
2 firearms.

3 (e) A person may have his or her firearms instructor  
4 certification denied or revoked if he or she does not meet the  
5 requirements to obtain a license under this Act, provides  
6 false or misleading information to the Illinois State Police,  
7 or has had a prior instructor certification revoked or denied  
8 by the Illinois State Police.

9 (Source: P.A. 102-538, eff. 8-20-21; 102-1100, eff. 1-1-23.)

10 (430 ILCS 66/105)

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

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

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

3           (430 ILCS 67/35)

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

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

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

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

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

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

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

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

1 emergency order.

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

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

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

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

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

23          (h-5) On or before January 1, 2022, a respondent whose  
24          firearms have been turned over to a local law enforcement  
25          agency ~~Firearm Owner's Identification Card has been revoked or~~  
26          ~~suspended~~ may petition the court, if the petitioner is present

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

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



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

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

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

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

1 an operable firearm.

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

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

14 (430 ILCS 67/40)

15 Sec. 40. Six-month orders.

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

1 believed by the petitioner to be possessed or controlled by  
2 the respondent.

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

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

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

26 (e) In determining whether to issue a firearms restraining

1 order under this Section, the court shall consider evidence  
2 including, but not limited to, the following:

3 (1) The unlawful and reckless use, display, or  
4 brandishing of a firearm, ammunition, and firearm parts  
5 that could be assembled to make an operable firearm by the  
6 respondent.

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

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

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

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

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

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

1           herself, or another.

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

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

14           (g-5) If the court issues a 6-month firearms restraining  
15 order, it shall, upon a finding of probable cause that the  
16 respondent possesses firearms, ammunition, and firearm parts  
17 that could be assembled to make an operable firearm, issue a  
18 search warrant directing a law enforcement agency to seize the  
19 respondent's firearms, ammunition, and firearm parts that  
20 could be assembled to make an operable firearm. The court may,  
21 as part of that warrant, direct the law enforcement agency to  
22 search the respondent's residence and other places where the  
23 court finds there is probable cause to believe he or she is  
24 likely to possess the firearms, ammunition, and firearm parts  
25 that could be assembled to make an operable firearm. A return  
26 of the search warrant shall be filed by the law enforcement

1 agency within 4 days thereafter, setting forth the time, date,  
2 and location that the search warrant was executed and what  
3 items, if any, were seized.

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

5 (1) the respondent to refrain from having in his or  
6 her custody or control, purchasing, possessing, or  
7 receiving additional firearms, ammunition, and firearm  
8 parts that could be assembled to make an operable firearm  
9 for the duration of the order ~~under Section 8.2 of the~~  
10 ~~Firearm Owners Identification Card Act~~; and

11 (2) the respondent to comply with ~~Section 9.5 of the~~  
12 ~~Firearm Owners Identification Card Act~~ and subsection (g)  
13 of Section 70 of the Firearm Concealed Carry Act.

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

1 be assembled to make an operable firearm, use the firearms,  
2 ammunition, and firearm parts that could be assembled to make  
3 an operable firearm for training purposes, or use the  
4 firearms, ammunition, and firearm parts that could be  
5 assembled to make an operable firearm for any other  
6 application as deemed appropriate by the local law enforcement  
7 agency.

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

26 (i-6) If a person other than the respondent claims title

1 to any firearms, ammunition, and firearm parts that could be  
2 assembled to make an operable firearm surrendered under this  
3 Section, he or she may petition the court, if the petitioner is  
4 present in court or has notice of the petition, to have the  
5 firearm, ammunition, and firearm parts that could be assembled  
6 to make an operable firearm returned to him or her. If the  
7 court determines that person to be the lawful owner of the  
8 firearm, ammunition, and firearm parts that could be assembled  
9 to make an operable firearm, the firearm, ammunition, and  
10 firearm parts that could be assembled to make an operable  
11 firearm shall be returned to him or her, provided that:

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

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

24 The person petitioning for the return of his or her  
25 firearm, ammunition, and firearm parts that could be assembled  
26 to make an operable firearm must swear or affirm by affidavit



1 that he or she: (i) is the lawful owner of the firearm,  
2 ammunition, and firearm parts that could be assembled to make  
3 an operable firearm; (ii) shall not transfer the firearm,  
4 ammunition, and firearm parts that could be assembled to make  
5 an operable firearm to the respondent; and (iii) will store  
6 the firearm, ammunition, and firearm parts that could be  
7 assembled to make an operable firearm in a manner that the  
8 respondent does not have access to or control of the firearm,  
9 ammunition, and firearm parts that could be assembled to make  
10 an operable firearm.

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

14 (k) When the court issues a firearms restraining order  
15 under this Section, the court shall inform the respondent that  
16 he or she is entitled to one hearing during the period of the  
17 order to request a termination of the order, under Section 45  
18 of this Act, and shall provide the respondent with a form to  
19 request a hearing.

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

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

1 (430 ILCS 68/5-20)

2 Sec. 5-20. Additional licensee requirements.

3 (a) A certified licensee shall make a photo copy of a  
4 buyer's or transferee's valid photo identification card  
5 whenever a firearm sale transaction takes place. The photo  
6 copy shall be attached to the documentation detailing the  
7 record of sale.

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

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

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

17 (B) sell or transfer your firearm to someone else  
18 without receiving approval for the transfer from the  
19 Illinois State Police, or

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

22 This sign shall be created by the Illinois State Police and  
23 made available for printing or downloading from the Illinois  
24 State Police's website.

25 (c) No retail location established after the effective

1 date of this Act shall be located within 500 feet of any  
2 school, pre-school, or day care facility in existence at its  
3 location before the retail location is established as measured  
4 from the nearest corner of the building holding the retail  
5 location to the corner of the school, pre-school, or day care  
6 facility building nearest the retail location at the time the  
7 retail location seeks licensure.

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

9 (430 ILCS 68/5-25)

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

13 (1) temporary transfers of firearms solely for use at  
14 the location or on the premises where the transfer takes  
15 place, such as transfers at a shooting range for use at  
16 that location;

17 (2) temporary transfers of firearms solely for use  
18 while in the presence of the transferor or transfers for  
19 the purposes of firearm safety training by a firearms  
20 safety training instructor;

21 (3) transfers of firearms among immediate family or  
22 household members, as "immediate family or household  
23 member" is defined in Section 3-2.7-10 of the Unified Code  
24 of Corrections, provided that both the transferor and  
25 transferee are not prohibited from possessing a firearm

1 ~~under federal or State law have a currently valid Firearm~~  
2 ~~Owner's Identification Card; however, this paragraph (3)~~  
3 ~~does not limit the familial gift exemption under paragraph~~  
4 ~~(2) of subsection (a-15) of Section 3 of the Firearm~~  
5 ~~Owners Identification Card Act;~~

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

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

14 (6) transfers of firearms that have been rendered  
15 permanently inoperable to a nonprofit historical society,  
16 museum, or institutional collection;

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

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

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

26 (10) transfers by a person or entity licensed as an

1 auctioneer under the Auction License Act;

2 (10.5) transfers of firearms to a resident registered  
3 competitor or attendee or non-resident registered  
4 competitor or attendee by a licensed federal firearms  
5 dealer under Section 923 of the federal Gun Control Act of  
6 1968 at a competitive shooting event held at the World  
7 Shooting and Recreational Complex that is sanctioned by a  
8 national governing body; or

9 (11) transfers between a pawnshop and a customer which  
10 amount to a bailment. For purposes of this paragraph (11),  
11 "bailment" means the act of placing property in the  
12 custody and control of another, by agreement in which the  
13 holder is responsible for the safekeeping and return of  
14 the property.

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

16 (430 ILCS 68/5-40)

17 Sec. 5-40. Qualifications for operation.

18 (a) Each certified licensee shall submit with each  
19 application for certification or renewal an affidavit to the  
20 Illinois State Police stating that each owner, employee, or  
21 other agent of the certified licensee who sells or conducts  
22 transfers of firearms for the certified licensee is at least  
23 21 years of age, ~~has a currently valid Firearm Owner's~~  
24 ~~Identification Card~~ and, for a renewal, has completed the  
25 training required under Section 5-30. The affidavit must also

1 contain the name ~~and Firearm Owner's Identification Card~~  
2 ~~number~~ of each owner, employee, or other agent who sells or  
3 conducts transfers of firearms for the certified licensee. If  
4 an owner, employee, or other agent of the certified licensee  
5 is not otherwise a resident of this State, the certified  
6 licensee shall submit an affidavit stating that the owner,  
7 employee, or other agent has undergone a background check and  
8 is not prohibited from owning or possessing firearms.

9 (b) In addition to the affidavit required under subsection  
10 (a), within 30 days of a new owner, employee, or other agent  
11 beginning selling or conducting transfers of firearms for the  
12 certified licensee, the certified licensee shall submit an  
13 affidavit to the Illinois State Police stating the date that  
14 the new owner, employee, or other agent began selling or  
15 conducting transfers of firearms for the certified licensee,  
16 and providing the information required in subsection (a) for  
17 that new owner, employee, or other agent.

18 (c) If a certified licensee has a license, certificate, or  
19 permit to sell, lease, transfer, purchase, or possess firearms  
20 issued by the federal government or the government of any  
21 state revoked or suspended for good cause within the preceding  
22 4 years, the Illinois State Police may consider revoking or  
23 suspending the certified licenses in this State. In making a  
24 determination of whether or not to revoke or suspend a  
25 certified license in this State, the Illinois State Police  
26 shall consider the number of retail locations the certified

1 licensee or any related person or entity operates in this  
2 State or in other states under the same or different business  
3 names, and the severity of the infraction in the state in which  
4 a license was revoked or suspended.

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

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

9 (430 ILCS 68/5-85)

10 Sec. 5-85. Disciplinary sanctions.

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

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

22 (2) A pattern of practice or other behavior which  
23 demonstrates incapacity or incompetency to practice under  
24 this Act.

25 (3) Aiding or assisting another person in violating

1 any provision of this Act or rules adopted under this Act.

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

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

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

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

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

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

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

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

26 (10) A finding by the Illinois State Police that the



1 licensee, after having his or her certified license placed  
2 on probationary status, has violated the terms of  
3 probation.

4 (11) A fraudulent or material misstatement in the  
5 completion of an affirmative obligation or inquiry by law  
6 enforcement.

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

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

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

13 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

14 Sec. 3.2. Hunting license; application; instruction.  
15 Before the Department or any county, city, village, township,  
16 incorporated town clerk or his duly designated agent or any  
17 other person authorized or designated by the Department to  
18 issue hunting licenses shall issue a hunting license to any  
19 person, the person shall file his application with the  
20 Department or other party authorized to issue licenses on a  
21 form provided by the Department and further give definite  
22 proof of identity and place of legal residence. Each clerk  
23 designating agents to issue licenses and stamps shall furnish  
24 the Department, within 10 days following the appointment, the

1 names and mailing addresses of the agents. Each clerk or his  
2 duly designated agent shall be authorized to sell licenses and  
3 stamps only within the territorial area for which he was  
4 elected or appointed. No duly designated agent is authorized  
5 to furnish licenses or stamps for issuance by any other  
6 business establishment. Each application shall be executed and  
7 sworn to and shall set forth the name and description of the  
8 applicant and place of residence.

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

21 The Department of Natural Resources shall authorize  
22 personnel of the Department or certified volunteer instructors  
23 to conduct courses, of not less than 10 hours in length, in  
24 firearms and hunter safety, which may include training in bow  
25 and arrow safety, at regularly specified intervals throughout  
26 the State. Persons successfully completing the course shall

1 receive a certificate of competency. The Department of Natural  
2 Resources may further cooperate with any reputable association  
3 or organization in establishing courses if the organization  
4 has as one of its objectives the promotion of safety in the  
5 handling of firearms or bow and arrow.

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

21 The fee for a hunting license to hunt all species for a  
22 resident of Illinois is \$12. For residents age 65 or older,  
23 and, commencing with the 2012 license year, resident veterans  
24 of the United States Armed Forces after returning from service  
25 abroad or mobilization by the President of the United States  
26 as an active duty member of the United States Armed Forces, the

1 Illinois National Guard, or the Reserves of the United States  
2 Armed Forces, the fee is one-half of the fee charged for a  
3 hunting license to hunt all species for a resident of  
4 Illinois. Veterans must provide to the Department acceptable  
5 verification of their service. The Department shall establish  
6 by administrative rule the procedure by which such  
7 verification of service shall be made to the Department for  
8 the purpose of issuing resident veterans hunting licenses at a  
9 reduced fee. The fee for a hunting license to hunt all species  
10 shall be \$1 for residents over 75 years of age. Nonresidents  
11 shall be charged \$57 for a hunting license.

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

15 A special nonresident hunting license authorizing a  
16 nonresident to take game birds by hunting on a game breeding  
17 and hunting preserve area only, established under Section  
18 3.27, shall be issued upon proper application being made and  
19 payment of a fee equal to that for a resident hunting license.  
20 The expiration date of this license shall be on the same date  
21 each year that game breeding and hunting preserve area  
22 licenses expire.

23 Each applicant for a State Migratory Waterfowl Stamp,  
24 regardless of his residence or other condition, shall pay a  
25 fee of \$15 and shall receive a stamp. The fee for a State  
26 Migratory Waterfowl Stamp shall be waived for residents over

1 75 years of age. Except as provided under Section 20-45 of the  
2 Fish and Aquatic Life Code, the stamp shall be signed by the  
3 person or affixed to his license or permit in a space  
4 designated by the Department for that purpose.

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

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

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

18 The Department shall furnish the holders of hunting  
19 licenses and stamps with an insignia as evidence of possession  
20 of license, or license and stamp, as the Department may  
21 consider advisable. The insignia shall be exhibited and used  
22 as the Department may order.

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

25 Every person holding any license, permit, or stamp issued  
26 under the provisions of this Act shall have it in his

1 possession for immediate presentation for inspection to the  
2 officers and authorized employees of the Department, any  
3 sheriff, deputy sheriff, or any other peace officer making a  
4 demand for it. This provision shall not apply to Department  
5 owned or managed sites where it is required that all hunters  
6 deposit their license or permit, ~~or Firearm Owner's~~  
7 ~~Identification Card~~ at the check station upon entering the  
8 hunting areas.

9 For the purposes of this Section, "acceptable  
10 verification" means official documentation from the Department  
11 of Defense or the appropriate Major Command showing  
12 mobilization dates or service abroad dates, including: (i) a  
13 DD-214, (ii) a letter from the Illinois Department of Military  
14 Affairs for members of the Illinois National Guard, (iii) a  
15 letter from the Regional Reserve Command for members of the  
16 Armed Forces Reserve, (iv) a letter from the Major Command  
17 covering Illinois for active duty members, (v) personnel  
18 records for mobilized State employees, and (vi) any other  
19 documentation that the Department, by administrative rule,  
20 deems acceptable to establish dates of mobilization or service  
21 abroad.

22 For the purposes of this Section, the term "service  
23 abroad" means active duty service outside of the 50 United  
24 States and the District of Columbia, and includes all active  
25 duty service in territories and possessions of the United  
26 States.

1 (Source: P.A. 101-81, eff. 7-12-19; 102-780, eff. 5-13-22.)

2 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

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

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

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

16 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

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

18 (a) The Secretary of State and the officers, inspectors,  
19 and investigators appointed by him shall cooperate with the  
20 Illinois State Police and the sheriffs and police in enforcing  
21 the laws regulating the operation of vehicles and the use of  
22 the highways.

23 (b) The Secretary of State may provide training and

1 education for members of his office in traffic regulation, the  
2 promotion of traffic safety and the enforcement of laws vested  
3 in the Secretary of State for administration and enforcement  
4 regulating the operation of vehicles and the use of the  
5 highways.

6 (c) The Secretary of State may provide distinctive  
7 uniforms and badges for officers, inspectors and investigators  
8 employed in the administration of laws relating to the  
9 operation of vehicles and the use of the highways and vesting  
10 the administration and enforcement of such laws in the  
11 Secretary of State.

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

25 (d) The Secretary of State Department of Police is  
26 authorized to:



1           (1) investigate the origins, activities, persons, and  
2 incidents of crime and the ways and means, if any, to  
3 redress the victims of crimes, and study the impact, if  
4 any, of legislation relative to the criminal laws of this  
5 State related thereto and conduct any other investigations  
6 as may be provided by law;

7           (2) employ skilled experts, technicians,  
8 investigators, special agents, or otherwise specially  
9 qualified persons to aid in preventing or detecting crime,  
10 apprehending criminals, or preparing and presenting  
11 evidence of violations of the criminal laws of the State;

12           (3) cooperate with the police of cities, villages, and  
13 incorporated towns, and with the police officers of any  
14 county, in enforcing the laws of the State and in making  
15 arrests;

16           (4) provide, as may be required by law, assistance to  
17 local law enforcement agencies through training,  
18 management, and consultant services for local law  
19 enforcement agencies, pertaining to law enforcement  
20 activities;

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

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

1           Persons within the Secretary of State Department of Police  
2 who exercise these powers are conservators of the peace and  
3 have all the powers possessed by policemen in municipalities  
4 and sheriffs, and may exercise these powers anywhere in the  
5 State in cooperation with local law enforcement officials.  
6 These persons may use false or fictitious names in the  
7 performance of their duties under this Section, upon approval  
8 of the Director of Police-Secretary of State, and shall not be  
9 subject to prosecution under the criminal laws for that use.

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

1 (f) The Secretary of State Department of Police may apply  
2 for grants or contracts and receive, expend, allocate, or  
3 disburse moneys made available by public or private entities,  
4 including, but not limited to, contracts, bequests, grants, or  
5 receiving equipment from corporations, foundations, or public  
6 or private institutions of higher learning.

7 (g) The Secretary of State Police Services Fund is hereby  
8 created as a special fund in the State Treasury. All moneys  
9 received under this Section by the Secretary of State  
10 Department of Police shall be deposited into the Secretary of  
11 State Police Services Fund to be appropriated to the Secretary  
12 of State Department of Police for purposes as indicated by the  
13 grantor or contractor or, in the case of moneys bequeathed or  
14 granted for no specific purpose, for any purpose as deemed  
15 appropriate by the Director of Police-Secretary of State in  
16 administering the responsibilities of the Secretary of State  
17 Department of Police.

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

19 Section 80. The Criminal Code of 2012 is amended by  
20 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,  
21 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,  
22 24-3.5, 24-3B, 24-4.1, 24-5.1, and 24-9 and adding Section  
23 24-4.5 as follows:

24 (720 ILCS 5/2-7.1)

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

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

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

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

15           (720 ILCS 5/2-7.5)

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

21           (1) any pneumatic gun, spring gun, paint ball gun, or B-B  
22           gun which expels a single globular projectile not exceeding  
23           .18 inch in diameter or which has a maximum muzzle velocity of  
24           less than 700 feet per second;

25           (1.1) any pneumatic gun, spring gun, paint ball gun, or

1 B-B gun which expels breakable paint balls containing washable  
2 marking colors;

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

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

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

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

17 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

18 Sec. 12-3.05. Aggravated battery.

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

23 (1) Causes great bodily harm or permanent disability  
24 or disfigurement.

25 (2) Causes severe and permanent disability, great

1           bodily harm, or disfigurement by means of a caustic or  
2           flammable substance, a poisonous gas, a deadly biological  
3           or chemical contaminant or agent, a radioactive substance,  
4           or a bomb or explosive compound.

5           (3) Causes great bodily harm or permanent disability  
6           or disfigurement to an individual whom the person knows to  
7           be a peace officer, community policing volunteer, fireman,  
8           private security officer, correctional institution  
9           employee, or Department of Human Services employee  
10          supervising or controlling sexually dangerous persons or  
11          sexually violent persons:

12                   (i) performing his or her official duties;

13                   (ii) battered to prevent performance of his or her  
14          official duties; or

15                   (iii) battered in retaliation for performing his  
16          or her official duties.

17          (4) Causes great bodily harm or permanent disability  
18          or disfigurement to an individual 60 years of age or  
19          older.

20          (5) Strangles another individual.

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

26                   (1) causes great bodily harm or permanent disability

1 or disfigurement to any child under the age of 13 years, or  
2 to any person with a severe or profound intellectual  
3 disability; or

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

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

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

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

20 (2) A person who is pregnant or has a physical  
21 disability.

22 (3) A teacher or school employee upon school grounds  
23 or grounds adjacent to a school or in any part of a  
24 building used for school purposes.

25 (4) A peace officer, community policing volunteer,  
26 fireman, private security officer, correctional

1 institution employee, or Department of Human Services  
2 employee supervising or controlling sexually dangerous  
3 persons or sexually violent persons:

4 (i) performing his or her official duties;

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

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

9 (5) A judge, emergency management worker, emergency  
10 medical services personnel, or utility worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her  
13 official duties; or

14 (iii) battered in retaliation for performing his  
15 or her official duties.

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

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

21 (8) A taxi driver on duty.

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

26 (10) A person authorized to serve process under



1 Section 2-202 of the Code of Civil Procedure or a special  
2 process server appointed by the circuit court while that  
3 individual is in the performance of his or her duties as a  
4 process server.

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

7 (12) A merchant: (i) while performing his or her  
8 duties, including, but not limited to, relaying directions  
9 for healthcare or safety from his or her supervisor or  
10 employer or relaying health or safety guidelines,  
11 recommendations, regulations, or rules from a federal,  
12 State, or local public health agency; and (ii) during a  
13 disaster declared by the Governor, or a state of emergency  
14 declared by the mayor of the municipality in which the  
15 merchant is located, due to a public health emergency and  
16 for a period of 6 months after such declaration.

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

20 (1) Discharges a firearm, other than a machine gun or  
21 a firearm equipped with a silencer, and causes any injury  
22 to another person.

23 (2) Discharges a firearm, other than a machine gun or  
24 a firearm equipped with a silencer, and causes any injury  
25 to a person he or she knows to be a peace officer,  
26 community policing volunteer, person summoned by a police

1 officer, fireman, private security officer, correctional  
2 institution employee, or emergency management worker:

3 (i) performing his or her official duties;

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

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

8 (3) Discharges a firearm, other than a machine gun or  
9 a firearm equipped with a silencer, and causes any injury  
10 to a person he or she knows to be emergency medical  
11 services personnel:

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her  
14 official duties; or

15 (iii) battered in retaliation for performing his  
16 or her official duties.

17 (4) Discharges a firearm and causes any injury to a  
18 person he or she knows to be a teacher, a student in a  
19 school, or a school employee, and the teacher, student, or  
20 employee is upon school grounds or grounds adjacent to a  
21 school or in any part of a building used for school  
22 purposes.

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

25 (6) Discharges a machine gun or a firearm equipped  
26 with a silencer, and causes any injury to a person he or

1 she knows to be a peace officer, community policing  
2 volunteer, person summoned by a police officer, fireman,  
3 private security officer, correctional institution  
4 employee or emergency management worker:

5 (i) performing his or her official duties;

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

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

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

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her  
15 official duties; or

16 (iii) battered in retaliation for performing his  
17 or her official duties.

18 (8) Discharges a machine gun or a firearm equipped  
19 with a silencer, and causes any injury to a person he or  
20 she knows to be a teacher, or a student in a school, or a  
21 school employee, and the teacher, student, or employee is  
22 upon school grounds or grounds adjacent to a school or in  
23 any part of a building used for school purposes.

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

1           (1) Uses a deadly weapon other than by discharge of a  
2           firearm, or uses an air rifle as defined in Section  
3           24.8-0.1 of this Code.

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

6           (3) Knowingly and without lawful justification shines  
7           or flashes a laser gunsight or other laser device attached  
8           to a firearm, or used in concert with a firearm, so that  
9           the laser beam strikes upon or against the person of  
10          another.

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

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

16                (1) Violates Section 401 of the Illinois Controlled  
17                Substances Act by unlawfully delivering a controlled  
18                substance to another and any user experiences great bodily  
19                harm or permanent disability as a result of the injection,  
20                inhalation, or ingestion of any amount of the controlled  
21                substance.

22                (2) Knowingly administers to an individual or causes  
23                him or her to take, without his or her consent or by threat  
24                or deception, and for other than medical purposes, any  
25                intoxicating,        poisonous,        stupefying,        narcotic,  
26                anesthetic, or controlled substance, or gives to another

1 person any food containing any substance or object  
2 intended to cause physical injury if eaten.

3 (3) Knowingly causes or attempts to cause a  
4 correctional institution employee or Department of Human  
5 Services employee to come into contact with blood, seminal  
6 fluid, urine, or feces by throwing, tossing, or expelling  
7 the fluid or material, and the person is an inmate of a  
8 penal institution or is a sexually dangerous person or  
9 sexually violent person in the custody of the Department  
10 of Human Services.

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

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

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

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

24 Aggravated battery as defined in subdivision (a)(1) is a  
25 Class 2 felony when the person causes great bodily harm or  
26 permanent disability to an individual whom the person knows to

1 be a member of a congregation engaged in prayer or other  
2 religious activities at a church, synagogue, mosque, or other  
3 building, structure, or place used for religious worship.

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

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

8 (B) the person caused great bodily harm or permanent  
9 disability or disfigurement to the other person while  
10 committing the offense; or

11 (C) the person has been previously convicted of a  
12 violation of subdivision (a)(5) under the laws of this  
13 State or laws similar to subdivision (a)(5) of any other  
14 state.

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

17 Aggravated battery as defined in subdivision (a)(2) is a  
18 Class X felony for which a person shall be sentenced to a term  
19 of imprisonment of a minimum of 6 years and a maximum of 45  
20 years.

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

25 Aggravated battery as defined in subdivision (e)(2),  
26 (e)(3), or (e)(4) is a Class X felony for which a person shall

1 be sentenced to a term of imprisonment of a minimum of 15 years  
2 and a maximum of 60 years.

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

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

9 (1) if the person committed the offense while armed  
10 with a firearm, 15 years shall be added to the term of  
11 imprisonment imposed by the court;

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

15 (3) if, during the commission of the offense, the  
16 person personally discharged a firearm that proximately  
17 caused great bodily harm, permanent disability, permanent  
18 disfigurement, or death to another person, 25 years or up  
19 to a term of natural life shall be added to the term of  
20 imprisonment imposed by the court.

21 (i) Definitions. In this Section:

22 "Building or other structure used to provide shelter" has  
23 the meaning ascribed to "shelter" in Section 1 of the Domestic  
24 Violence Shelters Act.

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

1 "Domestic violence shelter" means any building or other  
2 structure used to provide shelter or other services to victims  
3 or to the dependent children of victims of domestic violence  
4 pursuant to the Illinois Domestic Violence Act of 1986 or the  
5 Domestic Violence Shelters Act, or any place within 500 feet  
6 of such a building or other structure in the case of a person  
7 who is going to or from such a building or other structure.

8 "Firearm" has the meaning provided under Section 2-7.5 ~~1-1~~  
9 ~~of the Firearm Owners Identification Card Act~~, and does not  
10 include an air rifle as defined by Section 24.8-0.1 of this  
11 Code.

12 "Machine gun" has the meaning ascribed to it in Section  
13 24-1 of this Code.

14 "Merchant" has the meaning ascribed to it in Section  
15 16-0.1 of this Code.

16 "Strangle" means intentionally impeding the normal  
17 breathing or circulation of the blood of an individual by  
18 applying pressure on the throat or neck of that individual or  
19 by blocking the nose or mouth of that individual.

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

21 (720 ILCS 5/16-0.1)

22 Sec. 16-0.1. Definitions. In this Article, unless the  
23 context clearly requires otherwise, the following terms are  
24 defined as indicated:

25 "Access" means to use, instruct, communicate with, store



1 data in, retrieve or intercept data from, or otherwise utilize  
2 any services of a computer.

3 "Coin-operated machine" includes any automatic vending  
4 machine or any part thereof, parking meter, coin telephone,  
5 coin-operated transit turnstile, transit fare box, coin  
6 laundry machine, coin dry cleaning machine, amusement machine,  
7 music machine, vending machine dispensing goods or services,  
8 or money changer.

9 "Communication device" means any type of instrument,  
10 device, machine, or equipment which is capable of  
11 transmitting, acquiring, decrypting, or receiving any  
12 telephonic, electronic, data, Internet access, audio, video,  
13 microwave, or radio transmissions, signals, communications, or  
14 services, including the receipt, acquisition, transmission, or  
15 decryption of all such communications, transmissions, signals,  
16 or services provided by or through any cable television, fiber  
17 optic, telephone, satellite, microwave, radio, Internet-based,  
18 data transmission, or wireless distribution network, system or  
19 facility; or any part, accessory, or component thereof,  
20 including any computer circuit, security module, smart card,  
21 software, computer chip, electronic mechanism or other  
22 component, accessory or part of any communication device which  
23 is capable of facilitating the transmission, decryption,  
24 acquisition or reception of all such communications,  
25 transmissions, signals, or services.

26 "Communication service" means any service lawfully

1 provided for a charge or compensation to facilitate the lawful  
2 origination, transmission, emission, or reception of signs,  
3 signals, data, writings, images, and sounds or intelligence of  
4 any nature by telephone, including cellular telephones or a  
5 wire, wireless, radio, electromagnetic, photo-electronic or  
6 photo-optical system; and also any service lawfully provided  
7 by any radio, telephone, cable television, fiber optic,  
8 satellite, microwave, Internet-based or wireless distribution  
9 network, system, facility or technology, including, but not  
10 limited to, any and all electronic, data, video, audio,  
11 Internet access, telephonic, microwave and radio  
12 communications, transmissions, signals and services, and any  
13 such communications, transmissions, signals and services  
14 lawfully provided directly or indirectly by or through any of  
15 those networks, systems, facilities or technologies.

16 "Communication service provider" means: (1) any person or  
17 entity providing any communication service, whether directly  
18 or indirectly, as a reseller, including, but not limited to, a  
19 cellular, paging or other wireless communications company or  
20 other person or entity which, for a fee, supplies the  
21 facility, cell site, mobile telephone switching office or  
22 other equipment or communication service; (2) any person or  
23 entity owning or operating any cable television, fiber optic,  
24 satellite, telephone, wireless, microwave, radio, data  
25 transmission or Internet-based distribution network, system or  
26 facility; and (3) any person or entity providing any

1 communication service directly or indirectly by or through any  
2 such distribution system, network or facility.

3 "Computer" means a device that accepts, processes, stores,  
4 retrieves or outputs data, and includes but is not limited to  
5 auxiliary storage and telecommunications devices connected to  
6 computers.

7 "Continuing course of conduct" means a series of acts, and  
8 the accompanying mental state necessary for the crime in  
9 question, irrespective of whether the series of acts are  
10 continuous or intermittent.

11 "Delivery container" means any bakery basket of wire or  
12 plastic used to transport or store bread or bakery products,  
13 any dairy case of wire or plastic used to transport or store  
14 dairy products, and any dolly or cart of 2 or 4 wheels used to  
15 transport or store any bakery or dairy product.

16 "Document-making implement" means any implement,  
17 impression, template, computer file, computer disc, electronic  
18 device, computer hardware, computer software, instrument, or  
19 device that is used to make a real or fictitious or fraudulent  
20 personal identification document.

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

- 22 (1) An electronic funds transfer card.
- 23 (2) A credit card.
- 24 (3) A debit card.
- 25 (4) A point-of-sale card.
- 26 (5) Any instrument, device, card, plate, code, account

1 number, personal identification number, or a record or  
2 copy of a code, account number, or personal identification  
3 number or other means of access to a credit account or  
4 deposit account, or a driver's license or State  
5 identification card used to access a proprietary account,  
6 other than access originated solely by a paper instrument,  
7 that can be used alone or in conjunction with another  
8 access device, for any of the following purposes:

9 (A) Obtaining money, cash refund or credit  
10 account, credit, goods, services, or any other thing  
11 of value.

12 (B) Certifying or guaranteeing to a person or  
13 business the availability to the device holder of  
14 funds on deposit to honor a draft or check payable to  
15 the order of that person or business.

16 (C) Providing the device holder access to a  
17 deposit account for the purpose of making deposits,  
18 withdrawing funds, transferring funds between deposit  
19 accounts, obtaining information pertaining to a  
20 deposit account, or making an electronic funds  
21 transfer.

22 "Full retail value" means the merchant's stated or  
23 advertised price of the merchandise. "Full retail value"  
24 includes the aggregate value of property obtained from retail  
25 thefts committed by the same person as part of a continuing  
26 course of conduct from one or more mercantile establishments

1 in a single transaction or in separate transactions over a  
2 period of one year.

3 "Internet" means an interactive computer service or system  
4 or an information service, system, or access software provider  
5 that provides or enables computer access by multiple users to  
6 a computer server, and includes, but is not limited to, an  
7 information service, system, or access software provider that  
8 provides access to a network system commonly known as the  
9 Internet, or any comparable system or service and also  
10 includes, but is not limited to, a World Wide Web page,  
11 newsgroup, message board, mailing list, or chat area on any  
12 interactive computer service or system or other online  
13 service.

14 "Library card" means a card or plate issued by a library  
15 facility for purposes of identifying the person to whom the  
16 library card was issued as authorized to borrow library  
17 material, subject to all limitations and conditions imposed on  
18 the borrowing by the library facility issuing such card.

19 "Library facility" includes any public library or museum,  
20 or any library or museum of an educational, historical or  
21 eleemosynary institution, organization or society.

22 "Library material" includes any book, plate, picture,  
23 photograph, engraving, painting, sculpture, statue, artifact,  
24 drawing, map, newspaper, pamphlet, broadside, magazine,  
25 manuscript, document, letter, microfilm, sound recording,  
26 audiovisual material, magnetic or other tape, electronic data

1 processing record or other documentary, written or printed  
2 material regardless of physical form or characteristics, or  
3 any part thereof, belonging to, or on loan to or otherwise in  
4 the custody of a library facility.

5 "Manufacture or assembly of an unlawful access device"  
6 means to make, produce or assemble an unlawful access device  
7 or to modify, alter, program or re-program any instrument,  
8 device, machine, equipment or software so that it is capable  
9 of defeating or circumventing any technology, device or  
10 software used by the provider, owner or licensee of a  
11 communication service or of any data, audio or video programs  
12 or transmissions to protect any such communication, data,  
13 audio or video services, programs or transmissions from  
14 unauthorized access, acquisition, disclosure, receipt,  
15 decryption, communication, transmission or re-transmission.

16 "Manufacture or assembly of an unlawful communication  
17 device" means to make, produce or assemble an unlawful  
18 communication or wireless device or to modify, alter, program  
19 or reprogram a communication or wireless device to be capable  
20 of acquiring, disrupting, receiving, transmitting, decrypting,  
21 or facilitating the acquisition, disruption, receipt,  
22 transmission or decryption of, a communication service without  
23 the express consent or express authorization of the  
24 communication service provider, or to knowingly assist others  
25 in those activities.

26 "Master sound recording" means the original physical

1 object on which a given set of sounds were first recorded and  
2 which the original object from which all subsequent sound  
3 recordings embodying the same set of sounds are directly or  
4 indirectly derived.

5 "Merchandise" means any item of tangible personal  
6 property, including motor fuel.

7 "Merchant" means an owner or operator of any retail  
8 mercantile establishment or any agent, employee, lessee,  
9 consignee, officer, director, franchisee, or independent  
10 contractor of the owner or operator. "Merchant" also means a  
11 person who receives from an authorized user of a payment card,  
12 or someone the person believes to be an authorized user, a  
13 payment card or information from a payment card, or what the  
14 person believes to be a payment card or information from a  
15 payment card, as the instrument for obtaining, purchasing or  
16 receiving goods, services, money, or anything else of value  
17 from the person.

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

20 "Online" means the use of any electronic or wireless  
21 device to access the Internet.

22 "Payment card" means a credit card, charge card, debit  
23 card, or any other card that is issued to an authorized card  
24 user and that allows the user to obtain, purchase, or receive  
25 goods, services, money, or anything else of value from a  
26 merchant.

1 "Person with a disability" means a person who suffers from  
2 a physical or mental impairment resulting from disease,  
3 injury, functional disorder or congenital condition that  
4 impairs the individual's mental or physical ability to  
5 independently manage his or her property or financial  
6 resources, or both.

7 "Personal identification document" means a birth  
8 certificate, a driver's license, a State identification card,  
9 a public, government, or private employment identification  
10 card, a social security card, license issued under the Firearm  
11 Concealed Carry Act ~~a firearm owner's identification card~~, a  
12 credit card, a debit card, or a passport issued to or on behalf  
13 of a person other than the offender, or any document made or  
14 issued, or falsely purported to have been made or issued, by or  
15 under the authority of the United States Government, the State  
16 of Illinois, or any other state political subdivision of any  
17 state, or any other governmental or quasi-governmental  
18 organization that is of a type intended for the purpose of  
19 identification of an individual, or any such document made or  
20 altered in a manner that it falsely purports to have been made  
21 on behalf of or issued to another person or by the authority of  
22 one who did not give that authority.

23 "Personal identifying information" means any of the  
24 following information:

- 25 (1) A person's name.  
26 (2) A person's address.



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

2 (4) A person's telephone number.

3 (5) A person's driver's license number or State of  
4 Illinois identification card as assigned by the Secretary  
5 of State of the State of Illinois or a similar agency of  
6 another state.

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

8 (7) A person's public, private, or government  
9 employer, place of employment, or employment  
10 identification number.

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

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

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

19 (11) Personal identification numbers.

20 (12) Electronic identification numbers.

21 (13) Digital signals.

22 (14) User names, passwords, and any other word,  
23 number, character or combination of the same usable in  
24 whole or part to access information relating to a specific  
25 individual, or to the actions taken, communications made  
26 or received, or other activities or transactions of a

1 specific individual.

2 (15) Any other numbers or information which can be  
3 used to access a person's financial resources, or to  
4 identify a specific individual, or the actions taken,  
5 communications made or received, or other activities or  
6 transactions of a specific individual.

7 "Premises of a retail mercantile establishment" includes,  
8 but is not limited to, the retail mercantile establishment;  
9 any common use areas in shopping centers; and all parking  
10 areas set aside by a merchant or on behalf of a merchant for  
11 the parking of vehicles for the convenience of the patrons of  
12 such retail mercantile establishment.

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

26 "Publish" means to communicate or disseminate information

1 to any one or more persons, either orally, in person, or by  
2 telephone, radio or television or in writing of any kind,  
3 including, without limitation, a letter or memorandum,  
4 circular or handbill, newspaper or magazine article or book.

5 "Radio frequency identification device" means any  
6 implement, computer file, computer disc, electronic device,  
7 computer hardware, computer software, or instrument that is  
8 used to activate, read, receive, or decode information stored  
9 on a RFID tag or transponder attached to a personal  
10 identification document.

11 "RFID tag or transponder" means a chip or device that  
12 contains personal identifying information from which the  
13 personal identifying information can be read or decoded by  
14 another device emitting a radio frequency that activates or  
15 powers a radio frequency emission response from the chip or  
16 transponder.

17 "Reencoder" means an electronic device that places encoded  
18 information from the magnetic strip or stripe of a payment  
19 card onto the magnetic strip or stripe of a different payment  
20 card.

21 "Retail mercantile establishment" means any place where  
22 merchandise is displayed, held, stored or offered for sale to  
23 the public.

24 "Scanning device" means a scanner, reader, or any other  
25 electronic device that is used to access, read, scan, obtain,  
26 memorize, or store, temporarily or permanently, information

1 encoded on the magnetic strip or stripe of a payment card.

2 "Shopping cart" means those push carts of the type or  
3 types which are commonly provided by grocery stores, drug  
4 stores or other retail mercantile establishments for the use  
5 of the public in transporting commodities in stores and  
6 markets and, incidentally, from the stores to a place outside  
7 the store.

8 "Sound or audio visual recording" means any sound or audio  
9 visual phonograph record, disc, pre-recorded tape, film, wire,  
10 magnetic tape or other object, device or medium, now known or  
11 hereafter invented, by which sounds or images may be  
12 reproduced with or without the use of any additional machine,  
13 equipment or device.

14 "Stored value card" means any card, gift card, instrument,  
15 or device issued with or without fee for the use of the  
16 cardholder to obtain money, goods, services, or anything else  
17 of value. Stored value cards include, but are not limited to,  
18 cards issued for use as a stored value card or gift card, and  
19 an account identification number or symbol used to identify a  
20 stored value card. "Stored value card" does not include a  
21 prepaid card usable at multiple, unaffiliated merchants or at  
22 automated teller machines, or both. "Stored value card" shall  
23 only apply to Section 16-25.1 of this Act.

24 "Theft detection device remover" means any tool or device  
25 specifically designed and intended to be used to remove any  
26 theft detection device from any merchandise.

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

4 "Unidentified sound or audio visual recording" means a  
5 sound or audio visual recording without the actual name and  
6 full and correct street address of the manufacturer, and the  
7 name of the actual performers or groups prominently and  
8 legibly printed on the outside cover or jacket and on the label  
9 of such sound or audio visual recording.

10 "Unlawful access device" means any type of instrument,  
11 device, machine, equipment, technology, or software which is  
12 primarily possessed, used, designed, assembled, manufactured,  
13 sold, distributed or offered, promoted or advertised for the  
14 purpose of defeating or circumventing any technology, device  
15 or software, or any component or part thereof, used by the  
16 provider, owner or licensee of any communication service or of  
17 any data, audio or video programs or transmissions to protect  
18 any such communication, audio or video services, programs or  
19 transmissions from unauthorized access, acquisition, receipt,  
20 decryption, disclosure, communication, transmission or  
21 re-transmission.

22 "Unlawful communication device" means any electronic  
23 serial number, mobile identification number, personal  
24 identification number or any communication or wireless device  
25 that is capable of acquiring or facilitating the acquisition  
26 of a communication service without the express consent or

1 express authorization of the communication service provider,  
2 or that has been altered, modified, programmed or  
3 reprogrammed, alone or in conjunction with another  
4 communication or wireless device or other equipment, to so  
5 acquire or facilitate the unauthorized acquisition of a  
6 communication service. "Unlawful communication device" also  
7 means:

8 (1) any phone altered to obtain service without the  
9 express consent or express authorization of the  
10 communication service provider, tumbler phone, counterfeit  
11 or clone phone, tumbler microchip, counterfeit or clone  
12 microchip, scanning receiver of wireless communication  
13 service or other instrument capable of disguising its  
14 identity or location or of gaining unauthorized access to  
15 a communications or wireless system operated by a  
16 communication service provider; and

17 (2) any communication or wireless device which is  
18 capable of, or has been altered, designed, modified,  
19 programmed or reprogrammed, alone or in conjunction with  
20 another communication or wireless device or devices, so as  
21 to be capable of, facilitating the disruption,  
22 acquisition, receipt, transmission or decryption of a  
23 communication service without the express consent or  
24 express authorization of the communication service  
25 provider, including, but not limited to, any device,  
26 technology, product, service, equipment, computer software

1 or component or part thereof, primarily distributed, sold,  
2 designed, assembled, manufactured, modified, programmed,  
3 reprogrammed or used for the purpose of providing the  
4 unauthorized receipt of, transmission of, disruption of,  
5 decryption of, access to or acquisition of any  
6 communication service provided by any communication  
7 service provider.

8 "Vehicle" means a motor vehicle, motorcycle, or farm  
9 implement that is self-propelled and that uses motor fuel for  
10 propulsion.

11 "Wireless device" includes any type of instrument, device,  
12 machine, or equipment that is capable of transmitting or  
13 receiving telephonic, electronic or radio communications, or  
14 any part of such instrument, device, machine, or equipment, or  
15 any computer circuit, computer chip, electronic mechanism, or  
16 other component that is capable of facilitating the  
17 transmission or reception of telephonic, electronic, or radio  
18 communications.

19 (Source: P.A. 102-757, eff. 5-13-22.)

20 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

21 Sec. 17-30. Defaced, altered, or removed manufacturer or  
22 owner identification number.

23 (a) Unlawful sale of household appliances. A person  
24 commits unlawful sale of household appliances when he or she  
25 knowingly, with the intent to defraud or deceive another,

1 keeps for sale, within any commercial context, any household  
2 appliance with a missing, defaced, obliterated, or otherwise  
3 altered manufacturer's identification number.

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

18 The trier of fact may infer that the defendant has  
19 knowingly changed, altered, removed, or obliterated the serial  
20 number, product identification number, part number, component  
21 identification number, owner-applied identification number, or  
22 other mark of identification, if the defendant was in  
23 possession of any machine or other equipment or a part of such  
24 machine or equipment used in the construction, maintenance, or  
25 demolition of buildings, structures, bridges, tunnels, sewers,  
26 utility pipes or lines, ditches or open cuts, roads, highways,



1 dams, airports, or waterways or in material handling for such  
2 projects upon which any such serial number, product  
3 identification number, part number, component identification  
4 number, owner-applied identification number, or other mark of  
5 identification has been changed, altered, removed, or  
6 obliterated.

7 (c) Defacement of manufacturer's serial number or  
8 identification mark. A person commits defacement of a  
9 manufacturer's serial number or identification mark when he or  
10 she knowingly removes, alters, defaces, covers, or destroys  
11 the manufacturer's serial number or any other manufacturer's  
12 number or distinguishing identification mark upon any machine  
13 or other article of merchandise, other than a motor vehicle as  
14 defined in Section 1-146 of the Illinois Vehicle Code or a  
15 firearm ~~as defined in the Firearm Owners Identification Card~~  
16 ~~Act~~, with the intent of concealing or destroying the identity  
17 of such machine or other article of merchandise.

18 (d) Sentence.

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

23 (2) A violation of subsection (b) of this Section is a  
24 Class A misdemeanor.

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

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

3 (f) Definitions. In this Section:

4 "Commercial context" means a continuing business  
5 enterprise conducted for profit by any person whose primary  
6 business is the wholesale or retail marketing of household  
7 appliances, or a significant portion of whose business or  
8 inventory consists of household appliances kept or sold on a  
9 wholesale or retail basis.

10 "Household appliance" means any gas or electric device or  
11 machine marketed for use as home entertainment or for  
12 facilitating or expediting household tasks or chores. The term  
13 shall include but not necessarily be limited to refrigerators,  
14 freezers, ranges, radios, television sets, vacuum cleaners,  
15 toasters, dishwashers, and other similar household items.

16 "Manufacturer's identification number" means any serial  
17 number or other similar numerical or alphabetical designation  
18 imprinted upon or attached to or placed, stamped, or otherwise  
19 imprinted upon or attached to a household appliance or item by  
20 the manufacturer for purposes of identifying a particular  
21 appliance or item individually or by lot number.

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

23 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

25 (a) A person commits the offense of unlawful use of

1 weapons when he knowingly:

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

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

17 (2.5) Carries or possesses with intent to use the same  
18 unlawfully against another, any firearm in a church,  
19 synagogue, mosque, or other building, structure, or place  
20 used for religious worship; or

21 (3) Carries on or about his person or in any vehicle, a  
22 tear gas gun projector or bomb or any object containing  
23 noxious liquid gas or substance, other than an object  
24 containing a non-lethal noxious liquid gas or substance  
25 designed solely for personal defense carried by a person  
26 18 years of age or older; or

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

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

11                   (ii) are not immediately accessible; or

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

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

21           (5) Sets a spring gun; or

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

25           (7) Sells, manufactures, purchases, possesses or  
26           carries:

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

13 (ii) any rifle having one or more barrels less  
14 than 16 inches in length or a shotgun having one or  
15 more barrels less than 18 inches in length or any  
16 weapon made from a rifle or shotgun, whether by  
17 alteration, modification, or otherwise, if such a  
18 weapon as modified has an overall length of less than  
19 26 inches; or

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

25 (8) Carries or possesses any firearm, stun gun or  
26 taser or other deadly weapon in any place which is

1 licensed to sell intoxicating beverages, or at any public  
2 gathering held pursuant to a license issued by any  
3 governmental body or any public gathering at which an  
4 admission is charged, excluding a place where a showing,  
5 demonstration or lecture involving the exhibition of  
6 unloaded firearms is conducted.

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

11 (9) Carries or possesses in a vehicle or on or about  
12 his or her person any pistol, revolver, stun gun or taser  
13 or firearm or ballistic knife, when he or she is hooded,  
14 robed or masked in such manner as to conceal his or her  
15 identity; or

16 (10) Carries or possesses on or about his or her  
17 person, upon any public street, alley, or other public  
18 lands within the corporate limits of a city, village, or  
19 incorporated town, except when an invitee thereon or  
20 therein, for the purpose of the display of such weapon or  
21 the lawful commerce in weapons, or except when on his land  
22 or in his or her own abode, legal dwelling, or fixed place  
23 of business, or on the land or in the legal dwelling of  
24 another person as an invitee with that person's  
25 permission, any pistol, revolver, stun gun, or taser or  
26 other firearm, except that this subsection (a) (10) does

1 not apply to or affect transportation of weapons that meet  
2 one of the following conditions:

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

4 (ii) are not immediately accessible; or

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

10 (iv) are carried or possessed in accordance with  
11 the Firearm Concealed Carry Act by a person who has  
12 been issued a currently valid license under the  
13 Firearm Concealed Carry Act.

14 A "stun gun or taser", as used in this paragraph (a)  
15 means (i) any device which is powered by electrical  
16 charging units, such as, batteries, and which fires one or  
17 several barbs attached to a length of wire and which, upon  
18 hitting a human, can send out a current capable of  
19 disrupting the person's nervous system in such a manner as  
20 to render him incapable of normal functioning or (ii) any  
21 device which is powered by electrical charging units, such  
22 as batteries, and which, upon contact with a human or  
23 clothing worn by a human, can send out current capable of  
24 disrupting the person's nervous system in such a manner as  
25 to render him incapable of normal functioning; or

26 (11) Sells, manufactures, or purchases any explosive

1 bullet. For purposes of this paragraph (a) "explosive  
2 bullet" means the projectile portion of an ammunition  
3 cartridge which contains or carries an explosive charge  
4 which will explode upon contact with the flesh of a human  
5 or an animal. "Cartridge" means a tubular metal case  
6 having a projectile affixed at the front thereof and a cap  
7 or primer at the rear end thereof, with the propellant  
8 contained in such tube between the projectile and the cap;  
9 or

10 (12) (Blank); or

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

19 (b) Sentence. A person convicted of a violation of  
20 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
21 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
22 Class A misdemeanor. A person convicted of a violation of  
23 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;  
24 a person convicted of a violation of subsection 24-1(a)(6) or  
25 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
26 convicted of a violation of subsection 24-1(a)(7)(i) commits a



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

13 (c) Violations in specific places.

14 (1) A person who violates subsection 24-1(a)(6) or  
15 24-1(a)(7) in any school, regardless of the time of day or  
16 the time of year, in residential property owned, operated  
17 or managed by a public housing agency or leased by a public  
18 housing agency as part of a scattered site or mixed-income  
19 development, in a public park, in a courthouse, on the  
20 real property comprising any school, regardless of the  
21 time of day or the time of year, on residential property  
22 owned, operated or managed by a public housing agency or  
23 leased by a public housing agency as part of a scattered  
24 site or mixed-income development, on the real property  
25 comprising any public park, on the real property  
26 comprising any courthouse, in any conveyance owned, leased

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

12 (1.5) A person who violates subsection 24-1(a)(4),  
13 24-1(a)(9), or 24-1(a)(10) in any school, regardless of  
14 the time of day or the time of year, in residential  
15 property owned, operated, or managed by a public housing  
16 agency or leased by a public housing agency as part of a  
17 scattered site or mixed-income development, in a public  
18 park, in a courthouse, on the real property comprising any  
19 school, regardless of the time of day or the time of year,  
20 on residential property owned, operated, or managed by a  
21 public housing agency or leased by a public housing agency  
22 as part of a scattered site or mixed-income development,  
23 on the real property comprising any public park, on the  
24 real property comprising any courthouse, in any conveyance  
25 owned, leased, or contracted by a school to transport  
26 students to or from school or a school related activity,

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

9 (2) A person who violates subsection 24-1(a)(1),  
10 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
11 time of day or the time of year, in residential property  
12 owned, operated or managed by a public housing agency or  
13 leased by a public housing agency as part of a scattered  
14 site or mixed-income development, in a public park, in a  
15 courthouse, on the real property comprising any school,  
16 regardless of the time of day or the time of year, on  
17 residential property owned, operated or managed by a  
18 public housing agency or leased by a public housing agency  
19 as part of a scattered site or mixed-income development,  
20 on the real property comprising any public park, on the  
21 real property comprising any courthouse, in any conveyance  
22 owned, leased or contracted by a school to transport  
23 students to or from school or a school related activity,  
24 in any conveyance owned, leased, or contracted by a public  
25 transportation agency, or on any public way within 1,000  
26 feet of the real property comprising any school, public

1 park, courthouse, public transportation facility, or  
2 residential property owned, operated, or managed by a  
3 public housing agency or leased by a public housing agency  
4 as part of a scattered site or mixed-income development  
5 commits a Class 4 felony. "Courthouse" means any building  
6 that is used by the Circuit, Appellate, or Supreme Court  
7 of this State for the conduct of official business.

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

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

20 (5) For the purposes of this subsection (c), "public  
21 transportation agency" means a public or private agency  
22 that provides for the transportation or conveyance of  
23 persons by means available to the general public, except  
24 for transportation by automobiles not used for conveyance  
25 of the general public as passengers; and "public  
26 transportation facility" means a terminal or other place

1 where one may obtain public transportation.

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

14 (e) Exemptions.

15 (1) Crossbows, Common or Compound bows and Underwater  
16 Spearguns are exempted from the definition of ballistic  
17 knife as defined in paragraph (1) of subsection (a) of  
18 this Section.

19 (2) The provision of paragraph (1) of subsection (a)  
20 of this Section prohibiting the sale, manufacture,  
21 purchase, possession, or carrying of any knife, commonly  
22 referred to as a switchblade knife, which has a blade that  
23 opens automatically by hand pressure applied to a button,  
24 spring or other device in the handle of the knife, does not  
25 apply to a person eligible under State and federal law to  
26 possess a firearm ~~who possesses a currently valid Firearm~~

1 ~~Owner's Identification Card previously issued in his or~~  
2 ~~her name by the Illinois State Police~~ or to a person or an  
3 entity engaged in the business of selling or manufacturing  
4 switchblade knives.

5 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21.)

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful use or possession of weapons by  
8 felons or persons in the custody of the Department of  
9 Corrections facilities.

10 (a) It is unlawful for a person to knowingly possess on or  
11 about his person or on his land or in his own abode or fixed  
12 place of business any weapon prohibited under Section 24-1 of  
13 this Act or any firearm or any firearm ammunition if the person  
14 has been convicted of a felony under the laws of this State or  
15 any other jurisdiction. This Section shall not apply if the  
16 person has been granted relief under this subsection ~~by the~~  
17 ~~Director of the Illinois State Police under Section 10 of the~~  
18 ~~Firearm Owners Identification Card Act.~~ A person prohibited  
19 from possessing a firearm under this subsection (a) may  
20 petition the Director of the Illinois State Police for a  
21 hearing and relief from the prohibition, unless the  
22 prohibition was based upon a forcible felony, stalking,  
23 aggravated stalking, domestic battery, any violation of the  
24 Illinois Controlled Substances Act, the Methamphetamine  
25 Control and Community Protection Act, or the Cannabis Control

1 Act that is classified as a Class 2 or greater felony, any  
2 felony violation of Article 24 of the Criminal Code of 1961 or  
3 the Criminal Code of 2012, or any adjudication as a delinquent  
4 minor for the commission of an offense that if committed by an  
5 adult would be a felony, in which case the person may petition  
6 the circuit court in writing in the county of his or her  
7 residence for a hearing and relief from the prohibition. The  
8 Director or court may grant the relief if it is established by  
9 the petitioner to the court's or Director's satisfaction that:

10 (1) when in the circuit court, the State's Attorney  
11 has been served with a written copy of the petition at  
12 least 30 days before any hearing in the circuit court and  
13 at the hearing the State's Attorney was afforded an  
14 opportunity to present evidence and object to the  
15 petition;

16 (2) the petitioner has not been convicted of a  
17 forcible felony under the laws of this State or any other  
18 jurisdiction within 20 years of the filing of the  
19 petition, or at least 20 years have passed since the end of  
20 any period of imprisonment imposed in relation to that  
21 conviction;

22 (3) the circumstances regarding a criminal conviction,  
23 where applicable, the petitioner's criminal history and  
24 his or her reputation are such that the petitioner will  
25 not be likely to act in a manner dangerous to public  
26 safety;

1           (4) granting relief would not be contrary to the  
2           public interest; and

3           (5) granting relief would not be contrary to federal  
4           law.

5           (b) It is unlawful for any person confined in a penal  
6 institution, which is a facility of the Illinois Department of  
7 Corrections, to possess any weapon prohibited under Section  
8 24-1 of this Code or any firearm or firearm ammunition,  
9 regardless of the intent with which he possesses it.

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

14          (d) The defense of necessity is not available to a person  
15 who is charged with a violation of subsection (b) of this  
16 Section.

17          (e) Sentence. Violation of this Section by a person not  
18 confined in a penal institution shall be a Class 3 felony for  
19 which the person shall be sentenced to no less than 2 years and  
20 no more than 10 years. A second or subsequent violation of this  
21 Section shall be a Class 2 felony for which the person shall be  
22 sentenced to a term of imprisonment of not less than 3 years  
23 and not more than 14 years, except as provided for in Section  
24 5-4.5-110 of the Unified Code of Corrections. Violation of  
25 this Section by a person not confined in a penal institution  
26 who has been convicted of a forcible felony, a felony



1 violation of Article 24 of this Code ~~or of the Firearm Owners~~  
2 ~~Identification Card Act~~, stalking or aggravated stalking, or a  
3 Class 2 or greater felony under the Illinois Controlled  
4 Substances Act, the Cannabis Control Act, or the  
5 Methamphetamine Control and Community Protection Act is a  
6 Class 2 felony for which the person shall be sentenced to not  
7 less than 3 years and not more than 14 years, except as  
8 provided for in Section 5-4.5-110 of the Unified Code of  
9 Corrections. Violation of this Section by a person who is on  
10 parole or mandatory supervised release is a Class 2 felony for  
11 which the person shall be sentenced to not less than 3 years  
12 and not more than 14 years, except as provided for in Section  
13 5-4.5-110 of the Unified Code of Corrections. Violation of  
14 this Section by a person not confined in a penal institution is  
15 a Class X felony when the firearm possessed is a machine gun.  
16 Any person who violates this Section while confined in a penal  
17 institution, which is a facility of the Illinois Department of  
18 Corrections, is guilty of a Class 1 felony, if he possesses any  
19 weapon prohibited under Section 24-1 of this Code regardless  
20 of the intent with which he possesses it, a Class X felony if  
21 he possesses any firearm, firearm ammunition or explosive, and  
22 a Class X felony for which the offender shall be sentenced to  
23 not less than 12 years and not more than 50 years when the  
24 firearm possessed is a machine gun. A violation of this  
25 Section while wearing or in possession of body armor as  
26 defined in Section 33F-1 is a Class X felony punishable by a

1 term of imprisonment of not less than 10 years and not more  
2 than 40 years. The possession of each firearm or firearm  
3 ammunition in violation of this Section constitutes a single  
4 and separate violation.

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

6 (720 ILCS 5/24-1.6)

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

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

10 (1) Carries on or about his or her person or in any  
11 vehicle or concealed on or about his or her person except  
12 when on his or her land or in his or her abode, legal  
13 dwelling, or fixed place of business, or on the land or in  
14 the legal dwelling of another person as an invitee with  
15 that person's permission, any pistol, revolver, stun gun  
16 or taser or other firearm; or

17 (2) Carries or possesses on or about his or her  
18 person, upon any public street, alley, or other public  
19 lands within the corporate limits of a city, village or  
20 incorporated town, except when an invitee thereon or  
21 therein, for the purpose of the display of such weapon or  
22 the lawful commerce in weapons, or except when on his or  
23 her own land or in his or her own abode, legal dwelling, or  
24 fixed place of business, or on the land or in the legal  
25 dwelling of another person as an invitee with that

1 person's permission, any pistol, revolver, stun gun or  
2 taser or other firearm; and

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

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

7 (A-5) the pistol, revolver, or handgun possessed  
8 was uncased, loaded, and immediately accessible at the  
9 time of the offense and the person possessing the  
10 pistol, revolver, or handgun has not been issued a  
11 currently valid license under the Firearm Concealed  
12 Carry Act; or

13 (B) the firearm, other than a pistol, revolver, or  
14 handgun, possessed was uncased, unloaded, and the  
15 ammunition for the weapon was immediately accessible  
16 at the time of the offense; or

17 (B-5) the pistol, revolver, or handgun possessed  
18 was uncased, unloaded, and the ammunition for the  
19 weapon was immediately accessible at the time of the  
20 offense and the person possessing the pistol,  
21 revolver, or handgun has not been issued a currently  
22 valid license under the Firearm Concealed Carry Act;  
23 or

24 (C) (blank); or ~~the person possessing the firearm~~  
25 ~~has not been issued a currently valid Firearm Owner's~~  
26 ~~Identification Card; or~~

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

5 (E) the person possessing the weapon was engaged  
6 in a misdemeanor violation of the Cannabis Control  
7 Act, in a misdemeanor violation of the Illinois  
8 Controlled Substances Act, or in a misdemeanor  
9 violation of the Methamphetamine Control and Community  
10 Protection Act; or

11 (F) (blank); or

12 (G) the person possessing the weapon had an order  
13 of protection issued against him or her within the  
14 previous 2 years; or

15 (H) the person possessing the weapon was engaged  
16 in the commission or attempted commission of a  
17 misdemeanor involving the use or threat of violence  
18 against the person or property of another; or

19 (I) the person possessing the weapon was under 21  
20 years of age and in possession of a handgun, unless the  
21 person under 21 is engaged in lawful activities under  
22 the Wildlife Code or described in subsection  
23 24-2(b)(1), (b)(3), or 24-2(f).

24 (a-5) "Handgun" as used in this Section has the meaning  
25 given to it in Section 5 of the Firearm Concealed Carry Act.

26 (b) "Stun gun or taser" as used in this Section has the

1 same definition given to it in Section 24-1 of this Code.

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

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

5 (ii) are not immediately accessible; or

6 (iii) are unloaded and enclosed in a case, firearm  
7 carrying box, shipping box, or other container by a person  
8 eligible under State and federal law to possess a firearm  
9 ~~who has been issued a currently valid Firearm Owner's~~  
10 ~~Identification Card.~~

11 (d) Sentence.

12 (1) Aggravated unlawful use of a weapon is a Class 4  
13 felony; a second or subsequent offense is a Class 2 felony  
14 for which the person shall be sentenced to a term of  
15 imprisonment of not less than 3 years and not more than 7  
16 years, except as provided for in Section 5-4.5-110 of the  
17 Unified Code of Corrections.

18 (2) (Blank). ~~Except as otherwise provided in~~  
19 ~~paragraphs (3) and (4) of this subsection (d), a first~~  
20 ~~offense of aggravated unlawful use of a weapon committed~~  
21 ~~with a firearm by a person 18 years of age or older where~~  
22 ~~the factors listed in both items (A) and (C) or both items~~  
23 ~~(A-5) and (C) of paragraph (3) of subsection (a) are~~  
24 ~~present is a Class 4 felony, for which the person shall be~~  
25 ~~sentenced to a term of imprisonment of not less than one~~  
26 ~~year and not more than 3 years.~~

1           (3) Aggravated unlawful use of a weapon by a person  
2           who has been previously convicted of a felony in this  
3           State or another jurisdiction is a Class 2 felony for  
4           which the person shall be sentenced to a term of  
5           imprisonment of not less than 3 years and not more than 7  
6           years, except as provided for in Section 5-4.5-110 of the  
7           Unified Code of Corrections.

8           (4) Aggravated unlawful use of a weapon while wearing  
9           or in possession of body armor as defined in Section 33F-1  
10          by a person who is prohibited under State or federal law  
11          from possessing a firearm ~~has not been issued a valid~~  
12          ~~Firearms Owner's Identification Card in accordance with~~  
13          ~~Section 5 of the Firearm Owners Identification Card Act~~ is  
14          a Class X felony.

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

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

18           (720 ILCS 5/24-1.8)

19           Sec. 24-1.8. Unlawful possession of a firearm by a street  
20           gang member.

21           (a) A person commits unlawful possession of a firearm by a  
22           street gang member when he or she knowingly:

23           (1) possesses, carries, or conceals on or about his or  
24           her person a firearm and firearm ammunition while on any  
25           street, road, alley, gangway, sidewalk, or any other

1 lands, except when inside his or her own abode or inside  
2 his or her fixed place of business, ~~and has not been issued~~  
3 ~~a currently valid Firearm Owner's Identification Card~~ and  
4 is a member of a street gang; or

5 (2) possesses or carries in any vehicle a firearm and  
6 firearm ammunition which are both immediately accessible  
7 at the time of the offense while on any street, road,  
8 alley, or any other lands, except when inside his or her  
9 own abode or garage, ~~and has not been issued a currently~~  
10 ~~valid Firearm Owner's Identification Card~~ and is a member  
11 of a street gang.

12 (b) Unlawful possession of a firearm by a street gang  
13 member is a Class 2 felony for which the person, if sentenced  
14 to a term of imprisonment, shall be sentenced to no less than 3  
15 years and no more than 10 years. A period of probation, a term  
16 of periodic imprisonment or conditional discharge shall not be  
17 imposed for the offense of unlawful possession of a firearm by  
18 a street gang member when the firearm was loaded or contained  
19 firearm ammunition and the court shall sentence the offender  
20 to not less than the minimum term of imprisonment authorized  
21 for the Class 2 felony.

22 (c) For purposes of this Section:

23 "Street gang" or "gang" has the meaning ascribed to it  
24 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
25 Prevention Act.

26 "Street gang member" or "gang member" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang  
2 Terrorism Omnibus Prevention Act.

3 (Source: P.A. 96-829, eff. 12-3-09.)

4 (720 ILCS 5/24-2)

5 Sec. 24-2. Exemptions.

6 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
7 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
8 the following:

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

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

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

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



1 actually engaged in the performance of the duties of their  
2 employment.

3 (5) Persons licensed as private security contractors,  
4 private detectives, or private alarm contractors, or  
5 employed by a private security contractor, private  
6 detective, or private alarm contractor agency licensed by  
7 the Department of Financial and Professional Regulation,  
8 if their duties include the carrying of a weapon under the  
9 provisions of the Private Detective, Private Alarm,  
10 Private Security, Fingerprint Vendor, and Locksmith Act of  
11 2004, while actually engaged in the performance of the  
12 duties of their employment or commuting between their  
13 homes and places of employment. A person shall be  
14 considered eligible for this exemption if he or she has  
15 completed the required 20 hours of training for a private  
16 security contractor, private detective, or private alarm  
17 contractor, or employee of a licensed private security  
18 contractor, private detective, or private alarm contractor  
19 agency and 28 hours of required firearm training, and has  
20 been issued a firearm control card by the Department of  
21 Financial and Professional Regulation. Conditions for the  
22 renewal of firearm control cards issued under the  
23 provisions of this Section shall be the same as for those  
24 cards issued under the provisions of the Private  
25 Detective, Private Alarm, Private Security, Fingerprint  
26 Vendor, and Locksmith Act of 2004. The firearm control

1 card shall be carried by the private security contractor,  
2 private detective, or private alarm contractor, or  
3 employee of the licensed private security contractor,  
4 private detective, or private alarm contractor agency at  
5 all times when he or she is in possession of a concealable  
6 weapon permitted by his or her firearm control card.

7 (6) Any person regularly employed in a commercial or  
8 industrial operation as a security guard for the  
9 protection of persons employed and private property  
10 related to such commercial or industrial operation, while  
11 actually engaged in the performance of his or her duty or  
12 traveling between sites or properties belonging to the  
13 employer, and who, as a security guard, is a member of a  
14 security force registered with the Department of Financial  
15 and Professional Regulation; provided that such security  
16 guard has successfully completed a course of study,  
17 approved by and supervised by the Department of Financial  
18 and Professional Regulation, consisting of not less than  
19 48 hours of training that includes the theory of law  
20 enforcement, liability for acts, and the handling of  
21 weapons. A person shall be considered eligible for this  
22 exemption if he or she has completed the required 20 hours  
23 of training for a security officer and 28 hours of  
24 required firearm training, and has been issued a firearm  
25 control card by the Department of Financial and  
26 Professional Regulation. Conditions for the renewal of

1 firearm control cards issued under the provisions of this  
2 Section shall be the same as for those cards issued under  
3 the provisions of the Private Detective, Private Alarm,  
4 Private Security, Fingerprint Vendor, and Locksmith Act of  
5 2004. The firearm control card shall be carried by the  
6 security guard at all times when he or she is in possession  
7 of a concealable weapon permitted by his or her firearm  
8 control card.

9 (7) Agents and investigators of the Illinois  
10 Legislative Investigating Commission authorized by the  
11 Commission to carry the weapons specified in subsections  
12 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
13 any investigation for the Commission.

14 (8) Persons employed by a financial institution as a  
15 security guard for the protection of other employees and  
16 property related to such financial institution, while  
17 actually engaged in the performance of their duties,  
18 commuting between their homes and places of employment, or  
19 traveling between sites or properties owned or operated by  
20 such financial institution, and who, as a security guard,  
21 is a member of a security force registered with the  
22 Department; provided that any person so employed has  
23 successfully completed a course of study, approved by and  
24 supervised by the Department of Financial and Professional  
25 Regulation, consisting of not less than 48 hours of  
26 training which includes theory of law enforcement,

1 liability for acts, and the handling of weapons. A person  
2 shall be considered to be eligible for this exemption if  
3 he or she has completed the required 20 hours of training  
4 for a security officer and 28 hours of required firearm  
5 training, and has been issued a firearm control card by  
6 the Department of Financial and Professional Regulation.  
7 Conditions for renewal of firearm control cards issued  
8 under the provisions of this Section shall be the same as  
9 for those issued under the provisions of the Private  
10 Detective, Private Alarm, Private Security, Fingerprint  
11 Vendor, and Locksmith Act of 2004. The firearm control  
12 card shall be carried by the security guard at all times  
13 when he or she is in possession of a concealable weapon  
14 permitted by his or her firearm control card. For purposes  
15 of this subsection, "financial institution" means a bank,  
16 savings and loan association, credit union or company  
17 providing armored car services.

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

21 (10) Persons who have been classified as peace  
22 officers pursuant to the Peace Officer Fire Investigation  
23 Act.

24 (11) Investigators of the Office of the State's  
25 Attorneys Appellate Prosecutor authorized by the board of  
26 governors of the Office of the State's Attorneys Appellate

1 Prosecutor to carry weapons pursuant to Section 7.06 of  
2 the State's Attorneys Appellate Prosecutor's Act.

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

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

13 (13) Court Security Officers while in the performance  
14 of their official duties, or while commuting between their  
15 homes and places of employment, with the consent of the  
16 Sheriff.

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

23 (14) Manufacture, transportation, or sale of weapons  
24 to persons authorized under subdivisions (1) through  
25 (13.5) of this subsection to possess those weapons.

26 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply

1 to or affect any person carrying a concealed pistol, revolver,  
2 or handgun and the person has been issued a currently valid  
3 license under the Firearm Concealed Carry Act at the time of  
4 the commission of the offense.

5 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
6 to or affect a qualified current or retired law enforcement  
7 officer or a current or retired deputy, county correctional  
8 officer, or correctional officer of the Department of  
9 Corrections qualified under the laws of this State or under  
10 the federal Law Enforcement Officers Safety Act.

11 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
12 24-1.6 do not apply to or affect any of the following:

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

18 (2) Duly authorized military or civil organizations  
19 while parading, with the special permission of the  
20 Governor.

21 (3) Hunters, trappers, or fishermen while engaged in  
22 lawful hunting, trapping, or fishing under the provisions  
23 of the Wildlife Code or the Fish and Aquatic Life Code.

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

26 (5) Carrying or possessing any pistol, revolver, stun

1 gun or taser or other firearm on the land or in the legal  
2 dwelling of another person as an invitee with that  
3 person's permission.

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

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

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

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

14 (4) Manufacture, transportation, or sale of machine  
15 guns to persons authorized under subdivisions (1) through  
16 (3) of this subsection to possess machine guns, if the  
17 machine guns are broken down in a non-functioning state or  
18 are not immediately accessible.

19 (5) Persons licensed under federal law to manufacture  
20 any weapon from which 8 or more shots or bullets can be  
21 discharged by a single function of the firing device, or  
22 ammunition for such weapons, and actually engaged in the  
23 business of manufacturing such weapons or ammunition, but  
24 only with respect to activities which are within the  
25 lawful scope of such business, such as the manufacture,  
26 transportation, or testing of such weapons or ammunition.

1 This exemption does not authorize the general private  
2 possession of any weapon from which 8 or more shots or  
3 bullets can be discharged by a single function of the  
4 firing device, but only such possession and activities as  
5 are within the lawful scope of a licensed manufacturing  
6 business described in this paragraph.

7 During transportation, such weapons shall be broken  
8 down in a non-functioning state or not immediately  
9 accessible.

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

22 The exemption granted under this subdivision (c)(6)  
23 shall also apply to any authorized agent of any such  
24 contractor or subcontractor who is operating within the  
25 scope of his employment, where such activities involving  
26 such weapon, weapons or ammunition are necessary and



1 incident to fulfilling the terms of such contract.

2 (7) A person possessing a rifle with a barrel or  
3 barrels less than 16 inches in length if: (A) the person  
4 has been issued a Curios and Relics license from the U.S.  
5 Bureau of Alcohol, Tobacco, Firearms and Explosives; or  
6 (B) the person is an active member of a bona fide,  
7 nationally recognized military re-enacting group and the  
8 modification is required and necessary to accurately  
9 portray the weapon for historical re-enactment purposes;  
10 the re-enactor is in possession of a valid and current  
11 re-enacting group membership credential; and the overall  
12 length of the weapon as modified is not less than 26  
13 inches.

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

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

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

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

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

4           (2) Bonafide collectors of antique or surplus military  
5           ordnance.

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

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

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

1 devices, firearms, or ammunition. This exemption does not  
2 authorize the general private possession of any device or  
3 attachment of any kind designed, used, or intended for use in  
4 silencing the report of any firearm, but only such possession  
5 and activities as are within the lawful scope of a licensed  
6 manufacturing business described in this subsection (g-5).  
7 During transportation, these devices shall be detached from  
8 any weapon or not immediately accessible.

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

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

22 (g-10) (Blank).

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

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

17 (Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22;  
18 102-779, eff. 1-1-23; 102-837, eff. 5-13-22; revised  
19 12-14-22.)

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

25 (a) Sells or gives any firearm of a size which may be

1           concealed upon the person to any person under 18 years of  
2           age.

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

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

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

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

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

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

24           (f) Sells or gives any firearms to any person who is a  
25           person with an intellectual disability.

26           (g) Delivers any firearm, incidental to a sale,

1 without withholding delivery of the firearm for at least  
2 72 hours after application for its purchase has been made,  
3 or delivers a stun gun or taser, incidental to a sale,  
4 without withholding delivery of the stun gun or taser for  
5 at least 24 hours after application for its purchase has  
6 been made. However, this paragraph (g) does not apply to:  
7 (1) the sale of a firearm to a law enforcement officer if  
8 the seller of the firearm knows that the person to whom he  
9 or she is selling the firearm is a law enforcement officer  
10 or the sale of a firearm to a person who desires to  
11 purchase a firearm for use in promoting the public  
12 interest incident to his or her employment as a bank  
13 guard, armed truck guard, or other similar employment; (2)  
14 a mail order sale of a firearm from a federally licensed  
15 firearms dealer to a nonresident of Illinois under which  
16 the firearm is mailed to a federally licensed firearms  
17 dealer outside the boundaries of Illinois; (3) (blank);  
18 (4) the sale of a firearm to a dealer licensed as a federal  
19 firearms dealer under Section 923 of the federal Gun  
20 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
21 sale of any rifle, shotgun, or other long gun to a resident  
22 registered competitor or attendee or non-resident  
23 registered competitor or attendee by any dealer licensed  
24 as a federal firearms dealer under Section 923 of the  
25 federal Gun Control Act of 1968 at competitive shooting  
26 events held at the World Shooting Complex sanctioned by a

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

26 (h) While holding any license as a dealer, importer,

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

13 (i) Sells or gives a firearm of any size to any person  
14 who is not eligible under State or federal law to possess a  
15 firearm under 18 years of age who does not possess a valid  
16 ~~Firearm Owner's Identification Card.~~

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

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



1 or who occasionally fits special barrels, stocks, or  
2 trigger mechanisms to firearms.

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

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

1 ~~Firearm Owner's Identification Card or license to carry a~~  
2 ~~concealed firearm means receipt of an approval number~~  
3 ~~issued in accordance with subsection (a-10) of Section 3~~  
4 ~~or Section 3.1 of the Firearm Owners Identification Card~~  
5 ~~Act.~~

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

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

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

25 (B) Paragraph (h) of subsection (A) does not include  
26 firearms sold within 6 months after enactment of Public Act

1 78-355 (approved August 21, 1973, effective October 1, 1973),  
2 nor is any firearm legally owned or possessed by any citizen or  
3 purchased by any citizen within 6 months after the enactment  
4 of Public Act 78-355 subject to confiscation or seizure under  
5 the provisions of that Public Act. Nothing in Public Act  
6 78-355 shall be construed to prohibit the gift or trade of any  
7 firearm if that firearm was legally held or acquired within 6  
8 months after the enactment of that Public Act.

9 (C) Sentence.

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

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

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

19 (4) Any person convicted of unlawful sale or delivery  
20 of firearms in violation of paragraph (a), (b), or (i) of  
21 subsection (A) in any school, on the real property  
22 comprising a school, within 1,000 feet of the real  
23 property comprising a school, at a school related  
24 activity, or on or within 1,000 feet of any conveyance  
25 owned, leased, or contracted by a school or school  
26 district to transport students to or from school or a

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

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

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

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

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

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

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

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

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

11 (D) For purposes of this Section:

12 "School" means a public or private elementary or secondary  
13 school, community college, college, or university.

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

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

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
26 102-813, eff. 5-13-22.)

1 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

2 Sec. 24-3.1. Unlawful possession of firearms and firearm  
3 ammunition.

4 (a) A person commits the offense of unlawful possession of  
5 firearms or firearm ammunition when:

6 (1) He is under 18 years of age and has in his  
7 possession any firearm of a size which may be concealed  
8 upon the person; or

9 (2) He is under 21 years of age, has been convicted of  
10 a misdemeanor other than a traffic offense or adjudged  
11 delinquent and has any firearms or firearm ammunition in  
12 his possession; or

13 (3) He is a narcotic addict and has any firearms or  
14 firearm ammunition in his possession; or

15 (4) He has been a patient in a mental institution  
16 within the past 5 years and has any firearms or firearm  
17 ammunition in his possession. For purposes of this  
18 paragraph (4):

19 "Mental institution" means any hospital,  
20 institution, clinic, evaluation facility, mental  
21 health center, or part thereof, which is used  
22 primarily for the care or treatment of persons with  
23 mental illness.

24 "Patient in a mental institution" means the person  
25 was admitted, either voluntarily or involuntarily, to



1 a mental institution for mental health treatment,  
2 unless the treatment was voluntary and solely for an  
3 alcohol abuse disorder and no other secondary  
4 substance abuse disorder or mental illness; or

5 (5) He is a person with an intellectual disability and  
6 has any firearms or firearm ammunition in his possession;  
7 or

8 (6) He has in his possession any explosive bullet.

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

17 (a-5) A person prohibited from possessing a firearm under  
18 this Section may petition the Director of the Illinois State  
19 Police for a hearing and relief from the prohibition, unless  
20 the prohibition was based upon a forcible felony, stalking,  
21 aggravated stalking, domestic battery, any violation of the  
22 Illinois Controlled Substances Act, the Methamphetamine  
23 Control and Community Protection Act, or the Cannabis Control  
24 Act that is classified as a Class 2 or greater felony, any  
25 felony violation of Article 24 of the Criminal Code of 1961 or  
26 the Criminal Code of 2012, or any adjudication as a delinquent

1 minor for the commission of an offense that if committed by an  
2 adult would be a felony, in which case the person may petition  
3 the circuit court in writing in the county of his or her  
4 residence for a hearing and relief from the prohibition. The  
5 Director or court may grant the relief if it is established by  
6 the petitioner to the court's or Director's satisfaction that:

7 (1) when in the circuit court, the State's Attorney  
8 has been served with a written copy of the petition at  
9 least 30 days before any hearing in the circuit court and  
10 at the hearing the State's Attorney was afforded an  
11 opportunity to present evidence and object to the  
12 petition;

13 (2) the petitioner has not been convicted of a  
14 forcible felony under the laws of this State or any other  
15 jurisdiction within 20 years of the filing of the  
16 petition, or at least 20 years have passed since the end of  
17 any period of imprisonment imposed in relation to that  
18 conviction;

19 (3) the circumstances regarding a criminal conviction,  
20 where applicable, the petitioner's criminal history and  
21 his reputation are such that the petitioner will not be  
22 likely to act in a manner dangerous to public safety;

23 (4) granting relief would not be contrary to the  
24 public interest; and

25 (5) granting relief would not be contrary to federal  
26 law.

1 (b) Sentence.

2 Unlawful possession of firearms, other than handguns, and  
3 firearm ammunition is a Class A misdemeanor. Unlawful  
4 possession of handguns is a Class 4 felony. The possession of  
5 each firearm or firearm ammunition in violation of this  
6 Section constitutes a single and separate violation.

7 (c) Nothing in paragraph (1) of subsection (a) of this  
8 Section prohibits a person under 18 years of age from  
9 participating in any lawful recreational activity with a  
10 firearm such as, but not limited to, practice shooting at  
11 targets upon established public or private target ranges or  
12 hunting, trapping, or fishing in accordance with the Wildlife  
13 Code or the Fish and Aquatic Life Code.

14 (Source: P.A. 99-143, eff. 7-27-15.)

15 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

16 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

17 (a) A person commits the offense of unlawful discharge of  
18 firearm projectiles when he or she knowingly or recklessly  
19 uses an armor piercing bullet, dragon's breath shotgun shell,  
20 bolo shell, or flechette shell in violation of this Section.

21 For purposes of this Section:

22 "Armor piercing bullet" means any handgun bullet or  
23 handgun ammunition with projectiles or projectile cores  
24 constructed entirely (excluding the presence of traces of  
25 other substances) from tungsten alloys, steel, iron, brass,

1 bronze, beryllium copper or depleted uranium, or fully  
2 jacketed bullets larger than 22 caliber whose jacket has a  
3 weight of more than 25% of the total weight of the projectile,  
4 and excluding those handgun projectiles whose cores are  
5 composed of soft materials such as lead or lead alloys, zinc or  
6 zinc alloys, frangible projectiles designed primarily for  
7 sporting purposes, and any other projectiles or projectile  
8 cores that the U. S. Secretary of the Treasury finds to be  
9 primarily intended to be used for sporting purposes or  
10 industrial purposes or that otherwise does not constitute  
11 "armor piercing ammunition" as that term is defined by federal  
12 law.

13 "Dragon's breath shotgun shell" means any shotgun shell  
14 that contains exothermic pyrophoric mesh metal as the  
15 projectile and is designed for the purpose of throwing or  
16 spewing a flame or fireball to simulate a flame-thrower.

17 "Bolo shell" means any shell that can be fired in a firearm  
18 and expels as projectiles 2 or more metal balls connected by  
19 solid metal wire.

20 "Flechette shell" means any shell that can be fired in a  
21 firearm and expels 2 or more pieces of fin-stabilized solid  
22 metal wire or 2 or more solid dart-type projectiles.

23 (b) A person commits a Class X felony when he or she,  
24 knowing that a firearm, ~~as defined in Section 1.1 of the~~  
25 ~~Firearm Owners Identification Card Act,~~ is loaded with an  
26 armor piercing bullet, dragon's breath shotgun shell, bolo

1 shell, or flechette shell, intentionally or recklessly  
2 discharges such firearm and such bullet or shell strikes any  
3 other person.

4 (c) Any person who possesses, concealed on or about his or  
5 her person, an armor piercing bullet, dragon's breath shotgun  
6 shell, bolo shell, or flechette shell and a firearm suitable  
7 for the discharge thereof is guilty of a Class 2 felony.

8 (d) This Section does not apply to or affect any of the  
9 following:

10 (1) Peace officers;

11 (2) Wardens, superintendents and keepers of prisons,  
12 penitentiaries, jails and other institutions for the  
13 detention of persons accused or convicted of an offense;

14 (3) Members of the Armed Services or Reserve Forces of  
15 the United States or the Illinois National Guard while in  
16 the performance of their official duties;

17 (4) Federal officials required to carry firearms,  
18 while engaged in the performance of their official duties;

19 (5) United States Marshals, while engaged in the  
20 performance of their official duties.

21 (Source: P.A. 92-423, eff. 1-1-02.)

22 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

23 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

24 (a) It shall be unlawful for any person who holds a license  
25 to sell at retail any alcoholic liquor issued by the Illinois

1 Liquor Control Commission or local liquor control commissioner  
2 under the Liquor Control Act of 1934 or an agent or employee of  
3 the licensee to sell or deliver to any other person a firearm  
4 in or on the real property of the establishment where the  
5 licensee is licensed to sell alcoholic liquors unless the sale  
6 or delivery of the firearm is otherwise lawful under this  
7 Article ~~and under the Firearm Owners Identification Card Act.~~

8 (b) Sentence. A violation of subsection (a) of this  
9 Section is a Class 4 felony.

10 (Source: P.A. 87-591.)

11 (720 ILCS 5/24-3.5)

12 Sec. 24-3.5. Unlawful purchase of a firearm.

13 (a) For purposes of this Section, "firearms transaction  
14 record form" means a form:

15 (1) executed by a transferee of a firearm stating: (i)  
16 the transferee's name and address (including county or  
17 similar political subdivision); (ii) whether the  
18 transferee is a citizen of the United States; (iii) the  
19 transferee's State of residence; and (iv) the date and  
20 place of birth, height, weight, and race of the  
21 transferee; and

22 (2) on which the transferee certifies that he or she  
23 is not prohibited by federal law from transporting or  
24 shipping a firearm in interstate or foreign commerce or  
25 receiving a firearm that has been shipped or transported

1 in interstate or foreign commerce or possessing a firearm  
2 in or affecting commerce.

3 (b) A person commits the offense of unlawful purchase of a  
4 firearm who knowingly purchases or attempts to purchase a  
5 firearm with the intent to deliver that firearm to another  
6 person who is prohibited by federal or State law from  
7 possessing a firearm.

8 (c) A person commits the offense of unlawful purchase of a  
9 firearm when he or she, in purchasing or attempting to  
10 purchase a firearm, intentionally provides false or misleading  
11 information on a United States Department of the Treasury,  
12 Bureau of Alcohol, Tobacco and Firearms firearms transaction  
13 record form.

14 (d) Exemption. It is not a violation of subsection (b) of  
15 this Section for a person to make a gift or loan of a firearm  
16 to a person who is not prohibited by federal or State law from  
17 possessing a firearm ~~if the transfer of the firearm is made in~~  
18 ~~accordance with Section 3 of the Firearm Owners Identification~~  
19 ~~Card Act.~~

20 (e) Sentence.

21 (1) A person who commits the offense of unlawful  
22 purchase of a firearm:

23 (A) is guilty of a Class 2 felony for purchasing or  
24 attempting to purchase one firearm;

25 (B) is guilty of a Class 1 felony for purchasing or  
26 attempting to purchase not less than 2 firearms and

1 not more than 5 firearms at the same time or within a  
2 one year period;

3 (C) is guilty of a Class X felony for which the  
4 offender shall be sentenced to a term of imprisonment  
5 of not less than 9 years and not more than 40 years for  
6 purchasing or attempting to purchase not less than 6  
7 firearms at the same time or within a 2 year period.

8 (2) In addition to any other penalty that may be  
9 imposed for a violation of this Section, the court may  
10 sentence a person convicted of a violation of subsection  
11 (c) of this Section to a fine not to exceed \$250,000 for  
12 each violation.

13 (f) A prosecution for unlawful purchase of a firearm may  
14 be commenced within 6 years after the commission of the  
15 offense.

16 (Source: P.A. 95-882, eff. 1-1-09.)

17 (720 ILCS 5/24-3B)

18 Sec. 24-3B. Firearms trafficking.

19 (a) A person commits firearms trafficking when he or she  
20 is prohibited under federal or State law from possessing a  
21 firearm ~~has not been issued a currently valid Firearm Owner's~~  
22 ~~Identification Card~~ and knowingly:

23 (1) brings, or causes to be brought, into this State,  
24 a firearm or firearm ammunition for the purpose of sale,  
25 delivery, or transfer to any other person or with the



1 intent to sell, deliver, or transfer the firearm or  
2 firearm ammunition to any other person; or

3 (2) brings, or causes to be brought, into this State,  
4 a firearm and firearm ammunition for the purpose of sale,  
5 delivery, or transfer to any other person or with the  
6 intent to sell, deliver, or transfer the firearm and  
7 firearm ammunition to any other person.

8 (a-5) (Blank). ~~This Section does not apply to:~~

9 ~~(1) a person exempt under Section 2 of the Firearm~~  
10 ~~Owners Identification Card Act from the requirement of~~  
11 ~~having possession of a Firearm Owner's Identification Card~~  
12 ~~previously issued in his or her name by the Illinois State~~  
13 ~~Police in order to acquire or possess a firearm or firearm~~  
14 ~~ammunition;~~

15 ~~(2) a common carrier under subsection (i) of Section~~  
16 ~~24-2 of this Code; or~~

17 ~~(3) a non resident who may lawfully possess a firearm~~  
18 ~~in his or her resident state.~~

19 (b) Sentence.

20 (1) Firearms trafficking is a Class 1 felony for which  
21 the person, if sentenced to a term of imprisonment, shall  
22 be sentenced to not less than 4 years and not more than 20  
23 years.

24 (2) Firearms trafficking by a person who has been  
25 previously convicted of firearms trafficking, gunrunning,  
26 or a felony offense for the unlawful sale, delivery, or

1 transfer of a firearm or firearm ammunition in this State  
2 or another jurisdiction is a Class X felony.

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

4 (720 ILCS 5/24-4.1)

5 Sec. 24-4.1. Report of lost or stolen firearms.

6 (a) If a person ~~who possesses a valid Firearm Owner's~~  
7 ~~Identification Card and~~ who possesses or acquires a firearm  
8 thereafter loses the firearm, or if the firearm is stolen from  
9 the person, the person must report the loss or theft to the  
10 local law enforcement agency within 72 hours after obtaining  
11 knowledge of the loss or theft.

12 (b) A law enforcement agency having jurisdiction shall  
13 take a written report and shall, as soon as practical, enter  
14 the firearm's serial number as stolen into the Law Enforcement  
15 Agencies Data System (LEADS).

16 (c) A person shall not be in violation of this Section if:

17 (1) the failure to report is due to an act of God, act  
18 of war, or inability of a law enforcement agency to  
19 receive the report;

20 (2) the person is hospitalized, in a coma, or is  
21 otherwise seriously physically or mentally impaired as to  
22 prevent the person from reporting; or

23 (3) the person's designee makes a report if the person  
24 is unable to make the report.

25 (d) Sentence. A person who violates this Section is guilty

1 of a petty offense for a first violation. A second or  
2 subsequent violation of this Section is a Class A misdemeanor.  
3 (Source: P.A. 98-508, eff. 8-19-13.)

4 (720 ILCS 5/24-4.5 new)

5 Sec. 24-4.5. Dial up system.

6 (a) The Illinois State Police shall provide a dial up  
7 telephone system or utilize other existing technology which  
8 shall be used by any federally licensed firearm dealer, gun  
9 show promoter, or gun show vendor who is to transfer a firearm,  
10 stun gun, or taser under the provisions of this Code. The  
11 Illinois State Police may utilize existing technology which  
12 allows the caller to be charged a fee not to exceed \$2. Fees  
13 collected by the Illinois State Police shall be deposited in  
14 the State Police Services Fund and used to provide the  
15 service.

16 (b) Upon receiving a request from a federally licensed  
17 firearm dealer, gun show promoter, or gun show vendor, the  
18 Illinois State Police shall immediately approve, or within the  
19 time period established by Section 24-3 of this Code regarding  
20 the delivery of firearms, stun guns, and tasers notify the  
21 inquiring dealer, gun show promoter, or gun show vendor of any  
22 objection that would disqualify the transferee from acquiring  
23 or possessing a firearm, stun gun, or taser. In conducting the  
24 inquiry, the Illinois State Police shall initiate and complete  
25 an automated search of its criminal history record information

1 files and those of the Federal Bureau of Investigation,  
2 including the National Instant Criminal Background Check  
3 System, and of the files of the Department of Human Services  
4 relating to mental health and developmental disabilities to  
5 obtain any felony conviction or patient hospitalization  
6 information which would disqualify a person from obtaining a  
7 firearm.

8 (c) If receipt of a firearm would not violate Section 24-3  
9 of this Code or federal law, the Illinois State Police shall:

10 (1) assign a unique identification number to the  
11 transfer; and

12 (2) provide the licensee, gun show promoter, or gun  
13 show vendor with the number.

14 (d) Approvals issued by the Illinois State Police for the  
15 purchase of a firearm are valid for 30 days from the date of  
16 issue.

17 (e) (1) The Illinois State Police must act as the Illinois  
18 Point of Contact for the National Instant Criminal Background  
19 Check System.

20 (2) The Illinois State Police and the Department of Human  
21 Services shall, in accordance with State and federal law  
22 regarding confidentiality, enter into a memorandum of  
23 understanding with the Federal Bureau of Investigation for the  
24 purpose of implementing the National Instant Criminal  
25 Background Check System in the State. The Illinois State  
26 Police shall report the name, date of birth, and physical

1 description of any person prohibited from possessing a firearm  
2 under this Code or 18 U.S.C. 922(g) and (n) to the National  
3 Instant Criminal Background Check System Index, Denied Persons  
4 Files.

5 (f) The Illinois State Police shall adopt rules not  
6 inconsistent with this Section to implement this system.

7 (720 ILCS 5/24-5.1)

8 Sec. 24-5.1. Serialization of unfinished frames or  
9 receivers; prohibition on unserialized firearms; exceptions;  
10 penalties.

11 (a) In this Section:

12 "Bona fide supplier" means an established business entity  
13 engaged in the development and sale of firearms parts to one or  
14 more federal firearms manufacturers or federal firearms  
15 importers.

16 "Federal firearms dealer" means a licensed manufacturer  
17 pursuant to 18 U.S.C. 921(a)(11).

18 "Federal firearms importer" means a licensed importer  
19 pursuant to 18 U.S.C. 921(a)(9).

20 "Federal firearms manufacturer" means a licensed  
21 manufacturer pursuant to 18 U.S.C. 921(a)(10).

22 "Frame or receiver" means a part of a firearm that, when  
23 the complete weapon is assembled, is visible from the exterior  
24 and provides housing or a structure designed to hold or  
25 integrate one or more fire control components, even if pins or

1 other attachments are required to connect those components to  
2 the housing or structure. For models of firearms in which  
3 multiple parts provide such housing or structure, the part or  
4 parts that the Director of the federal Bureau of Alcohol,  
5 Tobacco, Firearms and Explosives has determined are a frame or  
6 receiver constitute the frame or receiver. For purposes of  
7 this definition, "fire control component" means a component  
8 necessary for the firearm to initiate, complete, or continue  
9 the firing sequence, including any of the following: hammer,  
10 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,  
11 firing pin, striker, or slide rails.

12 "Security exemplar" means an object to be fabricated at  
13 the direction of the United States Attorney General that is  
14 (1) constructed of 3.7 ounces of material type 17-4 PH  
15 stainless steel in a shape resembling a handgun and (2)  
16 suitable for testing and calibrating metal detectors.

17 "Three-dimensional printer" means a computer or  
18 computer-drive machine capable of producing a  
19 three-dimensional object from a digital model.

20 "Undetectable firearm" means (1) a firearm constructed  
21 entirely of non-metal substances; (2) a firearm that, after  
22 removal of all parts but the major components of the firearm,  
23 is not detectable by walk-through metal detectors calibrated  
24 and operated to detect the security exemplar; or (3) a firearm  
25 that includes a major component of a firearm, which, if  
26 subject to the types of detection devices commonly used at

1 airports for security screening, would not generate an image  
2 that accurately depicts the shape of the component.  
3 "Undetectable firearm" does not include a firearm subject to  
4 the provisions of 18 U.S.C. 922(p) (3) through (6).

5 "Unfinished frame or receiver" means any forging, casting,  
6 printing, extrusion, machined body, or similar article that:

7 (1) has reached a stage in manufacture where it may  
8 readily be completed, assembled, or converted to be a  
9 functional firearm; or

10 (2) is marketed or sold to the public to become or be  
11 used as the frame or receiver of a functional firearm once  
12 completed, assembled, or converted.

13 "Unserialized" means lacking a serial number imprinted by:

14 (1) a federal firearms manufacturer, federal firearms  
15 importer, federal firearms dealer, or other federal  
16 licensee authorized to provide marking services, pursuant  
17 to a requirement under federal law; or

18 (2) a federal firearms dealer or other federal  
19 licensee authorized to provide marking services pursuant  
20 to subsection (f) of this Section.

21 (b) It is unlawful for any person to knowingly sell, offer  
22 to sell, or transfer an unserialized unfinished frame or  
23 receiver or unserialized firearm, including those produced  
24 using a three-dimensional printer, unless the party purchasing  
25 or receiving the unfinished frame or receiver or unserialized  
26 firearm is a federal firearms importer, federal firearms

1 manufacturer, or federal firearms dealer.

2 (c) Beginning 180 days after the effective date of this  
3 amendatory Act of the 102nd General Assembly, it is unlawful  
4 for any person to knowingly possess, transport, or receive an  
5 unfinished frame or receiver, unless:

6 (1) the party possessing or receiving the unfinished  
7 frame or receiver is a federal firearms importer or  
8 federal firearms manufacturer;

9 (2) the unfinished frame or receiver is possessed or  
10 transported by a person for transfer to a federal firearms  
11 importer or federal firearms manufacturer; or

12 (3) the unfinished frame or receiver has been  
13 imprinted with a serial number issued by a federal  
14 firearms importer or federal firearms manufacturer in  
15 compliance with subsection (f) of this Section.

16 (d) Beginning 180 days after the effective date of this  
17 amendatory Act of the 102nd General Assembly, unless the party  
18 receiving the firearm is a federal firearms importer or  
19 federal firearms manufacturer, it is unlawful for any person  
20 to knowingly possess, purchase, transport, or receive a  
21 firearm that is not imprinted with a serial number by (1) a  
22 federal firearms importer or federal firearms manufacturer in  
23 compliance with all federal laws and regulations regulating  
24 the manufacture and import of firearms or (2) a federal  
25 firearms manufacturer, federal firearms dealer, or other  
26 federal licensee authorized to provide marking services in



1 compliance with the unserialized firearm serialization process  
2 under subsection (f) of this Section.

3 (e) Any firearm or unfinished frame or receiver  
4 manufactured using a three-dimensional printer must also be  
5 serialized in accordance with the requirements of subsection  
6 (f) within 30 days after the effective date of this amendatory  
7 Act of the 102nd General Assembly, or prior to reaching a stage  
8 of manufacture where it may be readily completed, assembled,  
9 or converted to be a functional firearm.

10 (f) Unserialized unfinished frames or receivers and  
11 unserialized firearms serialized pursuant to this Section  
12 shall be serialized in compliance with all of the following:

13 (1) An unserialized unfinished frame or receiver and  
14 unserialized firearm shall be serialized by a federally  
15 licensed firearms dealer or other federal licensee  
16 authorized to provide marking services with the licensee's  
17 abbreviated federal firearms license number as a prefix  
18 (which is the first 3 and last 5 digits) followed by a  
19 hyphen, and then followed by a number as a suffix, such as  
20 12345678-(number). The serial number or numbers must be  
21 placed in a manner that accords with the requirements  
22 under federal law for affixing serial numbers to firearms,  
23 including the requirements that the serial number or  
24 numbers be at the minimum size and depth, and not  
25 susceptible to being readily obliterated, altered, or  
26 removed, and the licensee must retain records that accord

1 with the requirements under federal law in the case of the  
2 sale of a firearm. The imprinting of any serial number  
3 upon a undetectable firearm must be done on a steel plaque  
4 in compliance with 18 U.S.C. 922(p).

5 (2) Every federally licensed firearms dealer or other  
6 federal licensee that engraves, casts, stamps, or  
7 otherwise conspicuously and permanently places a unique  
8 serial number pursuant to this Section shall maintain a  
9 record of such indefinitely. Licensees subject to the  
10 Firearm Dealer License Certification Act shall make all  
11 records accessible for inspection upon the request of the  
12 Illinois State Police or a law enforcement agency in  
13 accordance with Section 5-35 of the Firearm Dealer License  
14 Certification Act.

15 (3) Every federally licensed firearms dealer or other  
16 federal licensee that engraves, casts, stamps, or  
17 otherwise conspicuously and permanently places a unique  
18 serial number pursuant to this Section shall record it at  
19 the time of every transaction involving the transfer of a  
20 firearm, rifle, shotgun, finished frame or receiver, or  
21 unfinished frame or receiver that has been so marked in  
22 compliance with the federal guidelines set forth in 27 CFR  
23 478.124.

24 (4) (Blank). ~~Every federally licensed firearms dealer~~  
25 ~~or other federal licensee that engraves, casts, stamps, or~~  
26 ~~otherwise conspicuously and permanently places a unique~~

~~serial number pursuant to this Section shall review and confirm the validity of the owner's Firearm Owner's Identification Card issued under the Firearm Owners Identification Card Act prior to returning the firearm to the owner.~~

(g) Within 30 days after the effective date of this amendatory Act of the 102nd General Assembly, the Director of the Illinois State Police shall issue a public notice regarding the provisions of this Section. The notice shall include posting on the Illinois State Police website and may include written notification or any other means of communication statewide to all Illinois-based federal firearms manufacturers, federal firearms dealers, or other federal licensees authorized to provide marking services in compliance with the serialization process in subsection (f) in order to educate the public.

(h) Exceptions. This Section does not apply to an unserialized unfinished frame or receiver or an unserialized firearm that:

(1) has been rendered permanently inoperable;

(2) is an antique firearm, as defined in 18 U.S.C. 921(a)(16);

(3) was manufactured prior to October 22, 1968;

(4) is an unfinished frame or receiver and is possessed by a bona fide supplier exclusively for transfer to a federal firearms manufacturer or federal firearms

1 importer, or is possessed by a federal firearms  
2 manufacturer or federal firearms importer in compliance  
3 with all federal laws and regulations regulating the  
4 manufacture and import of firearms; except this exemption  
5 does not apply if an unfinished frame or receiver is  
6 possessed for transfer or is transferred to a person other  
7 than a federal firearms manufacturer or federal firearms  
8 importer; or

9 (5) is possessed by a person who received the  
10 unserialized unfinished frame or receiver or unserialized  
11 firearm through inheritance, and is not otherwise  
12 prohibited from possessing the unserialized unfinished  
13 frame or receiver or unserialized firearm, for a period  
14 not exceeding 30 days after inheriting the unserialized  
15 unfinished frame or receiver or unserialized firearm.

16 (i) Penalties.

17 (1) A person who violates subsection (c) or (d) is  
18 guilty of a Class A misdemeanor for a first violation and  
19 is guilty of a Class 3 felony for a second or subsequent  
20 violation.

21 (2) A person who violates subsection (b) is guilty of  
22 a Class 4 felony for a first violation and is guilty of a  
23 Class 2 felony for a second or subsequent violation.

24 (Source: P.A. 102-889, eff. 5-18-22.)

25 (720 ILCS 5/24-9)

1           Sec. 24-9. Firearms; Child Protection.

2           (a) Except as provided in subsection (c), it is unlawful  
3 for any person to store or leave, within premises under his or  
4 her control, a firearm if the person knows or has reason to  
5 believe that a minor under the age of 14 years ~~who does not~~  
6 ~~have a Firearm Owners Identification Card~~ is likely to gain  
7 access to the firearm without the lawful permission of the  
8 person possessing the firearm, minor's parent, guardian, or  
9 person having charge of the minor, and the minor causes death  
10 or great bodily harm with the firearm, unless the firearm is:

11           (1) secured by a device or mechanism, other than the  
12 firearm safety, designed to render a firearm temporarily  
13 inoperable; or

14           (2) placed in a securely locked box or container; or

15           (3) placed in some other location that a reasonable  
16 person would believe to be secure from a minor under the  
17 age of 14 years.

18           (b) Sentence. A person who violates this Section is guilty  
19 of a Class C misdemeanor and shall be fined not less than  
20 \$1,000. A second or subsequent violation of this Section is a  
21 Class A misdemeanor.

22           (c) Subsection (a) does not apply:

23           (1) if the minor under 14 years of age gains access to  
24 a firearm and uses it in a lawful act of self-defense or  
25 defense of another; or

26           (2) to any firearm obtained by a minor under the age of

1 14 because of an unlawful entry of the premises by the  
2 minor or another person.

3 (d) For the purposes of this Section, "firearm" has the  
4 meaning ascribed to it in Section 2-7.5 ~~1.1 of the Firearm~~  
5 ~~Owners Identification Card Act.~~

6 (Source: P.A. 91-18, eff. 1-1-00.)

7 Section 85. The Methamphetamine Control and Community  
8 Protection Act is amended by changing Section 10 as follows:

9 (720 ILCS 646/10)

10 Sec. 10. Definitions. As used in this Act:

11 "Anhydrous ammonia" has the meaning provided in subsection  
12 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

13 "Anhydrous ammonia equipment" means all items used to  
14 store, hold, contain, handle, transfer, transport, or apply  
15 anhydrous ammonia for lawful purposes.

16 "Booby trap" means any device designed to cause physical  
17 injury when triggered by an act of a person approaching,  
18 entering, or moving through a structure, a vehicle, or any  
19 location where methamphetamine has been manufactured, is being  
20 manufactured, or is intended to be manufactured.

21 "Deliver" or "delivery" has the meaning provided in  
22 subsection (h) of Section 102 of the Illinois Controlled  
23 Substances Act.

24 "Director" means the Director of the Illinois State Police

1 or the Director's designated agents.

2 "Dispose" or "disposal" means to abandon, discharge,  
3 release, deposit, inject, dump, spill, leak, or place  
4 methamphetamine waste onto or into any land, water, or well of  
5 any type so that the waste has the potential to enter the  
6 environment, be emitted into the air, or be discharged into  
7 the soil or any waters, including groundwater.

8 "Emergency response" means the act of collecting evidence  
9 from or securing a methamphetamine laboratory site,  
10 methamphetamine waste site or other methamphetamine-related  
11 site and cleaning up the site, whether these actions are  
12 performed by public entities or private contractors paid by  
13 public entities.

14 "Emergency service provider" means a local, State, or  
15 federal peace officer, firefighter, emergency medical  
16 technician-ambulance, emergency medical  
17 technician-intermediate, emergency medical  
18 technician-paramedic, ambulance driver, or other medical or  
19 first aid personnel rendering aid, or any agent or designee of  
20 the foregoing.

21 "Finished methamphetamine" means methamphetamine in a form  
22 commonly used for personal consumption.

23 "Firearm" has the meaning provided in Section 2-7.5 of the  
24 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
25 ~~Card Act.~~

26 "Manufacture" means to produce, prepare, compound,

1 convert, process, synthesize, concentrate, purify, separate,  
2 extract, or package any methamphetamine, methamphetamine  
3 precursor, methamphetamine manufacturing catalyst,  
4 methamphetamine manufacturing reagent, methamphetamine  
5 manufacturing solvent, or any substance containing any of the  
6 foregoing.

7 "Methamphetamine" means the chemical methamphetamine (a  
8 Schedule II controlled substance under the Illinois Controlled  
9 Substances Act) or any salt, optical isomer, salt of optical  
10 isomer, or analog thereof, with the exception of  
11 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
12 scheduled substance with a separate listing under the Illinois  
13 Controlled Substances Act.

14 "Methamphetamine manufacturing catalyst" means any  
15 substance that has been used, is being used, or is intended to  
16 be used to activate, accelerate, extend, or improve a chemical  
17 reaction involved in the manufacture of methamphetamine.

18 "Methamphetamine manufacturing environment" means a  
19 structure or vehicle in which:

20 (1) methamphetamine is being or has been manufactured;

21 (2) chemicals that are being used, have been used, or  
22 are intended to be used to manufacture methamphetamine are  
23 stored;

24 (3) methamphetamine manufacturing materials that have  
25 been used to manufacture methamphetamine are stored; or

26 (4) methamphetamine manufacturing waste is stored.



1 "Methamphetamine manufacturing material" means any  
2 methamphetamine precursor, substance containing any  
3 methamphetamine precursor, methamphetamine manufacturing  
4 catalyst, substance containing any methamphetamine  
5 manufacturing catalyst, methamphetamine manufacturing  
6 reagent, substance containing any methamphetamine  
7 manufacturing reagent, methamphetamine manufacturing solvent,  
8 substance containing any methamphetamine manufacturing  
9 solvent, or any other chemical, substance, ingredient,  
10 equipment, apparatus, or item that is being used, has been  
11 used, or is intended to be used in the manufacture of  
12 methamphetamine.

13 "Methamphetamine manufacturing reagent" means any  
14 substance other than a methamphetamine manufacturing catalyst  
15 that has been used, is being used, or is intended to be used to  
16 react with and chemically alter any methamphetamine precursor.

17 "Methamphetamine manufacturing solvent" means any  
18 substance that has been used, is being used, or is intended to  
19 be used as a medium in which any methamphetamine precursor,  
20 methamphetamine manufacturing catalyst, methamphetamine  
21 manufacturing reagent, or any substance containing any of the  
22 foregoing is dissolved, diluted, or washed during any part of  
23 the methamphetamine manufacturing process.

24 "Methamphetamine manufacturing waste" means any chemical,  
25 substance, ingredient, equipment, apparatus, or item that is  
26 left over from, results from, or is produced by the process of

1 manufacturing methamphetamine, other than finished  
2 methamphetamine.

3 "Methamphetamine precursor" means ephedrine,  
4 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
5 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
6 isomer, or salt of an optical isomer of any of these chemicals.

7 "Multi-unit dwelling" means a unified structure used or  
8 intended for use as a habitation, home, or residence that  
9 contains 2 or more condominiums, apartments, hotel rooms,  
10 motel rooms, or other living units.

11 "Package" means an item marked for retail sale that is not  
12 designed to be further broken down or subdivided for the  
13 purpose of retail sale.

14 "Participate" or "participation" in the manufacture of  
15 methamphetamine means to produce, prepare, compound, convert,  
16 process, synthesize, concentrate, purify, separate, extract,  
17 or package any methamphetamine, methamphetamine precursor,  
18 methamphetamine manufacturing catalyst, methamphetamine  
19 manufacturing reagent, methamphetamine manufacturing solvent,  
20 or any substance containing any of the foregoing, or to assist  
21 in any of these actions, or to attempt to take any of these  
22 actions, regardless of whether this action or these actions  
23 result in the production of finished methamphetamine.

24 "Person with a disability" means a person who suffers from  
25 a permanent physical or mental impairment resulting from  
26 disease, injury, functional disorder, or congenital condition

1 which renders the person incapable of adequately providing for  
2 his or her own health and personal care.

3 "Procure" means to purchase, steal, gather, or otherwise  
4 obtain, by legal or illegal means, or to cause another to take  
5 such action.

6 "Second or subsequent offense" means an offense under this  
7 Act committed by an offender who previously committed an  
8 offense under this Act, the Illinois Controlled Substances  
9 Act, the Cannabis Control Act, or another Act of this State,  
10 another state, or the United States relating to  
11 methamphetamine, cannabis, or any other controlled substance.

12 "Standard dosage form", as used in relation to any  
13 methamphetamine precursor, means that the methamphetamine  
14 precursor is contained in a pill, tablet, capsule, caplet, gel  
15 cap, or liquid cap that has been manufactured by a lawful  
16 entity and contains a standard quantity of methamphetamine  
17 precursor.

18 "Unauthorized container", as used in relation to anhydrous  
19 ammonia, means any container that is not designed for the  
20 specific and sole purpose of holding, storing, transporting,  
21 or applying anhydrous ammonia. "Unauthorized container"  
22 includes, but is not limited to, any propane tank, fire  
23 extinguisher, oxygen cylinder, gasoline can, food or beverage  
24 cooler, or compressed gas cylinder used in dispensing fountain  
25 drinks. "Unauthorized container" does not encompass anhydrous  
26 ammonia manufacturing plants, refrigeration systems where

1 anhydrous ammonia is used solely as a refrigerant, anhydrous  
2 ammonia transportation pipelines, anhydrous ammonia tankers,  
3 or anhydrous ammonia barges.

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

5 Section 90. The Code of Criminal Procedure of 1963 is  
6 amended by changing Sections 102-7.1, 110-10, 112A-5.5,  
7 112A-11.1, 112A-11.2, 112A-14, 112A-14.7, and 112A-17.5 as  
8 follows:

9 (725 ILCS 5/102-7.1)

10 (Text of Section before amendment by P.A. 102-982)

11 Sec. 102-7.1. "Category A offense". "Category A offense"  
12 means a Class 1 felony, Class 2 felony, Class X felony, first  
13 degree murder, a violation of Section 11-204 of the Illinois  
14 Vehicle Code, a second or subsequent violation of Section  
15 11-501 of the Illinois Vehicle Code, a violation of subsection  
16 (d) of Section 11-501 of the Illinois Vehicle Code, a  
17 violation of Section 11-401 of the Illinois Vehicle Code if  
18 the accident results in injury and the person failed to report  
19 the accident within 30 minutes, a violation of Section 9-3,  
20 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,  
21 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,  
22 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,  
23 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a  
24 second or subsequent violation of 12-3.2 or 12-3.4 of the

1 Criminal Code of 2012, a violation of paragraph (5) or (6) of  
2 subsection (b) of Section 10-9 of the Criminal Code of 2012, a  
3 violation of subsection (b) or (c) or paragraph (1) or (2) of  
4 subsection (a) of Section 11-1.50 of the Criminal Code of  
5 2012, a violation of Section 12-7 of the Criminal Code of 2012  
6 if the defendant inflicts bodily harm on the victim to obtain a  
7 confession, statement, or information, a violation of Section  
8 12-7.5 of the Criminal Code of 2012 if the action results in  
9 bodily harm, a violation of paragraph (3) of subsection (b) of  
10 Section 17-2 of the Criminal Code of 2012, a violation of  
11 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of  
12 2012, a violation of paragraph (6) of subsection (a) of  
13 Section 24-1 of the Criminal Code of 2012, a first violation of  
14 Section 24-1.6 of the Criminal Code of 2012 by a person 18  
15 years of age or older where the factors listed in both items  
16 (A) and (C) or both items (A-5) and (C) of paragraph (3) of  
17 subsection (a) of Section 24-1.6 of the Criminal Code of 2012  
18 are present, a Class 3 felony violation of paragraph (1) of  
19 subsection (a) of Section 2 of the Firearm Owners  
20 Identification Card Act committed before the effective date of  
21 this amendatory Act of the 103rd General Assembly, or a  
22 violation of Section 10 of the Sex Offender Registration Act.  
23 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

24 (Text of Section after amendment by P.A. 102-982)

25 Sec. 102-7.1. "Category A offense". "Category A offense"

1 means a Class 1 felony, Class 2 felony, Class X felony, first  
2 degree murder, a violation of Section 11-204 of the Illinois  
3 Vehicle Code, a second or subsequent violation of Section  
4 11-501 of the Illinois Vehicle Code, a violation of subsection  
5 (d) of Section 11-501 of the Illinois Vehicle Code, a  
6 violation of Section 11-401 of the Illinois Vehicle Code if  
7 the crash results in injury and the person failed to report the  
8 crash within 30 minutes, a violation of Section 9-3, 9-3.4,  
9 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25,  
10 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6,  
11 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3,  
12 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a second or  
13 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code  
14 of 2012, a violation of paragraph (5) or (6) of subsection (b)  
15 of Section 10-9 of the Criminal Code of 2012, a violation of  
16 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)  
17 of Section 11-1.50 of the Criminal Code of 2012, a violation of  
18 Section 12-7 of the Criminal Code of 2012 if the defendant  
19 inflicts bodily harm on the victim to obtain a confession,  
20 statement, or information, a violation of Section 12-7.5 of  
21 the Criminal Code of 2012 if the action results in bodily harm,  
22 a violation of paragraph (3) of subsection (b) of Section 17-2  
23 of the Criminal Code of 2012, a violation of subdivision  
24 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a  
25 violation of paragraph (6) of subsection (a) of Section 24-1  
26 of the Criminal Code of 2012, a first violation of Section

1 24-1.6 of the Criminal Code of 2012 by a person 18 years of age  
2 or older where the factors listed in both items (A) and (C) or  
3 both items (A-5) and (C) of paragraph (3) of subsection (a) of  
4 Section 24-1.6 of the Criminal Code of 2012 are present, a  
5 Class 3 felony violation of paragraph (1) of subsection (a) of  
6 Section 2 of the Firearm Owners Identification Card Act  
7 committed before the effective date of this amendatory Act of  
8 the 103rd General Assembly, or a violation of Section 10 of the  
9 Sex Offender Registration Act.

10 (Source: P.A. 102-982, eff. 7-1-23.)

11 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

12 Sec. 110-10. Conditions of pretrial release.

13 (a) If a person is released prior to conviction, the  
14 conditions of pretrial release shall be that he or she will:

15 (1) Appear to answer the charge in the court having  
16 jurisdiction on a day certain and thereafter as ordered by  
17 the court until discharged or final order of the court;

18 (2) Submit himself or herself to the orders and  
19 process of the court;

20 (3) (Blank);

21 (4) Not violate any criminal statute of any  
22 jurisdiction;

23 (5) At a time and place designated by the court,  
24 surrender all firearms in his or her possession to a law  
25 enforcement officer designated by the court to take

1 custody of and impound the firearms ~~and physically~~  
2 ~~surrender his or her Firearm Owner's Identification Card~~  
3 ~~to the clerk of the circuit court~~ when the offense the  
4 person has been charged with is a forcible felony,  
5 stalking, aggravated stalking, domestic battery, any  
6 violation of the Illinois Controlled Substances Act, the  
7 Methamphetamine Control and Community Protection Act, or  
8 the Cannabis Control Act that is classified as a Class 2 or  
9 greater felony, or any felony violation of Article 24 of  
10 the Criminal Code of 1961 or the Criminal Code of 2012; the  
11 court may, however, forgo the imposition of this condition  
12 when the circumstances of the case clearly do not warrant  
13 it or when its imposition would be impractical; ~~if the~~  
14 ~~Firearm Owner's Identification Card is confiscated, the~~  
15 ~~clerk of the circuit court shall mail the confiscated card~~  
16 ~~to the Illinois State Police;~~ all legally possessed  
17 firearms shall be returned to the person upon the charges  
18 being dismissed, or if the person is found not guilty,  
19 unless the finding of not guilty is by reason of insanity;  
20 and

21 (6) At a time and place designated by the court,  
22 submit to a psychological evaluation when the person has  
23 been charged with a violation of item (4) of subsection  
24 (a) of Section 24-1 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012 and that violation occurred in a  
26 school or in any conveyance owned, leased, or contracted



1 by a school to transport students to or from school or a  
2 school-related activity, or on any public way within 1,000  
3 feet of real property comprising any school.

4 Psychological evaluations ordered pursuant to this Section  
5 shall be completed promptly and made available to the State,  
6 the defendant, and the court. As a further condition of  
7 pretrial release under these circumstances, the court shall  
8 order the defendant to refrain from entering upon the property  
9 of the school, including any conveyance owned, leased, or  
10 contracted by a school to transport students to or from school  
11 or a school-related activity, or on any public way within  
12 1,000 feet of real property comprising any school. Upon  
13 receipt of the psychological evaluation, either the State or  
14 the defendant may request a change in the conditions of  
15 pretrial release, pursuant to Section 110-6 of this Code. The  
16 court may change the conditions of pretrial release to include  
17 a requirement that the defendant follow the recommendations of  
18 the psychological evaluation, including undergoing psychiatric  
19 treatment. The conclusions of the psychological evaluation and  
20 any statements elicited from the defendant during its  
21 administration are not admissible as evidence of guilt during  
22 the course of any trial on the charged offense, unless the  
23 defendant places his or her mental competency in issue.

24 (b) Additional conditions of release shall be set only  
25 when it is determined that they are necessary to ensure the  
26 defendant's appearance in court, ensure the defendant does not

1 commit any criminal offense, ensure the defendant complies  
2 with all conditions of pretrial release, prevent the  
3 defendant's unlawful interference with the orderly  
4 administration of justice, or ensure compliance with the rules  
5 and procedures of problem solving courts. However, conditions  
6 shall include the least restrictive means and be  
7 individualized. Conditions shall not mandate rehabilitative  
8 services unless directly tied to the risk of pretrial  
9 misconduct. Conditions of supervision shall not include  
10 punitive measures such as community service work or  
11 restitution. Conditions may include the following:

12 (0.05) Not depart this State without leave of the  
13 court;

14 (1) Report to or appear in person before such person  
15 or agency as the court may direct;

16 (2) Refrain from possessing a firearm or other  
17 dangerous weapon;

18 (3) Refrain from approaching or communicating with  
19 particular persons or classes of persons;

20 (4) Refrain from going to certain described geographic  
21 areas or premises;

22 (5) Be placed under direct supervision of the Pretrial  
23 Services Agency, Probation Department or Court Services  
24 Department in a pretrial home supervision capacity with or  
25 without the use of an approved electronic monitoring  
26 device subject to Article 8A of Chapter V of the Unified

1 Code of Corrections;

2 (6) For persons charged with violating Section 11-501  
3 of the Illinois Vehicle Code, refrain from operating a  
4 motor vehicle not equipped with an ignition interlock  
5 device, as defined in Section 1-129.1 of the Illinois  
6 Vehicle Code, pursuant to the rules promulgated by the  
7 Secretary of State for the installation of ignition  
8 interlock devices. Under this condition the court may  
9 allow a defendant who is not self-employed to operate a  
10 vehicle owned by the defendant's employer that is not  
11 equipped with an ignition interlock device in the course  
12 and scope of the defendant's employment;

13 (7) Comply with the terms and conditions of an order  
14 of protection issued by the court under the Illinois  
15 Domestic Violence Act of 1986 or an order of protection  
16 issued by the court of another state, tribe, or United  
17 States territory;

18 (8) Sign a written admonishment requiring that he or  
19 she comply with the provisions of Section 110-12 regarding  
20 any change in his or her address. The defendant's address  
21 shall at all times remain a matter of record with the clerk  
22 of the court; and

23 (9) Such other reasonable conditions as the court may  
24 impose, so long as these conditions are the least  
25 restrictive means to achieve the goals listed in  
26 subsection (b), are individualized, and are in accordance

1 with national best practices as detailed in the Pretrial  
2 Supervision Standards of the Supreme Court.

3 The defendant shall receive verbal and written  
4 notification of conditions of pretrial release and future  
5 court dates, including the date, time, and location of court.

6 (c) When a person is charged with an offense under Section  
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, involving a victim who is a minor under  
10 18 years of age living in the same household with the defendant  
11 at the time of the offense, in releasing the defendant, the  
12 judge shall impose conditions to restrict the defendant's  
13 access to the victim which may include, but are not limited to  
14 conditions that he will:

15 1. Vacate the household.

16 2. Make payment of temporary support to his  
17 dependents.

18 3. Refrain from contact or communication with the  
19 child victim, except as ordered by the court.

20 (d) When a person is charged with a criminal offense and  
21 the victim is a family or household member as defined in  
22 Article 112A, conditions shall be imposed at the time of the  
23 defendant's release that restrict the defendant's access to  
24 the victim. Unless provided otherwise by the court, the  
25 restrictions shall include requirements that the defendant do  
26 the following:

1           (1) refrain from contact or communication with the  
2 victim for a minimum period of 72 hours following the  
3 defendant's release; and

4           (2) refrain from entering or remaining at the victim's  
5 residence for a minimum period of 72 hours following the  
6 defendant's release.

7           (e) Local law enforcement agencies shall develop  
8 standardized pretrial release forms for use in cases involving  
9 family or household members as defined in Article 112A,  
10 including specific conditions of pretrial release as provided  
11 in subsection (d). Failure of any law enforcement department  
12 to develop or use those forms shall in no way limit the  
13 applicability and enforcement of subsections (d) and (f).

14           (f) If the defendant is released after conviction  
15 following appeal or other post-conviction proceeding, the  
16 conditions of the pretrial release shall be that he will, in  
17 addition to the conditions set forth in subsections (a) and  
18 (b) hereof:

19                 (1) Duly prosecute his appeal;

20                 (2) Appear at such time and place as the court may  
21 direct;

22                 (3) Not depart this State without leave of the court;

23                 (4) Comply with such other reasonable conditions as  
24 the court may impose; and

25                 (5) If the judgment is affirmed or the cause reversed  
26 and remanded for a new trial, forthwith surrender to the

1 officer from whose custody he was released.

2 (g) Upon a finding of guilty for any felony offense, the  
3 defendant shall physically surrender, at a time and place  
4 designated by the court, any and all firearms in his or her  
5 possession and his or her Firearm Owner's Identification Card  
6 as a condition of being released pending sentencing.

7 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;  
8 102-1104, eff. 1-1-23.)

9 (725 ILCS 5/112A-5.5)

10 Sec. 112A-5.5. Time for filing petition; service on  
11 respondent, hearing on petition, and default orders.

12 (a) A petition for a protective order may be filed at any  
13 time, in person ~~in person~~ or online, after a criminal charge  
14 or delinquency petition is filed and before the charge or  
15 delinquency petition is dismissed, the defendant or juvenile  
16 is acquitted, or the defendant or juvenile completes service  
17 of his or her sentence.

18 (b) The request for an ex parte protective order may be  
19 considered without notice to the respondent under Section  
20 112A-17.5 of this Code.

21 (c) A summons shall be issued and served for a protective  
22 order. The summons may be served by delivery to the respondent  
23 personally in open court in the criminal or juvenile  
24 delinquency proceeding, in the form prescribed by subsection

25 (d) of Supreme Court Rule 101, except that it shall require the

1 respondent to answer or appear within 7 days. Attachments to  
2 the summons shall include the petition for protective order,  
3 supporting affidavits, if any, and any ex parte protective  
4 order that has been issued.

5 (d) The summons shall be served by the sheriff or other law  
6 enforcement officer at the earliest time available and shall  
7 take precedence over any other summons, except those of a  
8 similar emergency nature. Attachments to the summons shall  
9 include the petition for protective order, supporting  
10 affidavits, if any, and any ex parte protective order that has  
11 been issued. Special process servers may be appointed at any  
12 time and their designation shall not affect the  
13 responsibilities and authority of the sheriff or other  
14 official process servers. In a county with a population over  
15 3,000,000, a special process server may not be appointed if  
16 the protective order grants the surrender of a child, the  
17 surrender of a firearm ~~or Firearm Owner's Identification Card,~~  
18 or the exclusive possession of a shared residence.

19 (e) If the respondent is not served within 30 days of the  
20 filing of the petition, the court shall schedule a court  
21 proceeding on the issue of service. Either the petitioner, the  
22 petitioner's counsel, or the State's Attorney shall appear and  
23 the court shall either order continued attempts at personal  
24 service or shall order service by publication, in accordance  
25 with Sections 2-203, 2-206, and 2-207 of the Code of Civil  
26 Procedure.

1 (f) The request for a final protective order can be  
2 considered at any court proceeding in the delinquency or  
3 criminal case after service of the petition. If the petitioner  
4 has not been provided notice of the court proceeding at least  
5 10 days in advance of the proceeding, the court shall schedule  
6 a hearing on the petition and provide notice to the  
7 petitioner.

8 (f-5) A court in a county with a population above 250,000  
9 shall offer the option of a remote hearing to a petitioner for  
10 a protective order. The court has the discretion to grant or  
11 deny the request for a remote hearing. Each court shall  
12 determine the procedure for a remote hearing. The petitioner  
13 and respondent may appear remotely or in person ~~in person~~.

14 The court shall issue and publish a court order, standing  
15 order, or local rule detailing information about the process  
16 for requesting and participating in a remote court appearance.  
17 The court order, standing order, or local rule shall be  
18 published on the court's website and posted on signs  
19 throughout the courthouse, including in the clerk's office.  
20 The sign shall be written in plain language and include  
21 information about the availability of remote court appearances  
22 and the process for requesting a remote hearing.

23 (g) Default orders.

24 (1) A final domestic violence order of protection may  
25 be entered by default:

26 (A) for any of the remedies sought in the



1 petition, if the respondent has been served with  
2 documents under subsection (b) or (c) of this Section  
3 and if the respondent fails to appear on the specified  
4 return date or any subsequent hearing date agreed to  
5 by the petitioner and respondent or set by the court;  
6 or

7 (B) for any of the remedies provided under  
8 paragraph (1), (2), (3), (5), (6), (7), (8), (9),  
9 (10), (11), (14), (15), (17), or (18) of subsection  
10 (b) of Section 112A-14 of this Code, or if the  
11 respondent fails to answer or appear in accordance  
12 with the date set in the publication notice or the  
13 return date indicated on the service of a household  
14 member.

15 (2) A final civil no contact order may be entered by  
16 default for any of the remedies provided in Section  
17 112A-14.5 of this Code, if the respondent has been served  
18 with documents under subsection (b) or (c) of this  
19 Section, and if the respondent fails to answer or appear  
20 in accordance with the date set in the publication notice  
21 or the return date indicated on the service of a household  
22 member.

23 (3) A final stalking no contact order may be entered  
24 by default for any of the remedies provided by Section  
25 112A-14.7 of this Code, if the respondent has been served  
26 with documents under subsection (b) or (c) of this Section

1 and if the respondent fails to answer or appear in  
2 accordance with the date set in the publication notice or  
3 the return date indicated on the service of a household  
4 member.

5 (Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

6 (725 ILCS 5/112A-11.1)

7 Sec. 112A-11.1. Procedure for determining whether certain  
8 misdemeanor crimes are crimes of domestic violence for  
9 purposes of federal law.

10 (a) When a defendant has been charged with a violation of  
11 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012, the State  
13 may, at arraignment or no later than 45 days after  
14 arraignment, for the purpose of notification to the Illinois  
15 State Police ~~Firearm Owner's Identification Card Office~~, serve  
16 on the defendant and file with the court a notice alleging that  
17 conviction of the offense would subject the defendant to the  
18 prohibitions of 18 U.S.C. 922(g)(9) because of the  
19 relationship between the defendant and the alleged victim and  
20 the nature of the alleged offense.

21 (b) The notice shall include the name of the person  
22 alleged to be the victim of the crime and shall specify the  
23 nature of the alleged relationship as set forth in 18 U.S.C.  
24 921(a)(33)(A)(ii). It shall also specify the element of the  
25 charged offense which requires the use or attempted use of

1 physical force, or the threatened use of a deadly weapon, as  
2 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include  
3 notice that the defendant is entitled to a hearing on the  
4 allegation contained in the notice and that if the allegation  
5 is sustained, that determination and conviction shall be  
6 reported to the Illinois State Police ~~Firearm Owner's~~  
7 ~~Identification Card Office.~~

8 (c) After having been notified as provided in subsection  
9 (b) of this Section, the defendant may stipulate or admit,  
10 orally on the record or in writing, that conviction of the  
11 offense would subject the defendant to the prohibitions of 18  
12 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.  
13 922(g)(9) shall be deemed established for purposes of Section  
14 112A-11.2. If the defendant denies the applicability of 18  
15 U.S.C. 922(g)(9) as alleged in the notice served by the State,  
16 or stands mute with respect to that allegation, then the State  
17 shall bear the burden to prove beyond a reasonable doubt that  
18 the offense is one to which the prohibitions of 18 U.S.C.  
19 922(g)(9) apply. The court may consider reliable hearsay  
20 evidence submitted by either party provided that it is  
21 relevant to the determination of the allegation. Facts  
22 previously proven at trial or elicited at the time of entry of  
23 a plea of guilty shall be deemed established beyond a  
24 reasonable doubt and shall not be relitigated. At the  
25 conclusion of the hearing, or upon a stipulation or admission,  
26 as applicable, the court shall make a specific written

1 determination with respect to the allegation.

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

3 (725 ILCS 5/112A-11.2)

4 Sec. 112A-11.2. Notification to the Illinois State Police  
5 ~~Firearm Owner's Identification Card Office~~ of determinations  
6 in certain misdemeanor cases. Upon judgment of conviction of a  
7 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
8 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
9 2012 when the defendant has been determined, under Section  
10 112A-11.1, to be subject to the prohibitions of 18 U.S.C.  
11 922(g)(9), the circuit court clerk shall include notification  
12 and a copy of the written determination in a report of the  
13 conviction to the Illinois State Police ~~Firearm Owner's~~  
14 ~~Identification Card Office~~ to enable the office to report that  
15 determination to the Federal Bureau of Investigation and  
16 assist the Bureau in identifying persons prohibited from  
17 purchasing and possessing a firearm pursuant to the provisions  
18 of 18 U.S.C. 922.

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

20 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

21 Sec. 112A-14. Domestic violence order of protection;  
22 remedies.

23 (a) (Blank).

24 (b) The court may order any of the remedies listed in this

1 subsection (b). The remedies listed in this subsection (b)  
2 shall be in addition to other civil or criminal remedies  
3 available to petitioner.

4 (1) Prohibition of abuse. Prohibit respondent's  
5 harassment, interference with personal liberty,  
6 intimidation of a dependent, physical abuse, or willful  
7 deprivation, as defined in this Article, if such abuse has  
8 occurred or otherwise appears likely to occur if not  
9 prohibited.

10 (2) Grant of exclusive possession of residence.  
11 Prohibit respondent from entering or remaining in any  
12 residence, household, or premises of the petitioner,  
13 including one owned or leased by respondent, if petitioner  
14 has a right to occupancy thereof. The grant of exclusive  
15 possession of the residence, household, or premises shall  
16 not affect title to real property, nor shall the court be  
17 limited by the standard set forth in subsection (c-2) of  
18 Section 501 of the Illinois Marriage and Dissolution of  
19 Marriage Act.

20 (A) Right to occupancy. A party has a right to  
21 occupancy of a residence or household if it is solely  
22 or jointly owned or leased by that party, that party's  
23 spouse, a person with a legal duty to support that  
24 party or a minor child in that party's care, or by any  
25 person or entity other than the opposing party that  
26 authorizes that party's occupancy (e.g., a domestic

1 violence shelter). Standards set forth in subparagraph  
2 (B) shall not preclude equitable relief.

3 (B) Presumption of hardships. If petitioner and  
4 respondent each has the right to occupancy of a  
5 residence or household, the court shall balance (i)  
6 the hardships to respondent and any minor child or  
7 dependent adult in respondent's care resulting from  
8 entry of this remedy with (ii) the hardships to  
9 petitioner and any minor child or dependent adult in  
10 petitioner's care resulting from continued exposure to  
11 the risk of abuse (should petitioner remain at the  
12 residence or household) or from loss of possession of  
13 the residence or household (should petitioner leave to  
14 avoid the risk of abuse). When determining the balance  
15 of hardships, the court shall also take into account  
16 the accessibility of the residence or household.  
17 Hardships need not be balanced if respondent does not  
18 have a right to occupancy.

19 The balance of hardships is presumed to favor  
20 possession by petitioner unless the presumption is  
21 rebutted by a preponderance of the evidence, showing  
22 that the hardships to respondent substantially  
23 outweigh the hardships to petitioner and any minor  
24 child or dependent adult in petitioner's care. The  
25 court, on the request of petitioner or on its own  
26 motion, may order respondent to provide suitable,

1 accessible, alternate housing for petitioner instead  
2 of excluding respondent from a mutual residence or  
3 household.

4 (3) Stay away order and additional prohibitions. Order  
5 respondent to stay away from petitioner or any other  
6 person protected by the domestic violence order of  
7 protection, or prohibit respondent from entering or  
8 remaining present at petitioner's school, place of  
9 employment, or other specified places at times when  
10 petitioner is present, or both, if reasonable, given the  
11 balance of hardships. Hardships need not be balanced for  
12 the court to enter a stay away order or prohibit entry if  
13 respondent has no right to enter the premises.

14 (A) If a domestic violence order of protection  
15 grants petitioner exclusive possession of the  
16 residence, prohibits respondent from entering the  
17 residence, or orders respondent to stay away from  
18 petitioner or other protected persons, then the court  
19 may allow respondent access to the residence to remove  
20 items of clothing and personal adornment used  
21 exclusively by respondent, medications, and other  
22 items as the court directs. The right to access shall  
23 be exercised on only one occasion as the court directs  
24 and in the presence of an agreed-upon adult third  
25 party or law enforcement officer.

26 (B) When the petitioner and the respondent attend

1 the same public, private, or non-public elementary,  
2 middle, or high school, the court when issuing a  
3 domestic violence order of protection and providing  
4 relief shall consider the severity of the act, any  
5 continuing physical danger or emotional distress to  
6 the petitioner, the educational rights guaranteed to  
7 the petitioner and respondent under federal and State  
8 law, the availability of a transfer of the respondent  
9 to another school, a change of placement or a change of  
10 program of the respondent, the expense, difficulty,  
11 and educational disruption that would be caused by a  
12 transfer of the respondent to another school, and any  
13 other relevant facts of the case. The court may order  
14 that the respondent not attend the public, private, or  
15 non-public elementary, middle, or high school attended  
16 by the petitioner, order that the respondent accept a  
17 change of placement or change of program, as  
18 determined by the school district or private or  
19 non-public school, or place restrictions on the  
20 respondent's movements within the school attended by  
21 the petitioner. The respondent bears the burden of  
22 proving by a preponderance of the evidence that a  
23 transfer, change of placement, or change of program of  
24 the respondent is not available. The respondent also  
25 bears the burden of production with respect to the  
26 expense, difficulty, and educational disruption that



1 would be caused by a transfer of the respondent to  
2 another school. A transfer, change of placement, or  
3 change of program is not unavailable to the respondent  
4 solely on the ground that the respondent does not  
5 agree with the school district's or private or  
6 non-public school's transfer, change of placement, or  
7 change of program or solely on the ground that the  
8 respondent fails or refuses to consent or otherwise  
9 does not take an action required to effectuate a  
10 transfer, change of placement, or change of program.  
11 When a court orders a respondent to stay away from the  
12 public, private, or non-public school attended by the  
13 petitioner and the respondent requests a transfer to  
14 another attendance center within the respondent's  
15 school district or private or non-public school, the  
16 school district or private or non-public school shall  
17 have sole discretion to determine the attendance  
18 center to which the respondent is transferred. If the  
19 court order results in a transfer of the minor  
20 respondent to another attendance center, a change in  
21 the respondent's placement, or a change of the  
22 respondent's program, the parents, guardian, or legal  
23 custodian of the respondent is responsible for  
24 transportation and other costs associated with the  
25 transfer or change.

26 (C) The court may order the parents, guardian, or

1 legal custodian of a minor respondent to take certain  
2 actions or to refrain from taking certain actions to  
3 ensure that the respondent complies with the order. If  
4 the court orders a transfer of the respondent to  
5 another school, the parents, guardian, or legal  
6 custodian of the respondent is responsible for  
7 transportation and other costs associated with the  
8 change of school by the respondent.

9 (4) Counseling. Require or recommend the respondent to  
10 undergo counseling for a specified duration with a social  
11 worker, psychologist, clinical psychologist,  
12 psychiatrist, family service agency, alcohol or substance  
13 abuse program, mental health center guidance counselor,  
14 agency providing services to elders, program designed for  
15 domestic violence abusers, or any other guidance service  
16 the court deems appropriate. The court may order the  
17 respondent in any intimate partner relationship to report  
18 to an Illinois Department of Human Services protocol  
19 approved partner abuse intervention program for an  
20 assessment and to follow all recommended treatment.

21 (5) Physical care and possession of the minor child.  
22 In order to protect the minor child from abuse, neglect,  
23 or unwarranted separation from the person who has been the  
24 minor child's primary caretaker, or to otherwise protect  
25 the well-being of the minor child, the court may do either  
26 or both of the following: (i) grant petitioner physical

1 care or possession of the minor child, or both, or (ii)  
2 order respondent to return a minor child to, or not remove  
3 a minor child from, the physical care of a parent or person  
4 in loco parentis.

5 If the respondent is charged with abuse (as defined in  
6 Section 112A-3 of this Code) of a minor child, there shall  
7 be a rebuttable presumption that awarding physical care to  
8 respondent would not be in the minor child's best  
9 interest.

10 (6) Temporary allocation of parental responsibilities  
11 and significant decision-making responsibilities. Award  
12 temporary significant decision-making responsibility to  
13 petitioner in accordance with this Section, the Illinois  
14 Marriage and Dissolution of Marriage Act, the Illinois  
15 Parentage Act of 2015, and this State's Uniform  
16 Child-Custody Jurisdiction and Enforcement Act.

17 If the respondent is charged with abuse (as defined in  
18 Section 112A-3 of this Code) of a minor child, there shall  
19 be a rebuttable presumption that awarding temporary  
20 significant decision-making responsibility to respondent  
21 would not be in the child's best interest.

22 (7) Parenting time. Determine the parenting time, if  
23 any, of respondent in any case in which the court awards  
24 physical care or temporary significant decision-making  
25 responsibility of a minor child to petitioner. The court  
26 shall restrict or deny respondent's parenting time with a

1 minor child if the court finds that respondent has done or  
2 is likely to do any of the following:

3 (i) abuse or endanger the minor child during  
4 parenting time;

5 (ii) use the parenting time as an opportunity to  
6 abuse or harass petitioner or petitioner's family or  
7 household members;

8 (iii) improperly conceal or detain the minor  
9 child; or

10 (iv) otherwise act in a manner that is not in the  
11 best interests of the minor child.

12 The court shall not be limited by the standards set  
13 forth in Section 603.10 of the Illinois Marriage and  
14 Dissolution of Marriage Act. If the court grants parenting  
15 time, the order shall specify dates and times for the  
16 parenting time to take place or other specific parameters  
17 or conditions that are appropriate. No order for parenting  
18 time shall refer merely to the term "reasonable parenting  
19 time". Petitioner may deny respondent access to the minor  
20 child if, when respondent arrives for parenting time,  
21 respondent is under the influence of drugs or alcohol and  
22 constitutes a threat to the safety and well-being of  
23 petitioner or petitioner's minor children or is behaving  
24 in a violent or abusive manner. If necessary to protect  
25 any member of petitioner's family or household from future  
26 abuse, respondent shall be prohibited from coming to

1 petitioner's residence to meet the minor child for  
2 parenting time, and the petitioner and respondent shall  
3 submit to the court their recommendations for reasonable  
4 alternative arrangements for parenting time. A person may  
5 be approved to supervise parenting time only after filing  
6 an affidavit accepting that responsibility and  
7 acknowledging accountability to the court.

8 (8) Removal or concealment of minor child. Prohibit  
9 respondent from removing a minor child from the State or  
10 concealing the child within the State.

11 (9) Order to appear. Order the respondent to appear in  
12 court, alone or with a minor child, to prevent abuse,  
13 neglect, removal or concealment of the child, to return  
14 the child to the custody or care of the petitioner, or to  
15 permit any court-ordered interview or examination of the  
16 child or the respondent.

17 (10) Possession of personal property. Grant petitioner  
18 exclusive possession of personal property and, if  
19 respondent has possession or control, direct respondent to  
20 promptly make it available to petitioner, if:

21 (i) petitioner, but not respondent, owns the  
22 property; or

23 (ii) the petitioner and respondent own the  
24 property jointly; sharing it would risk abuse of  
25 petitioner by respondent or is impracticable; and the  
26 balance of hardships favors temporary possession by

1           petitioner.

2           If petitioner's sole claim to ownership of the  
3 property is that it is marital property, the court may  
4 award petitioner temporary possession thereof under the  
5 standards of subparagraph (ii) of this paragraph only if a  
6 proper proceeding has been filed under the Illinois  
7 Marriage and Dissolution of Marriage Act, as now or  
8 hereafter amended.

9           No order under this provision shall affect title to  
10 property.

11           (11) Protection of property. Forbid the respondent  
12 from taking, transferring, encumbering, concealing,  
13 damaging, or otherwise disposing of any real or personal  
14 property, except as explicitly authorized by the court,  
15 if:

16                   (i) petitioner, but not respondent, owns the  
17 property; or

18                   (ii) the petitioner and respondent own the  
19 property jointly, and the balance of hardships favors  
20 granting this remedy.

21           If petitioner's sole claim to ownership of the  
22 property is that it is marital property, the court may  
23 grant petitioner relief under subparagraph (ii) of this  
24 paragraph only if a proper proceeding has been filed under  
25 the Illinois Marriage and Dissolution of Marriage Act, as  
26 now or hereafter amended.

1           The court may further prohibit respondent from  
2           improperly using the financial or other resources of an  
3           aged member of the family or household for the profit or  
4           advantage of respondent or of any other person.

5           (11.5) Protection of animals. Grant the petitioner the  
6           exclusive care, custody, or control of any animal owned,  
7           possessed, leased, kept, or held by either the petitioner  
8           or the respondent or a minor child residing in the  
9           residence or household of either the petitioner or the  
10          respondent and order the respondent to stay away from the  
11          animal and forbid the respondent from taking,  
12          transferring, encumbering, concealing, harming, or  
13          otherwise disposing of the animal.

14          (12) Order for payment of support. Order respondent to  
15          pay temporary support for the petitioner or any child in  
16          the petitioner's care or over whom the petitioner has been  
17          allocated parental responsibility, when the respondent has  
18          a legal obligation to support that person, in accordance  
19          with the Illinois Marriage and Dissolution of Marriage  
20          Act, which shall govern, among other matters, the amount  
21          of support, payment through the clerk and withholding of  
22          income to secure payment. An order for child support may  
23          be granted to a petitioner with lawful physical care of a  
24          child, or an order or agreement for physical care of a  
25          child, prior to entry of an order allocating significant  
26          decision-making responsibility. Such a support order shall

1 expire upon entry of a valid order allocating parental  
2 responsibility differently and vacating petitioner's  
3 significant decision-making responsibility unless  
4 otherwise provided in the order.

5 (13) Order for payment of losses. Order respondent to  
6 pay petitioner for losses suffered as a direct result of  
7 the abuse. Such losses shall include, but not be limited  
8 to, medical expenses, lost earnings or other support,  
9 repair or replacement of property damaged or taken,  
10 reasonable attorney's fees, court costs, and moving or  
11 other travel expenses, including additional reasonable  
12 expenses for temporary shelter and restaurant meals.

13 (i) Losses affecting family needs. If a party is  
14 entitled to seek maintenance, child support, or  
15 property distribution from the other party under the  
16 Illinois Marriage and Dissolution of Marriage Act, as  
17 now or hereafter amended, the court may order  
18 respondent to reimburse petitioner's actual losses, to  
19 the extent that such reimbursement would be  
20 "appropriate temporary relief", as authorized by  
21 subsection (a) (3) of Section 501 of that Act.

22 (ii) Recovery of expenses. In the case of an  
23 improper concealment or removal of a minor child, the  
24 court may order respondent to pay the reasonable  
25 expenses incurred or to be incurred in the search for  
26 and recovery of the minor child, including, but not



1 limited to, legal fees, court costs, private  
2 investigator fees, and travel costs.

3 (14) Prohibition of entry. Prohibit the respondent  
4 from entering or remaining in the residence or household  
5 while the respondent is under the influence of alcohol or  
6 drugs and constitutes a threat to the safety and  
7 well-being of the petitioner or the petitioner's children.

8 (14.5) Prohibition of firearm possession.

9 (A) A person who is subject to an existing  
10 domestic violence order of protection issued under  
11 this Code may not lawfully possess weapons ~~or a~~  
12 ~~Firearm Owner's Identification Card under Section 8.2~~  
13 ~~of the Firearm Owners Identification Card Act.~~

14 (B) Any firearms in the possession of the  
15 respondent, except as provided in subparagraph (C) of  
16 this paragraph (14.5), shall be ordered by the court  
17 to be turned over to a person eligible under federal or  
18 State law to possess a firearm ~~with a valid Firearm~~  
19 ~~Owner's Identification Card~~ for safekeeping. ~~The court~~  
20 ~~shall issue an order that the respondent comply with~~  
21 ~~Section 9.5 of the Firearm Owners Identification Card~~  
22 ~~Act.~~

23 (C) If the respondent is a peace officer as  
24 defined in Section 2-13 of the Criminal Code of 2012,  
25 the court shall order that any firearms used by the  
26 respondent in the performance of his or her duties as a

1 peace officer be surrendered to the chief law  
2 enforcement executive of the agency in which the  
3 respondent is employed, who shall retain the firearms  
4 for safekeeping for the duration of the domestic  
5 violence order of protection.

6 (D) Upon expiration of the period of safekeeping,  
7 if the firearms ~~or Firearm Owner's Identification Card~~  
8 cannot be returned to respondent because respondent  
9 cannot be located, fails to respond to requests to  
10 retrieve the firearms, or is not lawfully eligible to  
11 possess a firearm, upon petition from the local law  
12 enforcement agency, the court may order the local law  
13 enforcement agency to destroy the firearms, use the  
14 firearms for training purposes, or for any other  
15 application as deemed appropriate by the local law  
16 enforcement agency; or that the firearms be turned  
17 over to a third party who is lawfully eligible to  
18 possess firearms, and who does not reside with  
19 respondent.

20 (15) Prohibition of access to records. If a domestic  
21 violence order of protection prohibits respondent from  
22 having contact with the minor child, or if petitioner's  
23 address is omitted under subsection (b) of Section 112A-5  
24 of this Code, or if necessary to prevent abuse or wrongful  
25 removal or concealment of a minor child, the order shall  
26 deny respondent access to, and prohibit respondent from

1 inspecting, obtaining, or attempting to inspect or obtain,  
2 school or any other records of the minor child who is in  
3 the care of petitioner.

4 (16) Order for payment of shelter services. Order  
5 respondent to reimburse a shelter providing temporary  
6 housing and counseling services to the petitioner for the  
7 cost of the services, as certified by the shelter and  
8 deemed reasonable by the court.

9 (17) Order for injunctive relief. Enter injunctive  
10 relief necessary or appropriate to prevent further abuse  
11 of a family or household member or to effectuate one of the  
12 granted remedies, if supported by the balance of  
13 hardships. If the harm to be prevented by the injunction  
14 is abuse or any other harm that one of the remedies listed  
15 in paragraphs (1) through (16) of this subsection is  
16 designed to prevent, no further evidence is necessary to  
17 establish that the harm is an irreparable injury.

18 (18) Telephone services.

19 (A) Unless a condition described in subparagraph  
20 (B) of this paragraph exists, the court may, upon  
21 request by the petitioner, order a wireless telephone  
22 service provider to transfer to the petitioner the  
23 right to continue to use a telephone number or numbers  
24 indicated by the petitioner and the financial  
25 responsibility associated with the number or numbers,  
26 as set forth in subparagraph (C) of this paragraph. In

1           this paragraph (18), the term "wireless telephone  
2           service provider" means a provider of commercial  
3           mobile service as defined in 47 U.S.C. 332. The  
4           petitioner may request the transfer of each telephone  
5           number that the petitioner, or a minor child in his or  
6           her custody, uses. The clerk of the court shall serve  
7           the order on the wireless telephone service provider's  
8           agent for service of process provided to the Illinois  
9           Commerce Commission. The order shall contain all of  
10          the following:

11                   (i) The name and billing telephone number of  
12                   the account holder including the name of the  
13                   wireless telephone service provider that serves  
14                   the account.

15                   (ii) Each telephone number that will be  
16                   transferred.

17                   (iii) A statement that the provider transfers  
18                   to the petitioner all financial responsibility for  
19                   and right to the use of any telephone number  
20                   transferred under this paragraph.

21           (B) A wireless telephone service provider shall  
22           terminate the respondent's use of, and shall transfer  
23           to the petitioner use of, the telephone number or  
24           numbers indicated in subparagraph (A) of this  
25           paragraph unless it notifies the petitioner, within 72  
26           hours after it receives the order, that one of the

1 following applies:

2 (i) The account holder named in the order has  
3 terminated the account.

4 (ii) A difference in network technology would  
5 prevent or impair the functionality of a device on  
6 a network if the transfer occurs.

7 (iii) The transfer would cause a geographic or  
8 other limitation on network or service provision  
9 to the petitioner.

10 (iv) Another technological or operational  
11 issue would prevent or impair the use of the  
12 telephone number if the transfer occurs.

13 (C) The petitioner assumes all financial  
14 responsibility for and right to the use of any  
15 telephone number transferred under this paragraph. In  
16 this paragraph, "financial responsibility" includes  
17 monthly service costs and costs associated with any  
18 mobile device associated with the number.

19 (D) A wireless telephone service provider may  
20 apply to the petitioner its routine and customary  
21 requirements for establishing an account or  
22 transferring a number, including requiring the  
23 petitioner to provide proof of identification,  
24 financial information, and customer preferences.

25 (E) Except for willful or wanton misconduct, a  
26 wireless telephone service provider is immune from

1 civil liability for its actions taken in compliance  
2 with a court order issued under this paragraph.

3 (F) All wireless service providers that provide  
4 services to residential customers shall provide to the  
5 Illinois Commerce Commission the name and address of  
6 an agent for service of orders entered under this  
7 paragraph (18). Any change in status of the registered  
8 agent must be reported to the Illinois Commerce  
9 Commission within 30 days of such change.

10 (G) The Illinois Commerce Commission shall  
11 maintain the list of registered agents for service for  
12 each wireless telephone service provider on the  
13 Commission's website. The Commission may consult with  
14 wireless telephone service providers and the Circuit  
15 Court Clerks on the manner in which this information  
16 is provided and displayed.

17 (c) Relevant factors; findings.

18 (1) In determining whether to grant a specific remedy,  
19 other than payment of support, the court shall consider  
20 relevant factors, including, but not limited to, the  
21 following:

22 (i) the nature, frequency, severity, pattern, and  
23 consequences of the respondent's past abuse of the  
24 petitioner or any family or household member,  
25 including the concealment of his or her location in  
26 order to evade service of process or notice, and the

1           likelihood of danger of future abuse to petitioner or  
2           any member of petitioner's or respondent's family or  
3           household; and

4                   (ii) the danger that any minor child will be  
5           abused or neglected or improperly relocated from the  
6           jurisdiction, improperly concealed within the State,  
7           or improperly separated from the child's primary  
8           caretaker.

9           (2) In comparing relative hardships resulting to the  
10          parties from loss of possession of the family home, the  
11          court shall consider relevant factors, including, but not  
12          limited to, the following:

13                   (i) availability, accessibility, cost, safety,  
14          adequacy, location, and other characteristics of  
15          alternate housing for each party and any minor child  
16          or dependent adult in the party's care;

17                   (ii) the effect on the party's employment; and

18                   (iii) the effect on the relationship of the party,  
19          and any minor child or dependent adult in the party's  
20          care, to family, school, church, and community.

21          (3) Subject to the exceptions set forth in paragraph  
22          (4) of this subsection (c), the court shall make its  
23          findings in an official record or in writing, and shall at  
24          a minimum set forth the following:

25                   (i) That the court has considered the applicable  
26          relevant factors described in paragraphs (1) and (2)

1 of this subsection (c).

2 (ii) Whether the conduct or actions of respondent,  
3 unless prohibited, will likely cause irreparable harm  
4 or continued abuse.

5 (iii) Whether it is necessary to grant the  
6 requested relief in order to protect petitioner or  
7 other alleged abused persons.

8 (4) (Blank).

9 (5) Never married parties. No rights or  
10 responsibilities for a minor child born outside of  
11 marriage attach to a putative father until a father and  
12 child relationship has been established under the Illinois  
13 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
14 the Illinois Public Aid Code, Section 12 of the Vital  
15 Records Act, the Juvenile Court Act of 1987, the Probate  
16 Act of 1975, the Uniform Interstate Family Support Act,  
17 the Expedited Child Support Act of 1990, any judicial,  
18 administrative, or other act of another state or  
19 territory, any other statute of this State, or by any  
20 foreign nation establishing the father and child  
21 relationship, any other proceeding substantially in  
22 conformity with the federal Personal Responsibility and  
23 Work Opportunity Reconciliation Act of 1996, or when both  
24 parties appeared in open court or at an administrative  
25 hearing acknowledging under oath or admitting by  
26 affirmation the existence of a father and child



1 relationship. Absent such an adjudication, no putative  
2 father shall be granted temporary allocation of parental  
3 responsibilities, including parenting time with the minor  
4 child, or physical care and possession of the minor child,  
5 nor shall an order of payment for support of the minor  
6 child be entered.

7 (d) Balance of hardships; findings. If the court finds  
8 that the balance of hardships does not support the granting of  
9 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
10 subsection (b) of this Section, which may require such  
11 balancing, the court's findings shall so indicate and shall  
12 include a finding as to whether granting the remedy will  
13 result in hardship to respondent that would substantially  
14 outweigh the hardship to petitioner from denial of the remedy.  
15 The findings shall be an official record or in writing.

16 (e) Denial of remedies. Denial of any remedy shall not be  
17 based, in whole or in part, on evidence that:

18 (1) respondent has cause for any use of force, unless  
19 that cause satisfies the standards for justifiable use of  
20 force provided by Article 7 of the Criminal Code of 2012;

21 (2) respondent was voluntarily intoxicated;

22 (3) petitioner acted in self-defense or defense of  
23 another, provided that, if petitioner utilized force, such  
24 force was justifiable under Article 7 of the Criminal Code  
25 of 2012;

26 (4) petitioner did not act in self-defense or defense

1 of another;

2 (5) petitioner left the residence or household to  
3 avoid further abuse by respondent;

4 (6) petitioner did not leave the residence or  
5 household to avoid further abuse by respondent; or

6 (7) conduct by any family or household member excused  
7 the abuse by respondent, unless that same conduct would  
8 have excused such abuse if the parties had not been family  
9 or household members.

10 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
11 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

12 (725 ILCS 5/112A-14.7)

13 Sec. 112A-14.7. Stalking no contact order; remedies.

14 (a) The court may order any of the remedies listed in this  
15 Section. The remedies listed in this Section shall be in  
16 addition to other civil or criminal remedies available to  
17 petitioner. A stalking no contact order shall order one or  
18 more of the following:

19 (1) prohibit the respondent from threatening to commit  
20 or committing stalking;

21 (2) order the respondent not to have any contact with  
22 the petitioner or a third person specifically named by the  
23 court;

24 (3) prohibit the respondent from knowingly coming  
25 within, or knowingly remaining within a specified distance

1 of the petitioner or the petitioner's residence, school,  
2 daycare, or place of employment, or any specified place  
3 frequented by the petitioner; however, the court may order  
4 the respondent to stay away from the respondent's own  
5 residence, school, or place of employment only if the  
6 respondent has been provided actual notice of the  
7 opportunity to appear and be heard on the petition;

8 (4) prohibit the respondent from ~~possessing a Firearm~~  
9 ~~Owners Identification Card, or~~ possessing or buying  
10 firearms; and

11 (5) order other injunctive relief the court determines  
12 to be necessary to protect the petitioner or third party  
13 specifically named by the court.

14 (b) When the petitioner and the respondent attend the same  
15 public, private, or non-public elementary, middle, or high  
16 school, the court when issuing a stalking no contact order and  
17 providing relief shall consider the severity of the act, any  
18 continuing physical danger or emotional distress to the  
19 petitioner, the educational rights guaranteed to the  
20 petitioner and respondent under federal and State law, the  
21 availability of a transfer of the respondent to another  
22 school, a change of placement or a change of program of the  
23 respondent, the expense, difficulty, and educational  
24 disruption that would be caused by a transfer of the  
25 respondent to another school, and any other relevant facts of  
26 the case. The court may order that the respondent not attend

1 the public, private, or non-public elementary, middle, or high  
2 school attended by the petitioner, order that the respondent  
3 accept a change of placement or program, as determined by the  
4 school district or private or non-public school, or place  
5 restrictions on the respondent's movements within the school  
6 attended by the petitioner. The respondent bears the burden of  
7 proving by a preponderance of the evidence that a transfer,  
8 change of placement, or change of program of the respondent is  
9 not available. The respondent also bears the burden of  
10 production with respect to the expense, difficulty, and  
11 educational disruption that would be caused by a transfer of  
12 the respondent to another school. A transfer, change of  
13 placement, or change of program is not unavailable to the  
14 respondent solely on the ground that the respondent does not  
15 agree with the school district's or private or non-public  
16 school's transfer, change of placement, or change of program  
17 or solely on the ground that the respondent fails or refuses to  
18 consent to or otherwise does not take an action required to  
19 effectuate a transfer, change of placement, or change of  
20 program. When a court orders a respondent to stay away from the  
21 public, private, or non-public school attended by the  
22 petitioner and the respondent requests a transfer to another  
23 attendance center within the respondent's school district or  
24 private or non-public school, the school district or private  
25 or non-public school shall have sole discretion to determine  
26 the attendance center to which the respondent is transferred.

1 If the court order results in a transfer of the minor  
2 respondent to another attendance center, a change in the  
3 respondent's placement, or a change of the respondent's  
4 program, the parents, guardian, or legal custodian of the  
5 respondent is responsible for transportation and other costs  
6 associated with the transfer or change.

7 (c) The court may order the parents, guardian, or legal  
8 custodian of a minor respondent to take certain actions or to  
9 refrain from taking certain actions to ensure that the  
10 respondent complies with the order. If the court orders a  
11 transfer of the respondent to another school, the parents,  
12 guardian, or legal custodian of the respondent are responsible  
13 for transportation and other costs associated with the change  
14 of school by the respondent.

15 (d) The court shall not hold a school district or private  
16 or non-public school or any of its employees in civil or  
17 criminal contempt unless the school district or private or  
18 non-public school has been allowed to intervene.

19 (e) The court may hold the parents, guardian, or legal  
20 custodian of a minor respondent in civil or criminal contempt  
21 for a violation of any provision of any order entered under  
22 this Article for conduct of the minor respondent in violation  
23 of this Article if the parents, guardian, or legal custodian  
24 directed, encouraged, or assisted the respondent minor in the  
25 conduct.

26 (f) Monetary damages are not recoverable as a remedy.

1 (g) If the stalking no contact order prohibits the  
2 respondent from ~~possessing a Firearm Owner's Identification~~  
3 ~~Card, or~~ possessing or buying firearms; the court shall  
4 confiscate the respondent's firearms ~~Firearm Owner's~~  
5 ~~Identification Card and immediately return the card to the~~  
6 ~~Illinois State Police Firearm Owner's Identification Card~~  
7 ~~Office.~~

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

9 (725 ILCS 5/112A-17.5)

10 Sec. 112A-17.5. Ex parte protective orders.

11 (a) The petitioner may request expedited consideration of  
12 the petition for an ex parte protective order. The court shall  
13 consider the request on an expedited basis without requiring  
14 the respondent's presence or requiring notice to the  
15 respondent.

16 (b) Issuance of ex parte protective orders in cases  
17 involving domestic violence. An ex parte domestic violence  
18 order of protection shall be issued if petitioner satisfies  
19 the requirements of this subsection (b) for one or more of the  
20 requested remedies. For each remedy requested, petitioner  
21 shall establish that:

22 (1) the court has jurisdiction under Section 112A-9 of  
23 this Code;

24 (2) the requirements of subsection (a) of Section  
25 112A-11.5 of this Code are satisfied; and

1           (3) there is good cause to grant the remedy,  
2           regardless of prior service of process or notice upon the  
3           respondent, because:

4           (A) for the remedy of prohibition of abuse  
5           described in paragraph (1) of subsection (b) of  
6           Section 112A-14 of this Code; stay away order and  
7           additional prohibitions described in paragraph (3) of  
8           subsection (b) of Section 112A-14 of this Code;  
9           removal or concealment of minor child described in  
10          paragraph (8) of subsection (b) of Section 112A-14 of  
11          this Code; order to appear described in paragraph (9)  
12          of subsection (b) of Section 112A-14 of this Code;  
13          physical care and possession of the minor child  
14          described in paragraph (5) of subsection (b) of  
15          Section 112A-14 of this Code; protection of property  
16          described in paragraph (11) of subsection (b) of  
17          Section 112A-14 of this Code; prohibition of entry  
18          described in paragraph (14) of subsection (b) of  
19          Section 112A-14 of this Code; prohibition of firearm  
20          possession described in paragraph (14.5) of subsection  
21          (b) of Section 112A-14 of this Code; prohibition of  
22          access to records described in paragraph (15) of  
23          subsection (b) of Section 112A-14 of this Code;  
24          injunctive relief described in paragraph (16) of  
25          subsection (b) of Section 112A-14 of this Code; and  
26          telephone services described in paragraph (18) of

1 subsection (b) of Section 112A-14 of this Code, the  
2 harm which that remedy is intended to prevent would be  
3 likely to occur if the respondent were given any prior  
4 notice, or greater notice than was actually given, of  
5 the petitioner's efforts to obtain judicial relief;

6 (B) for the remedy of grant of exclusive  
7 possession of residence described in paragraph (2) of  
8 subsection (b) of Section 112A-14 of this Code; the  
9 immediate danger of further abuse of the petitioner by  
10 the respondent, if the petitioner chooses or had  
11 chosen to remain in the residence or household while  
12 the respondent was given any prior notice or greater  
13 notice than was actually given of the petitioner's  
14 efforts to obtain judicial relief outweighs the  
15 hardships to the respondent of an emergency order  
16 granting the petitioner exclusive possession of the  
17 residence or household; and the remedy shall not be  
18 denied because the petitioner has or could obtain  
19 temporary shelter elsewhere while prior notice is  
20 given to the respondent, unless the hardship to the  
21 respondent from exclusion from the home substantially  
22 outweigh the hardship to the petitioner; or

23 (C) for the remedy of possession of personal  
24 property described in paragraph (10) of subsection (b)  
25 of Section 112A-14 of this Code; improper disposition  
26 of the personal property would be likely to occur if



1           the respondent were given any prior notice, or greater  
2           notice than was actually given, of the petitioner's  
3           efforts to obtain judicial relief or the petitioner  
4           has an immediate and pressing need for the possession  
5           of that property.

6           An ex parte domestic violence order of protection may not  
7           include the counseling, custody, or payment of support or  
8           monetary compensation remedies provided by paragraphs (4),  
9           (12), (13), and (16) of subsection (b) of Section 112A-14 of  
10          this Code.

11          (c) Issuance of ex parte civil no contact order in cases  
12          involving sexual offenses. An ex parte civil no contact order  
13          shall be issued if the petitioner establishes that:

14                 (1) the court has jurisdiction under Section 112A-9 of  
15                 this Code;

16                 (2) the requirements of subsection (a) of Section  
17                 112A-11.5 of this Code are satisfied; and

18                 (3) there is good cause to grant the remedy,  
19                 regardless of prior service of process or of notice upon  
20                 the respondent, because the harm which that remedy is  
21                 intended to prevent would be likely to occur if the  
22                 respondent were given any prior notice, or greater notice  
23                 than was actually given, of the petitioner's efforts to  
24                 obtain judicial relief.

25          The court may order any of the remedies under Section  
26          112A-14.5 of this Code.

1 (d) Issuance of ex parte stalking no contact order in  
2 cases involving stalking offenses. An ex parte stalking no  
3 contact order shall be issued if the petitioner establishes  
4 that:

5 (1) the court has jurisdiction under Section 112A-9 of  
6 this Code;

7 (2) the requirements of subsection (a) of Section  
8 112A-11.5 of this Code are satisfied; and

9 (3) there is good cause to grant the remedy,  
10 regardless of prior service of process or of notice upon  
11 the respondent, because the harm which that remedy is  
12 intended to prevent would be likely to occur if the  
13 respondent were given any prior notice, or greater notice  
14 than was actually given, of the petitioner's efforts to  
15 obtain judicial relief.

16 The court may order any of the remedies under Section  
17 112A-14.7 of this Code.

18 (e) Issuance of ex parte protective orders on court  
19 holidays and evenings.

20 When the court is unavailable at the close of business,  
21 the petitioner may file a petition for an ex parte protective  
22 order before any available circuit judge or associate judge  
23 who may grant relief under this Article. If the judge finds  
24 that petitioner has satisfied the prerequisites in subsection  
25 (b), (c), or (d) of this Section, the judge shall issue an ex  
26 parte protective order.

1           The chief judge of the circuit court may designate for  
2 each county in the circuit at least one judge to be reasonably  
3 available to issue orally, by telephone, by facsimile, or  
4 otherwise, an ex parte protective order at all times, whether  
5 or not the court is in session.

6           The judge who issued the order under this Section shall  
7 promptly communicate or convey the order to the sheriff to  
8 facilitate the entry of the order into the Law Enforcement  
9 Agencies Data System by the Illinois State Police under  
10 Section 112A-28 of this Code. Any order issued under this  
11 Section and any documentation in support of it shall be  
12 certified on the next court day to the appropriate court. The  
13 clerk of that court shall immediately assign a case number,  
14 file the petition, order, and other documents with the court  
15 and enter the order of record and file it with the sheriff for  
16 service under subsection (f) of this Section. Failure to  
17 comply with the requirements of this subsection (e) shall not  
18 affect the validity of the order.

19           (f) Service of ex parte protective order on respondent.

20           (1) If an ex parte protective order is entered at the  
21 time a summons or arrest warrant is issued for the  
22 criminal charge, the petition for the protective order,  
23 any supporting affidavits, if any, and the ex parte  
24 protective order that has been issued shall be served with  
25 the summons or arrest warrant. The enforcement of a  
26 protective order under Section 112A-23 of this Code shall

1 not be affected by the lack of service or delivery,  
2 provided the requirements of subsection (a) of Section  
3 112A-23 of this Code are otherwise met.

4 (2) If an ex parte protective order is entered after a  
5 summons or arrest warrant is issued and before the  
6 respondent makes an initial appearance in the criminal  
7 case, the summons shall be in the form prescribed by  
8 subsection (d) of Supreme Court Rule 101, except that it  
9 shall require respondent to answer or appear within 7 days  
10 and shall be accompanied by the petition for the  
11 protective order, any supporting affidavits, if any, and  
12 the ex parte protective order that has been issued.

13 (3) If an ex parte protective order is entered after  
14 the respondent has been served notice of a petition for a  
15 final protective order and the respondent has requested a  
16 continuance to respond to the petition, the ex parte  
17 protective order shall be served: (A) in open court if the  
18 respondent is present at the proceeding at which the order  
19 was entered; or (B) by summons in the form prescribed by  
20 subsection (d) of Supreme Court Rule 101.

21 (4) No fee shall be charged for service of summons.

22 (5) The summons shall be served by the sheriff or  
23 other law enforcement officer at the earliest time and  
24 shall take precedence over other summonses except those of  
25 a similar emergency nature. Special process servers may be  
26 appointed at any time, and their designation shall not

1 affect the responsibilities and authority of the sheriff  
2 or other official process servers. In a county with a  
3 population over 3,000,000, a special process server may  
4 not be appointed if an ex parte protective order grants  
5 the surrender of a child, the surrender of a firearm ~~or~~  
6 ~~Firearm Owner's Identification Card~~, or the exclusive  
7 possession of a shared residence. Process may be served in  
8 court.

9 (g) Upon 7 days' notice to the petitioner, or a shorter  
10 notice period as the court may prescribe, a respondent subject  
11 to an ex parte protective order may appear and petition the  
12 court to re-hear the petition. Any petition to re-hear shall  
13 be verified and shall allege the following:

14 (1) that respondent did not receive prior notice of  
15 the initial hearing in which the ex parte protective order  
16 was entered under Section 112A-17.5 of this Code; and

17 (2) that respondent had a meritorious defense to the  
18 order or any of its remedies or that the order or any of  
19 its remedies was not authorized under this Article.

20 The verified petition and affidavit shall set forth the  
21 evidence of the meritorious defense that will be presented at  
22 a hearing. If the court finds that the evidence presented at  
23 the hearing on the petition establishes a meritorious defense  
24 by a preponderance of the evidence, the court may decide to  
25 vacate the protective order or modify the remedies.

26 (h) If the ex parte protective order granted petitioner

1 exclusive possession of the residence and the petition of  
2 respondent seeks to re-open or vacate that grant, the court  
3 shall set a date for hearing within 14 days on all issues  
4 relating to exclusive possession. Under no circumstances shall  
5 a court continue a hearing concerning exclusive possession  
6 beyond the 14th day except by agreement of the petitioner and  
7 the respondent. Other issues raised by the pleadings may be  
8 consolidated for the hearing if the petitioner, the  
9 respondent, and the court do not object.

10 (i) Duration of ex parte protective order. An ex parte  
11 order shall remain in effect until the court considers the  
12 request for a final protective order after notice has been  
13 served on the respondent or a default final protective order  
14 is entered, whichever occurs first. If a court date is  
15 scheduled for the issuance of a default protective order and  
16 the petitioner fails to personally appear or appear through  
17 counsel or the prosecuting attorney, the petition shall be  
18 dismissed and the ex parte order terminated.

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

20 Section 95. The Unified Code of Corrections is amended by  
21 changing Sections 3-2-10.5, 5-4.5-110, 5-5-3, 5-5-3.2, and  
22 5-6-3 as follows:

23 (730 ILCS 5/3-2-10.5)

24 Sec. 3-2-10.5. Retiring security employees and parole

1 agents; purchase of service firearm and badge. The Director  
2 shall establish a program to allow a security employee or  
3 parole agent of the Department who is honorably retiring in  
4 good standing to purchase either one or both of the following:

5 (1) any badge previously issued to the security employee or  
6 parole agent by the Department; or (2) ~~if the security~~  
7 ~~employee or parole agent has a currently valid Firearm Owner's~~  
8 ~~Identification Card,~~ the service firearm issued or previously

9 issued to the security employee or parole agent by the  
10 Department. The badge must be permanently and conspicuously  
11 marked in such a manner that the individual who possesses the  
12 badge is not mistaken for an actively serving law enforcement  
13 officer. The cost of the firearm shall be the replacement  
14 value of the firearm and not the firearm's fair market value.

15 (Source: P.A. 102-719, eff. 5-6-22.)

16 (730 ILCS 5/5-4.5-110)

17 (Section scheduled to be repealed on January 1, 2023)

18 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH  
19 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

20 (a) DEFINITIONS. For the purposes of this Section:

21 "Firearm" has the meaning ascribed to it in Section  
22 2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~  
23 ~~Firearm Owners Identification Card Act.~~

24 "Qualifying predicate offense" means the following  
25 offenses under the Criminal Code of 2012:

1 (A) aggravated unlawful use of a weapon under  
2 Section 24-1.6 or similar offense under the Criminal  
3 Code of 1961, when the weapon is a firearm;

4 (B) unlawful use or possession of a weapon by a  
5 felon under Section 24-1.1 or similar offense under  
6 the Criminal Code of 1961, when the weapon is a  
7 firearm;

8 (C) first degree murder under Section 9-1 or  
9 similar offense under the Criminal Code of 1961;

10 (D) attempted first degree murder with a firearm  
11 or similar offense under the Criminal Code of 1961;

12 (E) aggravated kidnapping with a firearm under  
13 paragraph (6) or (7) of subsection (a) of Section 10-2  
14 or similar offense under the Criminal Code of 1961;

15 (F) aggravated battery with a firearm under  
16 subsection (e) of Section 12-3.05 or similar offense  
17 under the Criminal Code of 1961;

18 (G) aggravated criminal sexual assault under  
19 Section 11-1.30 or similar offense under the Criminal  
20 Code of 1961;

21 (H) predatory criminal sexual assault of a child  
22 under Section 11-1.40 or similar offense under the  
23 Criminal Code of 1961;

24 (I) armed robbery under Section 18-2 or similar  
25 offense under the Criminal Code of 1961;

26 (J) vehicular hijacking under Section 18-3 or



1 similar offense under the Criminal Code of 1961;

2 (K) aggravated vehicular hijacking under Section  
3 18-4 or similar offense under the Criminal Code of  
4 1961;

5 (L) home invasion with a firearm under paragraph  
6 (3), (4), or (5) of subsection (a) of Section 19-6 or  
7 similar offense under the Criminal Code of 1961;

8 (M) aggravated discharge of a firearm under  
9 Section 24-1.2 or similar offense under the Criminal  
10 Code of 1961;

11 (N) aggravated discharge of a machine gun or a  
12 firearm equipped with a device designed or used for  
13 silencing the report of a firearm under Section  
14 24-1.2-5 or similar offense under the Criminal Code of  
15 1961;

16 (O) unlawful use of firearm projectiles under  
17 Section 24-2.1 or similar offense under the Criminal  
18 Code of 1961;

19 (P) manufacture, sale, or transfer of bullets or  
20 shells represented to be armor piercing bullets,  
21 dragon's breath shotgun shells, bolo shells, or  
22 flechette shells under Section 24-2.2 or similar  
23 offense under the Criminal Code of 1961;

24 (Q) unlawful sale or delivery of firearms under  
25 Section 24-3 or similar offense under the Criminal  
26 Code of 1961;

1 (R) unlawful discharge of firearm projectiles  
2 under Section 24-3.2 or similar offense under the  
3 Criminal Code of 1961;

4 (S) unlawful sale or delivery of firearms on  
5 school premises of any school under Section 24-3.3 or  
6 similar offense under the Criminal Code of 1961;

7 (T) unlawful purchase of a firearm under Section  
8 24-3.5 or similar offense under the Criminal Code of  
9 1961;

10 (U) use of a stolen firearm in the commission of an  
11 offense under Section 24-3.7 or similar offense under  
12 the Criminal Code of 1961;

13 (V) possession of a stolen firearm under Section  
14 24-3.8 or similar offense under the Criminal Code of  
15 1961;

16 (W) aggravated possession of a stolen firearm  
17 under Section 24-3.9 or similar offense under the  
18 Criminal Code of 1961;

19 (X) gunrunning under Section 24-3A or similar  
20 offense under the Criminal Code of 1961;

21 (Y) defacing identification marks of firearms  
22 under Section 24-5 or similar offense under the  
23 Criminal Code of 1961; and

24 (Z) armed violence under Section 33A-2 or similar  
25 offense under the Criminal Code of 1961.

26 (b) APPLICABILITY. For an offense committed on or after

1 January 1, 2018 (the effective date Public Act 100-3) ~~of this~~  
2 ~~amendatory Act of the 100th General Assembly~~ and before  
3 January 1, 2023, when a person is convicted of unlawful use or  
4 possession of a weapon by a felon, when the weapon is a  
5 firearm, or aggravated unlawful use of a weapon, when the  
6 weapon is a firearm, after being previously convicted of a  
7 qualifying predicate offense the person shall be subject to  
8 the sentencing guidelines under this Section.

9 (c) SENTENCING GUIDELINES.

10 (1) When a person is convicted of unlawful use or  
11 possession of a weapon by a felon, when the weapon is a  
12 firearm, and that person has been previously convicted of  
13 a qualifying predicate offense, the person shall be  
14 sentenced to a term of imprisonment within the sentencing  
15 range of not less than 7 years and not more than 14 years,  
16 unless the court finds that a departure from the  
17 sentencing guidelines under this paragraph is warranted  
18 under subsection (d) of this Section.

19 (2) When a person is convicted of aggravated unlawful  
20 use of a weapon, when the weapon is a firearm, and that  
21 person has been previously convicted of a qualifying  
22 predicate offense, the person shall be sentenced to a term  
23 of imprisonment within the sentencing range of not less  
24 than 6 years and not more than 7 years, unless the court  
25 finds that a departure from the sentencing guidelines  
26 under this paragraph is warranted under subsection (d) of

1 this Section.

2 (3) The sentencing guidelines in paragraphs (1) and  
3 (2) of this subsection (c) apply only to offenses  
4 committed on and after January 1, 2018 (the effective date  
5 of Public Act 100-3) ~~this amendatory Act of the 100th~~  
6 ~~General Assembly~~ and before January 1, 2023.

7 (d) DEPARTURE FROM SENTENCING GUIDELINES.

8 (1) At the sentencing hearing conducted under Section  
9 5-4-1 of this Code, the court may depart from the  
10 sentencing guidelines provided in subsection (c) of this  
11 Section and impose a sentence otherwise authorized by law  
12 for the offense if the court, after considering any factor  
13 under paragraph (2) of this subsection (d) relevant to the  
14 nature and circumstances of the crime and to the history  
15 and character of the defendant, finds on the record  
16 substantial and compelling justification that the sentence  
17 within the sentencing guidelines would be unduly harsh and  
18 that a sentence otherwise authorized by law would be  
19 consistent with public safety and does not deprecate the  
20 seriousness of the offense.

21 (2) In deciding whether to depart from the sentencing  
22 guidelines under this paragraph, the court shall consider:

23 (A) the age, immaturity, or limited mental  
24 capacity of the defendant at the time of commission of  
25 the qualifying predicate or current offense, including  
26 whether the defendant was suffering from a mental or

1 physical condition insufficient to constitute a  
2 defense but significantly reduced the defendant's  
3 culpability;

4 (B) the nature and circumstances of the qualifying  
5 predicate offense;

6 (C) the time elapsed since the qualifying  
7 predicate offense;

8 (D) the nature and circumstances of the current  
9 offense;

10 (E) the defendant's prior criminal history;

11 (F) whether the defendant committed the qualifying  
12 predicate or current offense under specific and  
13 credible duress, coercion, threat, or compulsion;

14 (G) whether the defendant aided in the  
15 apprehension of another felon or testified truthfully  
16 on behalf of another prosecution of a felony; and

17 (H) whether departure is in the interest of the  
18 person's rehabilitation, including employment or  
19 educational or vocational training, after taking into  
20 account any past rehabilitation efforts or  
21 dispositions of probation or supervision, and the  
22 defendant's cooperation or response to rehabilitation.

23 (3) When departing from the sentencing guidelines  
24 under this Section, the court shall specify on the record,  
25 the particular evidence, information, factor or factors,  
26 or other reasons which led to the departure from the

1 sentencing guidelines. When departing from the sentencing  
2 range in accordance with this subsection (d), the court  
3 shall indicate on the sentencing order which departure  
4 factor or factors outlined in paragraph (2) of this  
5 subsection (d) led to the sentence imposed. The sentencing  
6 order shall be filed with the clerk of the court and shall  
7 be a public record.

8 (e) This Section is repealed on January 1, 2023.

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

10 (730 ILCS 5/5-5-3)

11 Sec. 5-5-3. Disposition.

12 (a) (Blank).

13 (b) (Blank).

14 (c) (1) (Blank).

15 (2) A period of probation, a term of periodic imprisonment  
16 or conditional discharge shall not be imposed for the  
17 following offenses. The court shall sentence the offender to  
18 not less than the minimum term of imprisonment set forth in  
19 this Code for the following offenses, and may order a fine or  
20 restitution or both in conjunction with such term of  
21 imprisonment:

22 (A) First degree murder where the death penalty is not  
23 imposed.

24 (B) Attempted first degree murder.

25 (C) A Class X felony.

1 (D) A violation of Section 401.1 or 407 of the  
2 Illinois Controlled Substances Act, or a violation of  
3 subdivision (c)(1.5) of Section 401 of that Act which  
4 relates to more than 5 grams of a substance containing  
5 fentanyl or an analog thereof.

6 (D-5) A violation of subdivision (c)(1) of Section 401  
7 of the Illinois Controlled Substances Act which relates to  
8 3 or more grams of a substance containing heroin or an  
9 analog thereof.

10 (E) (Blank).

11 (F) A Class 1 or greater felony if the offender had  
12 been convicted of a Class 1 or greater felony, including  
13 any state or federal conviction for an offense that  
14 contained, at the time it was committed, the same elements  
15 as an offense now (the date of the offense committed after  
16 the prior Class 1 or greater felony) classified as a Class  
17 1 or greater felony, within 10 years of the date on which  
18 the offender committed the offense for which he or she is  
19 being sentenced, except as otherwise provided in Section  
20 40-10 of the Substance Use Disorder Act.

21 (F-3) A Class 2 or greater felony sex offense or  
22 felony firearm offense if the offender had been convicted  
23 of a Class 2 or greater felony, including any state or  
24 federal conviction for an offense that contained, at the  
25 time it was committed, the same elements as an offense now  
26 (the date of the offense committed after the prior Class 2

1 or greater felony) classified as a Class 2 or greater  
2 felony, within 10 years of the date on which the offender  
3 committed the offense for which he or she is being  
4 sentenced, except as otherwise provided in Section 40-10  
5 of the Substance Use Disorder Act.

6 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6  
7 of the Criminal Code of 1961 or the Criminal Code of 2012  
8 for which imprisonment is prescribed in those Sections.

9 (G) Residential burglary, except as otherwise provided  
10 in Section 40-10 of the Substance Use Disorder Act.

11 (H) Criminal sexual assault.

12 (I) Aggravated battery of a senior citizen as  
13 described in Section 12-4.6 or subdivision (a)(4) of  
14 Section 12-3.05 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012.

16 (J) A forcible felony if the offense was related to  
17 the activities of an organized gang.

18 Before July 1, 1994, for the purposes of this  
19 paragraph, "organized gang" means an association of 5 or  
20 more persons, with an established hierarchy, that  
21 encourages members of the association to perpetrate crimes  
22 or provides support to the members of the association who  
23 do commit crimes.

24 Beginning July 1, 1994, for the purposes of this  
25 paragraph, "organized gang" has the meaning ascribed to it  
26 in Section 10 of the Illinois Streetgang Terrorism Omnibus



1 Prevention Act.

2 (K) Vehicular hijacking.

3 (L) A second or subsequent conviction for the offense  
4 of hate crime when the underlying offense upon which the  
5 hate crime is based is felony aggravated assault or felony  
6 mob action.

7 (M) A second or subsequent conviction for the offense  
8 of institutional vandalism if the damage to the property  
9 exceeds \$300.

10 (N) A Class 3 felony violation of paragraph (1) of  
11 subsection (a) of Section 2 of the Firearm Owners  
12 Identification Card Act committed before the effective  
13 date of this amendatory Act of the 103rd General Assembly.

14 (O) A violation of Section 12-6.1 or 12-6.5 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 (P) A violation of paragraph (1), (2), (3), (4), (5),  
17 or (7) of subsection (a) of Section 11-20.1 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 (P-5) A violation of paragraph (6) of subsection (a)  
20 of Section 11-20.1 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012 if the victim is a household or  
22 family member of the defendant.

23 (Q) A violation of subsection (b) or (b-5) of Section  
24 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012.

26 (R) A violation of Section 24-3A of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (S) (Blank).

3 (T) (Blank).

4 (U) A second or subsequent violation of Section 6-303  
5 of the Illinois Vehicle Code committed while his or her  
6 driver's license, permit, or privilege was revoked because  
7 of a violation of Section 9-3 of the Criminal Code of 1961  
8 or the Criminal Code of 2012, relating to the offense of  
9 reckless homicide, or a similar provision of a law of  
10 another state.

11 (V) A violation of paragraph (4) of subsection (c) of  
12 Section 11-20.1B or paragraph (4) of subsection (c) of  
13 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
14 (6) of subsection (a) of Section 11-20.1 of the Criminal  
15 Code of 2012 when the victim is under 13 years of age and  
16 the defendant has previously been convicted under the laws  
17 of this State or any other state of the offense of child  
18 pornography, aggravated child pornography, aggravated  
19 criminal sexual abuse, aggravated criminal sexual assault,  
20 predatory criminal sexual assault of a child, or any of  
21 the offenses formerly known as rape, deviate sexual  
22 assault, indecent liberties with a child, or aggravated  
23 indecent liberties with a child where the victim was under  
24 the age of 18 years or an offense that is substantially  
25 equivalent to those offenses.

26 (W) A violation of Section 24-3.5 of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (X) A violation of subsection (a) of Section 31-1a of  
3 the Criminal Code of 1961 or the Criminal Code of 2012.

4 (Y) A conviction for unlawful possession of a firearm  
5 by a street gang member when the firearm was loaded or  
6 contained firearm ammunition.

7 (Z) A Class 1 felony committed while he or she was  
8 serving a term of probation or conditional discharge for a  
9 felony.

10 (AA) Theft of property exceeding \$500,000 and not  
11 exceeding \$1,000,000 in value.

12 (BB) Laundering of criminally derived property of a  
13 value exceeding \$500,000.

14 (CC) Knowingly selling, offering for sale, holding for  
15 sale, or using 2,000 or more counterfeit items or  
16 counterfeit items having a retail value in the aggregate  
17 of \$500,000 or more.

18 (DD) A conviction for aggravated assault under  
19 paragraph (6) of subsection (c) of Section 12-2 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012 if the  
21 firearm is aimed toward the person against whom the  
22 firearm is being used.

23 (EE) A conviction for a violation of paragraph (2) of  
24 subsection (a) of Section 24-3B of the Criminal Code of  
25 2012.

26 (3) (Blank).

1           (4) A minimum term of imprisonment of not less than 10  
2 consecutive days or 30 days of community service shall be  
3 imposed for a violation of paragraph (c) of Section 6-303 of  
4 the Illinois Vehicle Code.

5           (4.1) (Blank).

6           (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
7 this subsection (c), a minimum of 100 hours of community  
8 service shall be imposed for a second violation of Section  
9 6-303 of the Illinois Vehicle Code.

10          (4.3) A minimum term of imprisonment of 30 days or 300  
11 hours of community service, as determined by the court, shall  
12 be imposed for a second violation of subsection (c) of Section  
13 6-303 of the Illinois Vehicle Code.

14          (4.4) Except as provided in paragraphs (4.5), (4.6), and  
15 (4.9) of this subsection (c), a minimum term of imprisonment  
16 of 30 days or 300 hours of community service, as determined by  
17 the court, shall be imposed for a third or subsequent  
18 violation of Section 6-303 of the Illinois Vehicle Code. The  
19 court may give credit toward the fulfillment of community  
20 service hours for participation in activities and treatment as  
21 determined by court services.

22          (4.5) A minimum term of imprisonment of 30 days shall be  
23 imposed for a third violation of subsection (c) of Section  
24 6-303 of the Illinois Vehicle Code.

25          (4.6) Except as provided in paragraph (4.10) of this  
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of  
2 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

3 (4.7) A minimum term of imprisonment of not less than 30  
4 consecutive days, or 300 hours of community service, shall be  
5 imposed for a violation of subsection (a-5) of Section 6-303  
6 of the Illinois Vehicle Code, as provided in subsection (b-5)  
7 of that Section.

8 (4.8) A mandatory prison sentence shall be imposed for a  
9 second violation of subsection (a-5) of Section 6-303 of the  
10 Illinois Vehicle Code, as provided in subsection (c-5) of that  
11 Section. The person's driving privileges shall be revoked for  
12 a period of not less than 5 years from the date of his or her  
13 release from prison.

14 (4.9) A mandatory prison sentence of not less than 4 and  
15 not more than 15 years shall be imposed for a third violation  
16 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
17 Code, as provided in subsection (d-2.5) of that Section. The  
18 person's driving privileges shall be revoked for the remainder  
19 of his or her life.

20 (4.10) A mandatory prison sentence for a Class 1 felony  
21 shall be imposed, and the person shall be eligible for an  
22 extended term sentence, for a fourth or subsequent violation  
23 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
24 Code, as provided in subsection (d-3.5) of that Section. The  
25 person's driving privileges shall be revoked for the remainder  
26 of his or her life.

1           (5) The court may sentence a corporation or unincorporated  
2 association convicted of any offense to:

3           (A) a period of conditional discharge;

4           (B) a fine;

5           (C) make restitution to the victim under Section 5-5-6  
6 of this Code.

7           (5.1) In addition to any other penalties imposed, and  
8 except as provided in paragraph (5.2) or (5.3), a person  
9 convicted of violating subsection (c) of Section 11-907 of the  
10 Illinois Vehicle Code shall have his or her driver's license,  
11 permit, or privileges suspended for at least 90 days but not  
12 more than one year, if the violation resulted in damage to the  
13 property of another person.

14           (5.2) In addition to any other penalties imposed, and  
15 except as provided in paragraph (5.3), a person convicted of  
16 violating subsection (c) of Section 11-907 of the Illinois  
17 Vehicle Code shall have his or her driver's license, permit,  
18 or privileges suspended for at least 180 days but not more than  
19 2 years, if the violation resulted in injury to another  
20 person.

21           (5.3) In addition to any other penalties imposed, a person  
22 convicted of violating subsection (c) of Section 11-907 of the  
23 Illinois Vehicle Code shall have his or her driver's license,  
24 permit, or privileges suspended for 2 years, if the violation  
25 resulted in the death of another person.

26           (5.4) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle  
2 Code shall have his or her driver's license, permit, or  
3 privileges suspended for 3 months and until he or she has paid  
4 a reinstatement fee of \$100.

5 (5.5) In addition to any other penalties imposed, a person  
6 convicted of violating Section 3-707 of the Illinois Vehicle  
7 Code during a period in which his or her driver's license,  
8 permit, or privileges were suspended for a previous violation  
9 of that Section shall have his or her driver's license,  
10 permit, or privileges suspended for an additional 6 months  
11 after the expiration of the original 3-month suspension and  
12 until he or she has paid a reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

16 (9) A defendant convicted of a second or subsequent  
17 offense of ritualized abuse of a child may be sentenced to a  
18 term of natural life imprisonment.

19 (10) (Blank).

20 (11) The court shall impose a minimum fine of \$1,000 for a  
21 first offense and \$2,000 for a second or subsequent offense  
22 upon a person convicted of or placed on supervision for  
23 battery when the individual harmed was a sports official or  
24 coach at any level of competition and the act causing harm to  
25 the sports official or coach occurred within an athletic  
26 facility or within the immediate vicinity of the athletic

1 facility at which the sports official or coach was an active  
2 participant of the athletic contest held at the athletic  
3 facility. For the purposes of this paragraph (11), "sports  
4 official" means a person at an athletic contest who enforces  
5 the rules of the contest, such as an umpire or referee;  
6 "athletic facility" means an indoor or outdoor playing field  
7 or recreational area where sports activities are conducted;  
8 and "coach" means a person recognized as a coach by the  
9 sanctioning authority that conducted the sporting event.

10 (12) A person may not receive a disposition of court  
11 supervision for a violation of Section 5-16 of the Boat  
12 Registration and Safety Act if that person has previously  
13 received a disposition of court supervision for a violation of  
14 that Section.

15 (13) A person convicted of or placed on court supervision  
16 for an assault or aggravated assault when the victim and the  
17 offender are family or household members as defined in Section  
18 103 of the Illinois Domestic Violence Act of 1986 or convicted  
19 of domestic battery or aggravated domestic battery may be  
20 required to attend a Partner Abuse Intervention Program under  
21 protocols set forth by the Illinois Department of Human  
22 Services under such terms and conditions imposed by the court.  
23 The costs of such classes shall be paid by the offender.

24 (d) In any case in which a sentence originally imposed is  
25 vacated, the case shall be remanded to the trial court. The  
26 trial court shall hold a hearing under Section 5-4-1 of this



1 Code which may include evidence of the defendant's life, moral  
2 character and occupation during the time since the original  
3 sentence was passed. The trial court shall then impose  
4 sentence upon the defendant. The trial court may impose any  
5 sentence which could have been imposed at the original trial  
6 subject to Section 5-5-4 of this Code. If a sentence is vacated  
7 on appeal or on collateral attack due to the failure of the  
8 trier of fact at trial to determine beyond a reasonable doubt  
9 the existence of a fact (other than a prior conviction)  
10 necessary to increase the punishment for the offense beyond  
11 the statutory maximum otherwise applicable, either the  
12 defendant may be re-sentenced to a term within the range  
13 otherwise provided or, if the State files notice of its  
14 intention to again seek the extended sentence, the defendant  
15 shall be afforded a new trial.

16 (e) In cases where prosecution for aggravated criminal  
17 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012 results in conviction  
19 of a defendant who was a family member of the victim at the  
20 time of the commission of the offense, the court shall  
21 consider the safety and welfare of the victim and may impose a  
22 sentence of probation only where:

23 (1) the court finds (A) or (B) or both are  
24 appropriate:

25 (A) the defendant is willing to undergo a court  
26 approved counseling program for a minimum duration of

1           2 years; or

2                   (B) the defendant is willing to participate in a  
3 court approved plan, including, but not limited to,  
4 the defendant's:

5                           (i) removal from the household;

6                           (ii) restricted contact with the victim;

7                           (iii) continued financial support of the  
8 family;

9                           (iv) restitution for harm done to the victim;

10                   and

11                           (v) compliance with any other measures that  
12 the court may deem appropriate; and

13           (2) the court orders the defendant to pay for the  
14 victim's counseling services, to the extent that the court  
15 finds, after considering the defendant's income and  
16 assets, that the defendant is financially capable of  
17 paying for such services, if the victim was under 18 years  
18 of age at the time the offense was committed and requires  
19 counseling as a result of the offense.

20           Probation may be revoked or modified pursuant to Section  
21 5-6-4; except where the court determines at the hearing that  
22 the defendant violated a condition of his or her probation  
23 restricting contact with the victim or other family members or  
24 commits another offense with the victim or other family  
25 members, the court shall revoke the defendant's probation and  
26 impose a term of imprisonment.

1           For the purposes of this Section, "family member" and  
2 "victim" shall have the meanings ascribed to them in Section  
3 11-0.1 of the Criminal Code of 2012.

4           (f) (Blank).

5           (g) Whenever a defendant is convicted of an offense under  
6 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
7 11-14.3, 11-14.4 except for an offense that involves keeping a  
8 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
9 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
10 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, the defendant shall undergo medical  
12 testing to determine whether the defendant has any sexually  
13 transmissible disease, including a test for infection with  
14 human immunodeficiency virus (HIV) or any other identified  
15 causative agent of acquired immunodeficiency syndrome (AIDS).  
16 Any such medical test shall be performed only by appropriately  
17 licensed medical practitioners and may include an analysis of  
18 any bodily fluids as well as an examination of the defendant's  
19 person. Except as otherwise provided by law, the results of  
20 such test shall be kept strictly confidential by all medical  
21 personnel involved in the testing and must be personally  
22 delivered in a sealed envelope to the judge of the court in  
23 which the conviction was entered for the judge's inspection in  
24 camera. Acting in accordance with the best interests of the  
25 victim and the public, the judge shall have the discretion to  
26 determine to whom, if anyone, the results of the testing may be

1 revealed. The court shall notify the defendant of the test  
2 results. The court shall also notify the victim if requested  
3 by the victim, and if the victim is under the age of 15 and if  
4 requested by the victim's parents or legal guardian, the court  
5 shall notify the victim's parents or legal guardian of the  
6 test results. The court shall provide information on the  
7 availability of HIV testing and counseling at Department of  
8 Public Health facilities to all parties to whom the results of  
9 the testing are revealed and shall direct the State's Attorney  
10 to provide the information to the victim when possible. The  
11 court shall order that the cost of any such test shall be paid  
12 by the county and may be taxed as costs against the convicted  
13 defendant.

14 (g-5) When an inmate is tested for an airborne  
15 communicable disease, as determined by the Illinois Department  
16 of Public Health, including, but not limited to, tuberculosis,  
17 the results of the test shall be personally delivered by the  
18 warden or his or her designee in a sealed envelope to the judge  
19 of the court in which the inmate must appear for the judge's  
20 inspection in camera if requested by the judge. Acting in  
21 accordance with the best interests of those in the courtroom,  
22 the judge shall have the discretion to determine what if any  
23 precautions need to be taken to prevent transmission of the  
24 disease in the courtroom.

25 (h) Whenever a defendant is convicted of an offense under  
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

1 defendant shall undergo medical testing to determine whether  
2 the defendant has been exposed to human immunodeficiency virus  
3 (HIV) or any other identified causative agent of acquired  
4 immunodeficiency syndrome (AIDS). Except as otherwise provided  
5 by law, the results of such test shall be kept strictly  
6 confidential by all medical personnel involved in the testing  
7 and must be personally delivered in a sealed envelope to the  
8 judge of the court in which the conviction was entered for the  
9 judge's inspection in camera. Acting in accordance with the  
10 best interests of the public, the judge shall have the  
11 discretion to determine to whom, if anyone, the results of the  
12 testing may be revealed. The court shall notify the defendant  
13 of a positive test showing an infection with the human  
14 immunodeficiency virus (HIV). The court shall provide  
15 information on the availability of HIV testing and counseling  
16 at Department of Public Health facilities to all parties to  
17 whom the results of the testing are revealed and shall direct  
18 the State's Attorney to provide the information to the victim  
19 when possible. The court shall order that the cost of any such  
20 test shall be paid by the county and may be taxed as costs  
21 against the convicted defendant.

22 (i) All fines and penalties imposed under this Section for  
23 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
24 Vehicle Code, or a similar provision of a local ordinance, and  
25 any violation of the Child Passenger Protection Act, or a  
26 similar provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under the Criminal  
2 and Traffic Assessment Act.

3 (j) In cases when prosecution for any violation of Section  
4 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
5 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
6 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
7 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
8 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
9 Code of 2012, any violation of the Illinois Controlled  
10 Substances Act, any violation of the Cannabis Control Act, or  
11 any violation of the Methamphetamine Control and Community  
12 Protection Act results in conviction, a disposition of court  
13 supervision, or an order of probation granted under Section 10  
14 of the Cannabis Control Act, Section 410 of the Illinois  
15 Controlled Substances Act, or Section 70 of the  
16 Methamphetamine Control and Community Protection Act of a  
17 defendant, the court shall determine whether the defendant is  
18 employed by a facility or center as defined under the Child  
19 Care Act of 1969, a public or private elementary or secondary  
20 school, or otherwise works with children under 18 years of age  
21 on a daily basis. When a defendant is so employed, the court  
22 shall order the Clerk of the Court to send a copy of the  
23 judgment of conviction or order of supervision or probation to  
24 the defendant's employer by certified mail. If the employer of  
25 the defendant is a school, the Clerk of the Court shall direct  
26 the mailing of a copy of the judgment of conviction or order of

1 supervision or probation to the appropriate regional  
2 superintendent of schools. The regional superintendent of  
3 schools shall notify the State Board of Education of any  
4 notification under this subsection.

5 (j-5) A defendant at least 17 years of age who is convicted  
6 of a felony and who has not been previously convicted of a  
7 misdemeanor or felony and who is sentenced to a term of  
8 imprisonment in the Illinois Department of Corrections shall  
9 as a condition of his or her sentence be required by the court  
10 to attend educational courses designed to prepare the  
11 defendant for a high school diploma and to work toward a high  
12 school diploma or to work toward passing high school  
13 equivalency testing or to work toward completing a vocational  
14 training program offered by the Department of Corrections. If  
15 a defendant fails to complete the educational training  
16 required by his or her sentence during the term of  
17 incarceration, the Prisoner Review Board shall, as a condition  
18 of mandatory supervised release, require the defendant, at his  
19 or her own expense, to pursue a course of study toward a high  
20 school diploma or passage of high school equivalency testing.  
21 The Prisoner Review Board shall revoke the mandatory  
22 supervised release of a defendant who wilfully fails to comply  
23 with this subsection (j-5) upon his or her release from  
24 confinement in a penal institution while serving a mandatory  
25 supervised release term; however, the inability of the  
26 defendant after making a good faith effort to obtain financial

1 aid or pay for the educational training shall not be deemed a  
2 wilful failure to comply. The Prisoner Review Board shall  
3 recommit the defendant whose mandatory supervised release term  
4 has been revoked under this subsection (j-5) as provided in  
5 Section 3-3-9. This subsection (j-5) does not apply to a  
6 defendant who has a high school diploma or has successfully  
7 passed high school equivalency testing. This subsection (j-5)  
8 does not apply to a defendant who is determined by the court to  
9 be a person with a developmental disability or otherwise  
10 mentally incapable of completing the educational or vocational  
11 program.

12 (k) (Blank).

13 (l) (A) Except as provided in paragraph (C) of subsection  
14 (l), whenever a defendant, who is not a citizen or national of  
15 the United States, is convicted of any felony or misdemeanor  
16 offense, the court after sentencing the defendant may, upon  
17 motion of the State's Attorney, hold sentence in abeyance and  
18 remand the defendant to the custody of the Attorney General of  
19 the United States or his or her designated agent to be deported  
20 when:

21 (1) a final order of deportation has been issued  
22 against the defendant pursuant to proceedings under the  
23 Immigration and Nationality Act, and

24 (2) the deportation of the defendant would not  
25 deprecate the seriousness of the defendant's conduct and  
26 would not be inconsistent with the ends of justice.



1           Otherwise, the defendant shall be sentenced as provided in  
2 this Chapter V.

3           (B) If the defendant has already been sentenced for a  
4 felony or misdemeanor offense, or has been placed on probation  
5 under Section 10 of the Cannabis Control Act, Section 410 of  
6 the Illinois Controlled Substances Act, or Section 70 of the  
7 Methamphetamine Control and Community Protection Act, the  
8 court may, upon motion of the State's Attorney to suspend the  
9 sentence imposed, commit the defendant to the custody of the  
10 Attorney General of the United States or his or her designated  
11 agent when:

12           (1) a final order of deportation has been issued  
13 against the defendant pursuant to proceedings under the  
14 Immigration and Nationality Act, and

15           (2) the deportation of the defendant would not  
16 deprecate the seriousness of the defendant's conduct and  
17 would not be inconsistent with the ends of justice.

18           (C) This subsection (1) does not apply to offenders who  
19 are subject to the provisions of paragraph (2) of subsection  
20 (a) of Section 3-6-3.

21           (D) Upon motion of the State's Attorney, if a defendant  
22 sentenced under this Section returns to the jurisdiction of  
23 the United States, the defendant shall be recommitted to the  
24 custody of the county from which he or she was sentenced.  
25 Thereafter, the defendant shall be brought before the  
26 sentencing court, which may impose any sentence that was

1 available under Section 5-5-3 at the time of initial  
2 sentencing. In addition, the defendant shall not be eligible  
3 for additional earned sentence credit as provided under  
4 Section 3-6-3.

5 (m) A person convicted of criminal defacement of property  
6 under Section 21-1.3 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, in which the property damage exceeds  
8 \$300 and the property damaged is a school building, shall be  
9 ordered to perform community service that may include cleanup,  
10 removal, or painting over the defacement.

11 (n) The court may sentence a person convicted of a  
12 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
13 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
14 of 1961 or the Criminal Code of 2012 (i) to an impact  
15 incarceration program if the person is otherwise eligible for  
16 that program under Section 5-8-1.1, (ii) to community service,  
17 or (iii) if the person has a substance use disorder, as defined  
18 in the Substance Use Disorder Act, to a treatment program  
19 licensed under that Act.

20 (o) Whenever a person is convicted of a sex offense as  
21 defined in Section 2 of the Sex Offender Registration Act, the  
22 defendant's driver's license or permit shall be subject to  
23 renewal on an annual basis in accordance with the provisions  
24 of license renewal established by the Secretary of State.

25 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;  
26 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.

1 5-27-22.)

2 (730 ILCS 5/5-5-3.2)

3 (Text of Section before amendment by P.A. 102-982)

4 Sec. 5-5-3.2. Factors in aggravation and extended-term  
5 sentencing.

6 (a) The following factors shall be accorded weight in  
7 favor of imposing a term of imprisonment or may be considered  
8 by the court as reasons to impose a more severe sentence under  
9 Section 5-8-1 or Article 4.5 of Chapter V:

10 (1) the defendant's conduct caused or threatened  
11 serious harm;

12 (2) the defendant received compensation for committing  
13 the offense;

14 (3) the defendant has a history of prior delinquency  
15 or criminal activity;

16 (4) the defendant, by the duties of his office or by  
17 his position, was obliged to prevent the particular  
18 offense committed or to bring the offenders committing it  
19 to justice;

20 (5) the defendant held public office at the time of  
21 the offense, and the offense related to the conduct of  
22 that office;

23 (6) the defendant utilized his professional reputation  
24 or position in the community to commit the offense, or to  
25 afford him an easier means of committing it;

1           (7) the sentence is necessary to deter others from  
2 committing the same crime;

3           (8) the defendant committed the offense against a  
4 person 60 years of age or older or such person's property;

5           (9) the defendant committed the offense against a  
6 person who has a physical disability or such person's  
7 property;

8           (10) by reason of another individual's actual or  
9 perceived race, color, creed, religion, ancestry, gender,  
10 sexual orientation, physical or mental disability, or  
11 national origin, the defendant committed the offense  
12 against (i) the person or property of that individual;  
13 (ii) the person or property of a person who has an  
14 association with, is married to, or has a friendship with  
15 the other individual; or (iii) the person or property of a  
16 relative (by blood or marriage) of a person described in  
17 clause (i) or (ii). For the purposes of this Section,  
18 "sexual orientation" has the meaning ascribed to it in  
19 paragraph (0-1) of Section 1-103 of the Illinois Human  
20 Rights Act;

21           (11) the offense took place in a place of worship or on  
22 the grounds of a place of worship, immediately prior to,  
23 during or immediately following worship services. For  
24 purposes of this subparagraph, "place of worship" shall  
25 mean any church, synagogue or other building, structure or  
26 place used primarily for religious worship;

1           (12) the defendant was convicted of a felony committed  
2 while he was on pretrial release or his own recognizance  
3 pending trial for a prior felony and was convicted of such  
4 prior felony, or the defendant was convicted of a felony  
5 committed while he was serving a period of probation,  
6 conditional discharge, or mandatory supervised release  
7 under subsection (d) of Section 5-8-1 for a prior felony;

8           (13) the defendant committed or attempted to commit a  
9 felony while he was wearing a bulletproof vest. For the  
10 purposes of this paragraph (13), a bulletproof vest is any  
11 device which is designed for the purpose of protecting the  
12 wearer from bullets, shot or other lethal projectiles;

13           (14) the defendant held a position of trust or  
14 supervision such as, but not limited to, family member as  
15 defined in Section 11-0.1 of the Criminal Code of 2012,  
16 teacher, scout leader, baby sitter, or day care worker, in  
17 relation to a victim under 18 years of age, and the  
18 defendant committed an offense in violation of Section  
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
20 11-14.4 except for an offense that involves keeping a  
21 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
22 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
23 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
24 of 2012 against that victim;

25           (15) the defendant committed an offense related to the  
26 activities of an organized gang. For the purposes of this

1 factor, "organized gang" has the meaning ascribed to it in  
2 Section 10 of the Streetgang Terrorism Omnibus Prevention  
3 Act;

4 (16) the defendant committed an offense in violation  
5 of one of the following Sections while in a school,  
6 regardless of the time of day or time of year; on any  
7 conveyance owned, leased, or contracted by a school to  
8 transport students to or from school or a school related  
9 activity; on the real property of a school; or on a public  
10 way within 1,000 feet of the real property comprising any  
11 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
12 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
13 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
14 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
15 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
16 for subdivision (a) (4) or (g) (1), of the Criminal Code of  
17 1961 or the Criminal Code of 2012;

18 (16.5) the defendant committed an offense in violation  
19 of one of the following Sections while in a day care  
20 center, regardless of the time of day or time of year; on  
21 the real property of a day care center, regardless of the  
22 time of day or time of year; or on a public way within  
23 1,000 feet of the real property comprising any day care  
24 center, regardless of the time of day or time of year:  
25 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
26 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,

1 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
2 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
3 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
4 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
5 Criminal Code of 2012;

6 (17) the defendant committed the offense by reason of  
7 any person's activity as a community policing volunteer or  
8 to prevent any person from engaging in activity as a  
9 community policing volunteer. For the purpose of this  
10 Section, "community policing volunteer" has the meaning  
11 ascribed to it in Section 2-3.5 of the Criminal Code of  
12 2012;

13 (18) the defendant committed the offense in a nursing  
14 home or on the real property comprising a nursing home.  
15 For the purposes of this paragraph (18), "nursing home"  
16 means a skilled nursing or intermediate long term care  
17 facility that is subject to license by the Illinois  
18 Department of Public Health under the Nursing Home Care  
19 Act, the Specialized Mental Health Rehabilitation Act of  
20 2013, the ID/DD Community Care Act, or the MC/DD Act;

21 (19) the defendant was a federally licensed firearm  
22 dealer and was previously convicted of a violation of  
23 subsection (a) of Section 3 of the Firearm Owners  
24 Identification Card Act before its repeal by this  
25 amendatory Act of the 103rd General Assembly and has now  
26 committed ~~either a felony violation of the Firearm Owners~~

1 ~~Identification Card Act~~ or an act of armed violence while  
2 armed with a firearm;

3 (20) the defendant (i) committed the offense of  
4 reckless homicide under Section 9-3 of the Criminal Code  
5 of 1961 or the Criminal Code of 2012 or the offense of  
6 driving under the influence of alcohol, other drug or  
7 drugs, intoxicating compound or compounds or any  
8 combination thereof under Section 11-501 of the Illinois  
9 Vehicle Code or a similar provision of a local ordinance  
10 and (ii) was operating a motor vehicle in excess of 20  
11 miles per hour over the posted speed limit as provided in  
12 Article VI of Chapter 11 of the Illinois Vehicle Code;

13 (21) the defendant (i) committed the offense of  
14 reckless driving or aggravated reckless driving under  
15 Section 11-503 of the Illinois Vehicle Code and (ii) was  
16 operating a motor vehicle in excess of 20 miles per hour  
17 over the posted speed limit as provided in Article VI of  
18 Chapter 11 of the Illinois Vehicle Code;

19 (22) the defendant committed the offense against a  
20 person that the defendant knew, or reasonably should have  
21 known, was a member of the Armed Forces of the United  
22 States serving on active duty. For purposes of this clause  
23 (22), the term "Armed Forces" means any of the Armed  
24 Forces of the United States, including a member of any  
25 reserve component thereof or National Guard unit called to  
26 active duty;



1           (23) the defendant committed the offense against a  
2 person who was elderly or infirm or who was a person with a  
3 disability by taking advantage of a family or fiduciary  
4 relationship with the elderly or infirm person or person  
5 with a disability;

6           (24) the defendant committed any offense under Section  
7 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
8 of 2012 and possessed 100 or more images;

9           (25) the defendant committed the offense while the  
10 defendant or the victim was in a train, bus, or other  
11 vehicle used for public transportation;

12           (26) the defendant committed the offense of child  
13 pornography or aggravated child pornography, specifically  
14 including paragraph (1), (2), (3), (4), (5), or (7) of  
15 subsection (a) of Section 11-20.1 of the Criminal Code of  
16 1961 or the Criminal Code of 2012 where a child engaged in,  
17 solicited for, depicted in, or posed in any act of sexual  
18 penetration or bound, fettered, or subject to sadistic,  
19 masochistic, or sadomasochistic abuse in a sexual context  
20 and specifically including paragraph (1), (2), (3), (4),  
21 (5), or (7) of subsection (a) of Section 11-20.1B or  
22 Section 11-20.3 of the Criminal Code of 1961 where a child  
23 engaged in, solicited for, depicted in, or posed in any  
24 act of sexual penetration or bound, fettered, or subject  
25 to sadistic, masochistic, or sadomasochistic abuse in a  
26 sexual context;

1           (27) the defendant committed the offense of first  
2 degree murder, assault, aggravated assault, battery,  
3 aggravated battery, robbery, armed robbery, or aggravated  
4 robbery against a person who was a veteran and the  
5 defendant knew, or reasonably should have known, that the  
6 person was a veteran performing duties as a representative  
7 of a veterans' organization. For the purposes of this  
8 paragraph (27), "veteran" means an Illinois resident who  
9 has served as a member of the United States Armed Forces, a  
10 member of the Illinois National Guard, or a member of the  
11 United States Reserve Forces; and "veterans' organization"  
12 means an organization comprised of members of which  
13 substantially all are individuals who are veterans or  
14 spouses, widows, or widowers of veterans, the primary  
15 purpose of which is to promote the welfare of its members  
16 and to provide assistance to the general public in such a  
17 way as to confer a public benefit;

18           (28) the defendant committed the offense of assault,  
19 aggravated assault, battery, aggravated battery, robbery,  
20 armed robbery, or aggravated robbery against a person that  
21 the defendant knew or reasonably should have known was a  
22 letter carrier or postal worker while that person was  
23 performing his or her duties delivering mail for the  
24 United States Postal Service;

25           (29) the defendant committed the offense of criminal  
26 sexual assault, aggravated criminal sexual assault,

1 criminal sexual abuse, or aggravated criminal sexual abuse  
2 against a victim with an intellectual disability, and the  
3 defendant holds a position of trust, authority, or  
4 supervision in relation to the victim;

5 (30) the defendant committed the offense of promoting  
6 juvenile prostitution, patronizing a prostitute, or  
7 patronizing a minor engaged in prostitution and at the  
8 time of the commission of the offense knew that the  
9 prostitute or minor engaged in prostitution was in the  
10 custody or guardianship of the Department of Children and  
11 Family Services;

12 (31) the defendant (i) committed the offense of  
13 driving while under the influence of alcohol, other drug  
14 or drugs, intoxicating compound or compounds or any  
15 combination thereof in violation of Section 11-501 of the  
16 Illinois Vehicle Code or a similar provision of a local  
17 ordinance and (ii) the defendant during the commission of  
18 the offense was driving his or her vehicle upon a roadway  
19 designated for one-way traffic in the opposite direction  
20 of the direction indicated by official traffic control  
21 devices;

22 (32) the defendant committed the offense of reckless  
23 homicide while committing a violation of Section 11-907 of  
24 the Illinois Vehicle Code;

25 (33) the defendant was found guilty of an  
26 administrative infraction related to an act or acts of

1 public indecency or sexual misconduct in the penal  
2 institution. In this paragraph (33), "penal institution"  
3 has the same meaning as in Section 2-14 of the Criminal  
4 Code of 2012; or

5 (34) the defendant committed the offense of leaving  
6 the scene of an accident in violation of subsection (b) of  
7 Section 11-401 of the Illinois Vehicle Code and the  
8 accident resulted in the death of a person and at the time  
9 of the offense, the defendant was: (i) driving under the  
10 influence of alcohol, other drug or drugs, intoxicating  
11 compound or compounds or any combination thereof as  
12 defined by Section 11-501 of the Illinois Vehicle Code; or  
13 (ii) operating the motor vehicle while using an electronic  
14 communication device as defined in Section 12-610.2 of the  
15 Illinois Vehicle Code.

16 For the purposes of this Section:

17 "School" is defined as a public or private elementary or  
18 secondary school, community college, college, or university.

19 "Day care center" means a public or private State  
20 certified and licensed day care center as defined in Section  
21 2.09 of the Child Care Act of 1969 that displays a sign in  
22 plain view stating that the property is a day care center.

23 "Intellectual disability" means significantly subaverage  
24 intellectual functioning which exists concurrently with  
25 impairment in adaptive behavior.

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general  
2 public, and includes paratransit services.

3 "Traffic control devices" means all signs, signals,  
4 markings, and devices that conform to the Illinois Manual on  
5 Uniform Traffic Control Devices, placed or erected by  
6 authority of a public body or official having jurisdiction,  
7 for the purpose of regulating, warning, or guiding traffic.

8 (b) The following factors, related to all felonies, may be  
9 considered by the court as reasons to impose an extended term  
10 sentence under Section 5-8-2 upon any offender:

11 (1) When a defendant is convicted of any felony, after  
12 having been previously convicted in Illinois or any other  
13 jurisdiction of the same or similar class felony or  
14 greater class felony, when such conviction has occurred  
15 within 10 years after the previous conviction, excluding  
16 time spent in custody, and such charges are separately  
17 brought and tried and arise out of different series of  
18 acts; or

19 (2) When a defendant is convicted of any felony and  
20 the court finds that the offense was accompanied by  
21 exceptionally brutal or heinous behavior indicative of  
22 wanton cruelty; or

23 (3) When a defendant is convicted of any felony  
24 committed against:

25 (i) a person under 12 years of age at the time of  
26 the offense or such person's property;

1 (ii) a person 60 years of age or older at the time  
2 of the offense or such person's property; or

3 (iii) a person who had a physical disability at  
4 the time of the offense or such person's property; or

5 (4) When a defendant is convicted of any felony and  
6 the offense involved any of the following types of  
7 specific misconduct committed as part of a ceremony, rite,  
8 initiation, observance, performance, practice or activity  
9 of any actual or ostensible religious, fraternal, or  
10 social group:

11 (i) the brutalizing or torturing of humans or  
12 animals;

13 (ii) the theft of human corpses;

14 (iii) the kidnapping of humans;

15 (iv) the desecration of any cemetery, religious,  
16 fraternal, business, governmental, educational, or  
17 other building or property; or

18 (v) ritualized abuse of a child; or

19 (5) When a defendant is convicted of a felony other  
20 than conspiracy and the court finds that the felony was  
21 committed under an agreement with 2 or more other persons  
22 to commit that offense and the defendant, with respect to  
23 the other individuals, occupied a position of organizer,  
24 supervisor, financier, or any other position of management  
25 or leadership, and the court further finds that the felony  
26 committed was related to or in furtherance of the criminal

1 activities of an organized gang or was motivated by the  
2 defendant's leadership in an organized gang; or

3 (6) When a defendant is convicted of an offense  
4 committed while using a firearm with a laser sight  
5 attached to it. For purposes of this paragraph, "laser  
6 sight" has the meaning ascribed to it in Section 26-7 of  
7 the Criminal Code of 2012; or

8 (7) When a defendant who was at least 17 years of age  
9 at the time of the commission of the offense is convicted  
10 of a felony and has been previously adjudicated a  
11 delinquent minor under the Juvenile Court Act of 1987 for  
12 an act that if committed by an adult would be a Class X or  
13 Class 1 felony when the conviction has occurred within 10  
14 years after the previous adjudication, excluding time  
15 spent in custody; or

16 (8) When a defendant commits any felony and the  
17 defendant used, possessed, exercised control over, or  
18 otherwise directed an animal to assault a law enforcement  
19 officer engaged in the execution of his or her official  
20 duties or in furtherance of the criminal activities of an  
21 organized gang in which the defendant is engaged; or

22 (9) When a defendant commits any felony and the  
23 defendant knowingly video or audio records the offense  
24 with the intent to disseminate the recording.

25 (c) The following factors may be considered by the court  
26 as reasons to impose an extended term sentence under Section

1 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
2 offenses:

3 (1) When a defendant is convicted of first degree  
4 murder, after having been previously convicted in Illinois  
5 of any offense listed under paragraph (c)(2) of Section  
6 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
7 occurred within 10 years after the previous conviction,  
8 excluding time spent in custody, and the charges are  
9 separately brought and tried and arise out of different  
10 series of acts.

11 (1.5) When a defendant is convicted of first degree  
12 murder, after having been previously convicted of domestic  
13 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
14 (720 ILCS 5/12-3.3) committed on the same victim or after  
15 having been previously convicted of violation of an order  
16 of protection (720 ILCS 5/12-30) in which the same victim  
17 was the protected person.

18 (2) When a defendant is convicted of voluntary  
19 manslaughter, second degree murder, involuntary  
20 manslaughter, or reckless homicide in which the defendant  
21 has been convicted of causing the death of more than one  
22 individual.

23 (3) When a defendant is convicted of aggravated  
24 criminal sexual assault or criminal sexual assault, when  
25 there is a finding that aggravated criminal sexual assault  
26 or criminal sexual assault was also committed on the same



1 victim by one or more other individuals, and the defendant  
2 voluntarily participated in the crime with the knowledge  
3 of the participation of the others in the crime, and the  
4 commission of the crime was part of a single course of  
5 conduct during which there was no substantial change in  
6 the nature of the criminal objective.

7 (4) If the victim was under 18 years of age at the time  
8 of the commission of the offense, when a defendant is  
9 convicted of aggravated criminal sexual assault or  
10 predatory criminal sexual assault of a child under  
11 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
12 of Section 12-14.1 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

14 (5) When a defendant is convicted of a felony  
15 violation of Section 24-1 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
17 finding that the defendant is a member of an organized  
18 gang.

19 (6) When a defendant was convicted of unlawful use of  
20 weapons under Section 24-1 of the Criminal Code of 1961 or  
21 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
22 a weapon that is not readily distinguishable as one of the  
23 weapons enumerated in Section 24-1 of the Criminal Code of  
24 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

25 (7) When a defendant is convicted of an offense  
26 involving the illegal manufacture of a controlled

1 substance under Section 401 of the Illinois Controlled  
2 Substances Act (720 ILCS 570/401), the illegal manufacture  
3 of methamphetamine under Section 25 of the Methamphetamine  
4 Control and Community Protection Act (720 ILCS 646/25), or  
5 the illegal possession of explosives and an emergency  
6 response officer in the performance of his or her duties  
7 is killed or injured at the scene of the offense while  
8 responding to the emergency caused by the commission of  
9 the offense. In this paragraph, "emergency" means a  
10 situation in which a person's life, health, or safety is  
11 in jeopardy; and "emergency response officer" means a  
12 peace officer, community policing volunteer, fireman,  
13 emergency medical technician-ambulance, emergency medical  
14 technician-intermediate, emergency medical  
15 technician-paramedic, ambulance driver, other medical  
16 assistance or first aid personnel, or hospital emergency  
17 room personnel.

18 (8) When the defendant is convicted of attempted mob  
19 action, solicitation to commit mob action, or conspiracy  
20 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
21 Criminal Code of 2012, where the criminal object is a  
22 violation of Section 25-1 of the Criminal Code of 2012,  
23 and an electronic communication is used in the commission  
24 of the offense. For the purposes of this paragraph (8),  
25 "electronic communication" shall have the meaning provided  
26 in Section 26.5-0.1 of the Criminal Code of 2012.

1 (d) For the purposes of this Section, "organized gang" has  
2 the meaning ascribed to it in Section 10 of the Illinois  
3 Streetgang Terrorism Omnibus Prevention Act.

4 (e) The court may impose an extended term sentence under  
5 Article 4.5 of Chapter V upon an offender who has been  
6 convicted of a felony violation of Section 11-1.20, 11-1.30,  
7 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
8 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
9 when the victim of the offense is under 18 years of age at the  
10 time of the commission of the offense and, during the  
11 commission of the offense, the victim was under the influence  
12 of alcohol, regardless of whether or not the alcohol was  
13 supplied by the offender; and the offender, at the time of the  
14 commission of the offense, knew or should have known that the  
15 victim had consumed alcohol.

16 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
17 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
18 8-20-21.)

19 (Text of Section after amendment by P.A. 102-982)

20 Sec. 5-5-3.2. Factors in aggravation and extended-term  
21 sentencing.

22 (a) The following factors shall be accorded weight in  
23 favor of imposing a term of imprisonment or may be considered  
24 by the court as reasons to impose a more severe sentence under  
25 Section 5-8-1 or Article 4.5 of Chapter V:

1           (1) the defendant's conduct caused or threatened  
2 serious harm;

3           (2) the defendant received compensation for committing  
4 the offense;

5           (3) the defendant has a history of prior delinquency  
6 or criminal activity;

7           (4) the defendant, by the duties of his office or by  
8 his position, was obliged to prevent the particular  
9 offense committed or to bring the offenders committing it  
10 to justice;

11           (5) the defendant held public office at the time of  
12 the offense, and the offense related to the conduct of  
13 that office;

14           (6) the defendant utilized his professional reputation  
15 or position in the community to commit the offense, or to  
16 afford him an easier means of committing it;

17           (7) the sentence is necessary to deter others from  
18 committing the same crime;

19           (8) the defendant committed the offense against a  
20 person 60 years of age or older or such person's property;

21           (9) the defendant committed the offense against a  
22 person who has a physical disability or such person's  
23 property;

24           (10) by reason of another individual's actual or  
25 perceived race, color, creed, religion, ancestry, gender,  
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense  
2 against (i) the person or property of that individual;  
3 (ii) the person or property of a person who has an  
4 association with, is married to, or has a friendship with  
5 the other individual; or (iii) the person or property of a  
6 relative (by blood or marriage) of a person described in  
7 clause (i) or (ii). For the purposes of this Section,  
8 "sexual orientation" has the meaning ascribed to it in  
9 paragraph (O-1) of Section 1-103 of the Illinois Human  
10 Rights Act;

11 (11) the offense took place in a place of worship or on  
12 the grounds of a place of worship, immediately prior to,  
13 during or immediately following worship services. For  
14 purposes of this subparagraph, "place of worship" shall  
15 mean any church, synagogue or other building, structure or  
16 place used primarily for religious worship;

17 (12) the defendant was convicted of a felony committed  
18 while he was on pretrial release or his own recognizance  
19 pending trial for a prior felony and was convicted of such  
20 prior felony, or the defendant was convicted of a felony  
21 committed while he was serving a period of probation,  
22 conditional discharge, or mandatory supervised release  
23 under subsection (d) of Section 5-8-1 for a prior felony;

24 (13) the defendant committed or attempted to commit a  
25 felony while he was wearing a bulletproof vest. For the  
26 purposes of this paragraph (13), a bulletproof vest is any

1 device which is designed for the purpose of protecting the  
2 wearer from bullets, shot or other lethal projectiles;

3 (14) the defendant held a position of trust or  
4 supervision such as, but not limited to, family member as  
5 defined in Section 11-0.1 of the Criminal Code of 2012,  
6 teacher, scout leader, baby sitter, or day care worker, in  
7 relation to a victim under 18 years of age, and the  
8 defendant committed an offense in violation of Section  
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
10 11-14.4 except for an offense that involves keeping a  
11 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
12 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
13 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
14 of 2012 against that victim;

15 (15) the defendant committed an offense related to the  
16 activities of an organized gang. For the purposes of this  
17 factor, "organized gang" has the meaning ascribed to it in  
18 Section 10 of the Streetgang Terrorism Omnibus Prevention  
19 Act;

20 (16) the defendant committed an offense in violation  
21 of one of the following Sections while in a school,  
22 regardless of the time of day or time of year; on any  
23 conveyance owned, leased, or contracted by a school to  
24 transport students to or from school or a school related  
25 activity; on the real property of a school; or on a public  
26 way within 1,000 feet of the real property comprising any

1 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
2 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
3 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
4 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
5 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
6 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
7 1961 or the Criminal Code of 2012;

8 (16.5) the defendant committed an offense in violation  
9 of one of the following Sections while in a day care  
10 center, regardless of the time of day or time of year; on  
11 the real property of a day care center, regardless of the  
12 time of day or time of year; or on a public way within  
13 1,000 feet of the real property comprising any day care  
14 center, regardless of the time of day or time of year:  
15 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
16 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
18 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
19 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
20 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
21 Criminal Code of 2012;

22 (17) the defendant committed the offense by reason of  
23 any person's activity as a community policing volunteer or  
24 to prevent any person from engaging in activity as a  
25 community policing volunteer. For the purpose of this  
26 Section, "community policing volunteer" has the meaning

1 ascribed to it in Section 2-3.5 of the Criminal Code of  
2 2012;

3 (18) the defendant committed the offense in a nursing  
4 home or on the real property comprising a nursing home.  
5 For the purposes of this paragraph (18), "nursing home"  
6 means a skilled nursing or intermediate long term care  
7 facility that is subject to license by the Illinois  
8 Department of Public Health under the Nursing Home Care  
9 Act, the Specialized Mental Health Rehabilitation Act of  
10 2013, the ID/DD Community Care Act, or the MC/DD Act;

11 (19) the defendant was a federally licensed firearm  
12 dealer and was previously convicted of a violation of  
13 subsection (a) of Section 3 of the Firearm Owners  
14 Identification Card Act before its repeal by this  
15 amendatory Act of the 103rd General Assembly and has now  
16 committed ~~either a felony violation of the Firearm Owners~~  
17 ~~Identification Card Act or~~ an act of armed violence while  
18 armed with a firearm;

19 (20) the defendant (i) committed the offense of  
20 reckless homicide under Section 9-3 of the Criminal Code  
21 of 1961 or the Criminal Code of 2012 or the offense of  
22 driving under the influence of alcohol, other drug or  
23 drugs, intoxicating compound or compounds or any  
24 combination thereof under Section 11-501 of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance  
26 and (ii) was operating a motor vehicle in excess of 20



1 miles per hour over the posted speed limit as provided in  
2 Article VI of Chapter 11 of the Illinois Vehicle Code;

3 (21) the defendant (i) committed the offense of  
4 reckless driving or aggravated reckless driving under  
5 Section 11-503 of the Illinois Vehicle Code and (ii) was  
6 operating a motor vehicle in excess of 20 miles per hour  
7 over the posted speed limit as provided in Article VI of  
8 Chapter 11 of the Illinois Vehicle Code;

9 (22) the defendant committed the offense against a  
10 person that the defendant knew, or reasonably should have  
11 known, was a member of the Armed Forces of the United  
12 States serving on active duty. For purposes of this clause  
13 (22), the term "Armed Forces" means any of the Armed  
14 Forces of the United States, including a member of any  
15 reserve component thereof or National Guard unit called to  
16 active duty;

17 (23) the defendant committed the offense against a  
18 person who was elderly or infirm or who was a person with a  
19 disability by taking advantage of a family or fiduciary  
20 relationship with the elderly or infirm person or person  
21 with a disability;

22 (24) the defendant committed any offense under Section  
23 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
24 of 2012 and possessed 100 or more images;

25 (25) the defendant committed the offense while the  
26 defendant or the victim was in a train, bus, or other

1 vehicle used for public transportation;

2 (26) the defendant committed the offense of child  
3 pornography or aggravated child pornography, specifically  
4 including paragraph (1), (2), (3), (4), (5), or (7) of  
5 subsection (a) of Section 11-20.1 of the Criminal Code of  
6 1961 or the Criminal Code of 2012 where a child engaged in,  
7 solicited for, depicted in, or posed in any act of sexual  
8 penetration or bound, fettered, or subject to sadistic,  
9 masochistic, or sadomasochistic abuse in a sexual context  
10 and specifically including paragraph (1), (2), (3), (4),  
11 (5), or (7) of subsection (a) of Section 11-20.1B or  
12 Section 11-20.3 of the Criminal Code of 1961 where a child  
13 engaged in, solicited for, depicted in, or posed in any  
14 act of sexual penetration or bound, fettered, or subject  
15 to sadistic, masochistic, or sadomasochistic abuse in a  
16 sexual context;

17 (27) the defendant committed the offense of first  
18 degree murder, assault, aggravated assault, battery,  
19 aggravated battery, robbery, armed robbery, or aggravated  
20 robbery against a person who was a veteran and the  
21 defendant knew, or reasonably should have known, that the  
22 person was a veteran performing duties as a representative  
23 of a veterans' organization. For the purposes of this  
24 paragraph (27), "veteran" means an Illinois resident who  
25 has served as a member of the United States Armed Forces, a  
26 member of the Illinois National Guard, or a member of the

1 United States Reserve Forces; and "veterans' organization"  
2 means an organization comprised of members of which  
3 substantially all are individuals who are veterans or  
4 spouses, widows, or widowers of veterans, the primary  
5 purpose of which is to promote the welfare of its members  
6 and to provide assistance to the general public in such a  
7 way as to confer a public benefit;

8 (28) the defendant committed the offense of assault,  
9 aggravated assault, battery, aggravated battery, robbery,  
10 armed robbery, or aggravated robbery against a person that  
11 the defendant knew or reasonably should have known was a  
12 letter carrier or postal worker while that person was  
13 performing his or her duties delivering mail for the  
14 United States Postal Service;

15 (29) the defendant committed the offense of criminal  
16 sexual assault, aggravated criminal sexual assault,  
17 criminal sexual abuse, or aggravated criminal sexual abuse  
18 against a victim with an intellectual disability, and the  
19 defendant holds a position of trust, authority, or  
20 supervision in relation to the victim;

21 (30) the defendant committed the offense of promoting  
22 juvenile prostitution, patronizing a prostitute, or  
23 patronizing a minor engaged in prostitution and at the  
24 time of the commission of the offense knew that the  
25 prostitute or minor engaged in prostitution was in the  
26 custody or guardianship of the Department of Children and

1 Family Services;

2 (31) the defendant (i) committed the offense of  
3 driving while under the influence of alcohol, other drug  
4 or drugs, intoxicating compound or compounds or any  
5 combination thereof in violation of Section 11-501 of the  
6 Illinois Vehicle Code or a similar provision of a local  
7 ordinance and (ii) the defendant during the commission of  
8 the offense was driving his or her vehicle upon a roadway  
9 designated for one-way traffic in the opposite direction  
10 of the direction indicated by official traffic control  
11 devices;

12 (32) the defendant committed the offense of reckless  
13 homicide while committing a violation of Section 11-907 of  
14 the Illinois Vehicle Code;

15 (33) the defendant was found guilty of an  
16 administrative infraction related to an act or acts of  
17 public indecency or sexual misconduct in the penal  
18 institution. In this paragraph (33), "penal institution"  
19 has the same meaning as in Section 2-14 of the Criminal  
20 Code of 2012; or

21 (34) the defendant committed the offense of leaving  
22 the scene of a crash in violation of subsection (b) of  
23 Section 11-401 of the Illinois Vehicle Code and the crash  
24 resulted in the death of a person and at the time of the  
25 offense, the defendant was: (i) driving under the  
26 influence of alcohol, other drug or drugs, intoxicating

1 compound or compounds or any combination thereof as  
2 defined by Section 11-501 of the Illinois Vehicle Code; or  
3 (ii) operating the motor vehicle while using an electronic  
4 communication device as defined in Section 12-610.2 of the  
5 Illinois Vehicle Code.

6 For the purposes of this Section:

7 "School" is defined as a public or private elementary or  
8 secondary school, community college, college, or university.

9 "Day care center" means a public or private State  
10 certified and licensed day care center as defined in Section  
11 2.09 of the Child Care Act of 1969 that displays a sign in  
12 plain view stating that the property is a day care center.

13 "Intellectual disability" means significantly subaverage  
14 intellectual functioning which exists concurrently with  
15 impairment in adaptive behavior.

16 "Public transportation" means the transportation or  
17 conveyance of persons by means available to the general  
18 public, and includes paratransit services.

19 "Traffic control devices" means all signs, signals,  
20 markings, and devices that conform to the Illinois Manual on  
21 Uniform Traffic Control Devices, placed or erected by  
22 authority of a public body or official having jurisdiction,  
23 for the purpose of regulating, warning, or guiding traffic.

24 (b) The following factors, related to all felonies, may be  
25 considered by the court as reasons to impose an extended term  
26 sentence under Section 5-8-2 upon any offender:

1           (1) When a defendant is convicted of any felony, after  
2           having been previously convicted in Illinois or any other  
3           jurisdiction of the same or similar class felony or  
4           greater class felony, when such conviction has occurred  
5           within 10 years after the previous conviction, excluding  
6           time spent in custody, and such charges are separately  
7           brought and tried and arise out of different series of  
8           acts; or

9           (2) When a defendant is convicted of any felony and  
10          the court finds that the offense was accompanied by  
11          exceptionally brutal or heinous behavior indicative of  
12          wanton cruelty; or

13          (3) When a defendant is convicted of any felony  
14          committed against:

15                 (i) a person under 12 years of age at the time of  
16                 the offense or such person's property;

17                 (ii) a person 60 years of age or older at the time  
18                 of the offense or such person's property; or

19                 (iii) a person who had a physical disability at  
20                 the time of the offense or such person's property; or

21          (4) When a defendant is convicted of any felony and  
22          the offense involved any of the following types of  
23          specific misconduct committed as part of a ceremony, rite,  
24          initiation, observance, performance, practice or activity  
25          of any actual or ostensible religious, fraternal, or  
26          social group:

1 (i) the brutalizing or torturing of humans or  
2 animals;

3 (ii) the theft of human corpses;

4 (iii) the kidnapping of humans;

5 (iv) the desecration of any cemetery, religious,  
6 fraternal, business, governmental, educational, or  
7 other building or property; or

8 (v) ritualized abuse of a child; or

9 (5) When a defendant is convicted of a felony other  
10 than conspiracy and the court finds that the felony was  
11 committed under an agreement with 2 or more other persons  
12 to commit that offense and the defendant, with respect to  
13 the other individuals, occupied a position of organizer,  
14 supervisor, financier, or any other position of management  
15 or leadership, and the court further finds that the felony  
16 committed was related to or in furtherance of the criminal  
17 activities of an organized gang or was motivated by the  
18 defendant's leadership in an organized gang; or

19 (6) When a defendant is convicted of an offense  
20 committed while using a firearm with a laser sight  
21 attached to it. For purposes of this paragraph, "laser  
22 sight" has the meaning ascribed to it in Section 26-7 of  
23 the Criminal Code of 2012; or

24 (7) When a defendant who was at least 17 years of age  
25 at the time of the commission of the offense is convicted  
26 of a felony and has been previously adjudicated a

1 delinquent minor under the Juvenile Court Act of 1987 for  
2 an act that if committed by an adult would be a Class X or  
3 Class 1 felony when the conviction has occurred within 10  
4 years after the previous adjudication, excluding time  
5 spent in custody; or

6 (8) When a defendant commits any felony and the  
7 defendant used, possessed, exercised control over, or  
8 otherwise directed an animal to assault a law enforcement  
9 officer engaged in the execution of his or her official  
10 duties or in furtherance of the criminal activities of an  
11 organized gang in which the defendant is engaged; or

12 (9) When a defendant commits any felony and the  
13 defendant knowingly video or audio records the offense  
14 with the intent to disseminate the recording.

15 (c) The following factors may be considered by the court  
16 as reasons to impose an extended term sentence under Section  
17 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
18 offenses:

19 (1) When a defendant is convicted of first degree  
20 murder, after having been previously convicted in Illinois  
21 of any offense listed under paragraph (c)(2) of Section  
22 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
23 occurred within 10 years after the previous conviction,  
24 excluding time spent in custody, and the charges are  
25 separately brought and tried and arise out of different  
26 series of acts.



1           (1.5) When a defendant is convicted of first degree  
2 murder, after having been previously convicted of domestic  
3 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
4 (720 ILCS 5/12-3.3) committed on the same victim or after  
5 having been previously convicted of violation of an order  
6 of protection (720 ILCS 5/12-30) in which the same victim  
7 was the protected person.

8           (2) When a defendant is convicted of voluntary  
9 manslaughter, second degree murder, involuntary  
10 manslaughter, or reckless homicide in which the defendant  
11 has been convicted of causing the death of more than one  
12 individual.

13           (3) When a defendant is convicted of aggravated  
14 criminal sexual assault or criminal sexual assault, when  
15 there is a finding that aggravated criminal sexual assault  
16 or criminal sexual assault was also committed on the same  
17 victim by one or more other individuals, and the defendant  
18 voluntarily participated in the crime with the knowledge  
19 of the participation of the others in the crime, and the  
20 commission of the crime was part of a single course of  
21 conduct during which there was no substantial change in  
22 the nature of the criminal objective.

23           (4) If the victim was under 18 years of age at the time  
24 of the commission of the offense, when a defendant is  
25 convicted of aggravated criminal sexual assault or  
26 predatory criminal sexual assault of a child under

1 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
2 of Section 12-14.1 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

4 (5) When a defendant is convicted of a felony  
5 violation of Section 24-1 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
7 finding that the defendant is a member of an organized  
8 gang.

9 (6) When a defendant was convicted of unlawful use of  
10 weapons under Section 24-1 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
12 a weapon that is not readily distinguishable as one of the  
13 weapons enumerated in Section 24-1 of the Criminal Code of  
14 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

15 (7) When a defendant is convicted of an offense  
16 involving the illegal manufacture of a controlled  
17 substance under Section 401 of the Illinois Controlled  
18 Substances Act (720 ILCS 570/401), the illegal manufacture  
19 of methamphetamine under Section 25 of the Methamphetamine  
20 Control and Community Protection Act (720 ILCS 646/25), or  
21 the illegal possession of explosives and an emergency  
22 response officer in the performance of his or her duties  
23 is killed or injured at the scene of the offense while  
24 responding to the emergency caused by the commission of  
25 the offense. In this paragraph, "emergency" means a  
26 situation in which a person's life, health, or safety is

1 in jeopardy; and "emergency response officer" means a  
2 peace officer, community policing volunteer, fireman,  
3 emergency medical technician-ambulance, emergency medical  
4 technician-intermediate, emergency medical  
5 technician-paramedic, ambulance driver, other medical  
6 assistance or first aid personnel, or hospital emergency  
7 room personnel.

8 (8) When the defendant is convicted of attempted mob  
9 action, solicitation to commit mob action, or conspiracy  
10 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
11 Criminal Code of 2012, where the criminal object is a  
12 violation of Section 25-1 of the Criminal Code of 2012,  
13 and an electronic communication is used in the commission  
14 of the offense. For the purposes of this paragraph (8),  
15 "electronic communication" shall have the meaning provided  
16 in Section 26.5-0.1 of the Criminal Code of 2012.

17 (d) For the purposes of this Section, "organized gang" has  
18 the meaning ascribed to it in Section 10 of the Illinois  
19 Streetgang Terrorism Omnibus Prevention Act.

20 (e) The court may impose an extended term sentence under  
21 Article 4.5 of Chapter V upon an offender who has been  
22 convicted of a felony violation of Section 11-1.20, 11-1.30,  
23 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
24 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
25 when the victim of the offense is under 18 years of age at the  
26 time of the commission of the offense and, during the

1 commission of the offense, the victim was under the influence  
2 of alcohol, regardless of whether or not the alcohol was  
3 supplied by the offender; and the offender, at the time of the  
4 commission of the offense, knew or should have known that the  
5 victim had consumed alcohol.

6 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
7 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
8 8-20-21; 102-982, eff. 7-1-23.)

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

10 Sec. 5-6-3. Conditions of probation and of conditional  
11 discharge.

12 (a) The conditions of probation and of conditional  
13 discharge shall be that the person:

14 (1) not violate any criminal statute of any  
15 jurisdiction;

16 (2) report to or appear in person before such person  
17 or agency as directed by the court;

18 (3) refrain from possessing a firearm or other  
19 dangerous weapon where the offense is a felony or, if a  
20 misdemeanor, the offense involved the intentional or  
21 knowing infliction of bodily harm or threat of bodily  
22 harm;

23 (4) not leave the State without the consent of the  
24 court or, in circumstances in which the reason for the  
25 absence is of such an emergency nature that prior consent

1 by the court is not possible, without the prior  
2 notification and approval of the person's probation  
3 officer. Transfer of a person's probation or conditional  
4 discharge supervision to another state is subject to  
5 acceptance by the other state pursuant to the Interstate  
6 Compact for Adult Offender Supervision;

7 (5) permit the probation officer to visit him at his  
8 home or elsewhere to the extent necessary to discharge his  
9 duties;

10 (6) perform no less than 30 hours of community service  
11 and not more than 120 hours of community service, if  
12 community service is available in the jurisdiction and is  
13 funded and approved by the county board where the offense  
14 was committed, where the offense was related to or in  
15 furtherance of the criminal activities of an organized  
16 gang and was motivated by the offender's membership in or  
17 allegiance to an organized gang. The community service  
18 shall include, but not be limited to, the cleanup and  
19 repair of any damage caused by a violation of Section  
20 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
21 2012 and similar damage to property located within the  
22 municipality or county in which the violation occurred.  
23 When possible and reasonable, the community service should  
24 be performed in the offender's neighborhood. For purposes  
25 of this Section, "organized gang" has the meaning ascribed  
26 to it in Section 10 of the Illinois Streetgang Terrorism

1 Omnibus Prevention Act. The court may give credit toward  
2 the fulfillment of community service hours for  
3 participation in activities and treatment as determined by  
4 court services;

5 (7) if he or she is at least 17 years of age and has  
6 been sentenced to probation or conditional discharge for a  
7 misdemeanor or felony in a county of 3,000,000 or more  
8 inhabitants and has not been previously convicted of a  
9 misdemeanor or felony, may be required by the sentencing  
10 court to attend educational courses designed to prepare  
11 the defendant for a high school diploma and to work toward  
12 a high school diploma or to work toward passing high  
13 school equivalency testing or to work toward completing a  
14 vocational training program approved by the court. The  
15 person on probation or conditional discharge must attend a  
16 public institution of education to obtain the educational  
17 or vocational training required by this paragraph (7). The  
18 court shall revoke the probation or conditional discharge  
19 of a person who willfully fails to comply with this  
20 paragraph (7). The person on probation or conditional  
21 discharge shall be required to pay for the cost of the  
22 educational courses or high school equivalency testing if  
23 a fee is charged for those courses or testing. The court  
24 shall resentence the offender whose probation or  
25 conditional discharge has been revoked as provided in  
26 Section 5-6-4. This paragraph (7) does not apply to a

1 person who has a high school diploma or has successfully  
2 passed high school equivalency testing. This paragraph (7)  
3 does not apply to a person who is determined by the court  
4 to be a person with a developmental disability or  
5 otherwise mentally incapable of completing the educational  
6 or vocational program;

7 (8) if convicted of possession of a substance  
8 prohibited by the Cannabis Control Act, the Illinois  
9 Controlled Substances Act, or the Methamphetamine Control  
10 and Community Protection Act after a previous conviction  
11 or disposition of supervision for possession of a  
12 substance prohibited by the Cannabis Control Act or  
13 Illinois Controlled Substances Act or after a sentence of  
14 probation under Section 10 of the Cannabis Control Act,  
15 Section 410 of the Illinois Controlled Substances Act, or  
16 Section 70 of the Methamphetamine Control and Community  
17 Protection Act and upon a finding by the court that the  
18 person is addicted, undergo treatment at a substance abuse  
19 program approved by the court;

20 (8.5) if convicted of a felony sex offense as defined  
21 in the Sex Offender Management Board Act, the person shall  
22 undergo and successfully complete sex offender treatment  
23 by a treatment provider approved by the Board and  
24 conducted in conformance with the standards developed  
25 under the Sex Offender Management Board Act;

26 (8.6) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, refrain from residing  
2 at the same address or in the same condominium unit or  
3 apartment unit or in the same condominium complex or  
4 apartment complex with another person he or she knows or  
5 reasonably should know is a convicted sex offender or has  
6 been placed on supervision for a sex offense; the  
7 provisions of this paragraph do not apply to a person  
8 convicted of a sex offense who is placed in a Department of  
9 Corrections licensed transitional housing facility for sex  
10 offenders;

11 (8.7) if convicted for an offense committed on or  
12 after June 1, 2008 (the effective date of Public Act  
13 95-464) that would qualify the accused as a child sex  
14 offender as defined in Section 11-9.3 or 11-9.4 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012,  
16 refrain from communicating with or contacting, by means of  
17 the Internet, a person who is not related to the accused  
18 and whom the accused reasonably believes to be under 18  
19 years of age; for purposes of this paragraph (8.7),  
20 "Internet" has the meaning ascribed to it in Section  
21 16-0.1 of the Criminal Code of 2012; and a person is not  
22 related to the accused if the person is not: (i) the  
23 spouse, brother, or sister of the accused; (ii) a  
24 descendant of the accused; (iii) a first or second cousin  
25 of the accused; or (iv) a step-child or adopted child of  
26 the accused;



1 (8.8) if convicted for an offense under Section 11-6,  
2 11-9.1, 11-14.4 that involves soliciting for a juvenile  
3 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
4 of the Criminal Code of 1961 or the Criminal Code of 2012,  
5 or any attempt to commit any of these offenses, committed  
6 on or after June 1, 2009 (the effective date of Public Act  
7 95-983):

8 (i) not access or use a computer or any other  
9 device with Internet capability without the prior  
10 written approval of the offender's probation officer,  
11 except in connection with the offender's employment or  
12 search for employment with the prior approval of the  
13 offender's probation officer;

14 (ii) submit to periodic unannounced examinations  
15 of the offender's computer or any other device with  
16 Internet capability by the offender's probation  
17 officer, a law enforcement officer, or assigned  
18 computer or information technology specialist,  
19 including the retrieval and copying of all data from  
20 the computer or device and any internal or external  
21 peripherals and removal of such information,  
22 equipment, or device to conduct a more thorough  
23 inspection;

24 (iii) submit to the installation on the offender's  
25 computer or device with Internet capability, at the  
26 offender's expense, of one or more hardware or

1 software systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions  
3 concerning the offender's use of or access to a  
4 computer or any other device with Internet capability  
5 imposed by the offender's probation officer;

6 (8.9) if convicted of a sex offense as defined in the  
7 Sex Offender Registration Act committed on or after  
8 January 1, 2010 (the effective date of Public Act 96-262),  
9 refrain from accessing or using a social networking  
10 website as defined in Section 17-0.5 of the Criminal Code  
11 of 2012;

12 (9) if convicted of a felony or of any misdemeanor  
13 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
14 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
15 2012 that was determined, pursuant to Section 112A-11.1 of  
16 the Code of Criminal Procedure of 1963, to trigger the  
17 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
18 at a time and place designated by the court, ~~his or her~~  
19 ~~Firearm Owner's Identification Card~~ and any and all  
20 firearms in his or her possession. ~~The Court shall return~~  
21 ~~to the Illinois State Police Firearm Owner's~~  
22 ~~Identification Card Office the person's Firearm Owner's~~  
23 ~~Identification Card;~~

24 (10) if convicted of a sex offense as defined in  
25 subsection (a-5) of Section 3-1-2 of this Code, unless the  
26 offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial  
2 minors are present, not participate in a holiday event  
3 involving children under 18 years of age, such as  
4 distributing candy or other items to children on  
5 Halloween, wearing a Santa Claus costume on or preceding  
6 Christmas, being employed as a department store Santa  
7 Claus, or wearing an Easter Bunny costume on or preceding  
8 Easter;

9 (11) if convicted of a sex offense as defined in  
10 Section 2 of the Sex Offender Registration Act committed  
11 on or after January 1, 2010 (the effective date of Public  
12 Act 96-362) that requires the person to register as a sex  
13 offender under that Act, may not knowingly use any  
14 computer scrub software on any computer that the sex  
15 offender uses;

16 (12) if convicted of a violation of the  
17 Methamphetamine Control and Community Protection Act, the  
18 Methamphetamine Precursor Control Act, or a  
19 methamphetamine related offense:

20 (A) prohibited from purchasing, possessing, or  
21 having under his or her control any product containing  
22 pseudoephedrine unless prescribed by a physician; and

23 (B) prohibited from purchasing, possessing, or  
24 having under his or her control any product containing  
25 ammonium nitrate; and

26 (13) if convicted of a hate crime involving the

1           protected class identified in subsection (a) of Section  
2           12-7.1 of the Criminal Code of 2012 that gave rise to the  
3           offense the offender committed, perform public or  
4           community service of no less than 200 hours and enroll in  
5           an educational program discouraging hate crimes that  
6           includes racial, ethnic, and cultural sensitivity training  
7           ordered by the court.

8           (b) The Court may in addition to other reasonable  
9           conditions relating to the nature of the offense or the  
10          rehabilitation of the defendant as determined for each  
11          defendant in the proper discretion of the Court require that  
12          the person:

13                 (1) serve a term of periodic imprisonment under  
14                 Article 7 for a period not to exceed that specified in  
15                 paragraph (d) of Section 5-7-1;

16                 (2) pay a fine and costs;

17                 (3) work or pursue a course of study or vocational  
18                 training;

19                 (4) undergo medical, psychological or psychiatric  
20                 treatment; or treatment for drug addiction or alcoholism;

21                 (5) attend or reside in a facility established for the  
22                 instruction or residence of defendants on probation;

23                 (6) support his dependents;

24                 (7) and in addition, if a minor:

25                         (i) reside with his parents or in a foster home;

26                         (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a  
3 foster home;

4 (v) with the consent of the superintendent of the  
5 facility, attend an educational program at a facility  
6 other than the school in which the offense was  
7 committed if he or she is convicted of a crime of  
8 violence as defined in Section 2 of the Crime Victims  
9 Compensation Act committed in a school, on the real  
10 property comprising a school, or within 1,000 feet of  
11 the real property comprising a school;

12 (8) make restitution as provided in Section 5-5-6 of  
13 this Code;

14 (9) perform some reasonable public or community  
15 service;

16 (10) serve a term of home confinement. In addition to  
17 any other applicable condition of probation or conditional  
18 discharge, the conditions of home confinement shall be  
19 that the offender:

20 (i) remain within the interior premises of the  
21 place designated for his confinement during the hours  
22 designated by the court;

23 (ii) admit any person or agent designated by the  
24 court into the offender's place of confinement at any  
25 time for purposes of verifying the offender's  
26 compliance with the conditions of his confinement; and

1 (iii) if further deemed necessary by the court or  
2 the Probation or Court Services Department, be placed  
3 on an approved electronic monitoring device, subject  
4 to Article 8A of Chapter V;

5 (iv) for persons convicted of any alcohol,  
6 cannabis or controlled substance violation who are  
7 placed on an approved monitoring device as a condition  
8 of probation or conditional discharge, the court shall  
9 impose a reasonable fee for each day of the use of the  
10 device, as established by the county board in  
11 subsection (g) of this Section, unless after  
12 determining the inability of the offender to pay the  
13 fee, the court assesses a lesser fee or no fee as the  
14 case may be. This fee shall be imposed in addition to  
15 the fees imposed under subsections (g) and (i) of this  
16 Section. The fee shall be collected by the clerk of the  
17 circuit court, except as provided in an administrative  
18 order of the Chief Judge of the circuit court. The  
19 clerk of the circuit court shall pay all monies  
20 collected from this fee to the county treasurer for  
21 deposit in the substance abuse services fund under  
22 Section 5-1086.1 of the Counties Code, except as  
23 provided in an administrative order of the Chief Judge  
24 of the circuit court.

25 The Chief Judge of the circuit court of the county  
26 may by administrative order establish a program for

1 electronic monitoring of offenders, in which a vendor  
2 supplies and monitors the operation of the electronic  
3 monitoring device, and collects the fees on behalf of  
4 the county. The program shall include provisions for  
5 indigent offenders and the collection of unpaid fees.  
6 The program shall not unduly burden the offender and  
7 shall be subject to review by the Chief Judge.

8 The Chief Judge of the circuit court may suspend  
9 any additional charges or fees for late payment,  
10 interest, or damage to any device; and

11 (v) for persons convicted of offenses other than  
12 those referenced in clause (iv) above and who are  
13 placed on an approved monitoring device as a condition  
14 of probation or conditional discharge, the court shall  
15 impose a reasonable fee for each day of the use of the  
16 device, as established by the county board in  
17 subsection (g) of this Section, unless after  
18 determining the inability of the defendant to pay the  
19 fee, the court assesses a lesser fee or no fee as the  
20 case may be. This fee shall be imposed in addition to  
21 the fees imposed under subsections (g) and (i) of this  
22 Section. The fee shall be collected by the clerk of the  
23 circuit court, except as provided in an administrative  
24 order of the Chief Judge of the circuit court. The  
25 clerk of the circuit court shall pay all monies  
26 collected from this fee to the county treasurer who

1 shall use the monies collected to defray the costs of  
2 corrections. The county treasurer shall deposit the  
3 fee collected in the probation and court services  
4 fund. The Chief Judge of the circuit court of the  
5 county may by administrative order establish a program  
6 for electronic monitoring of offenders, in which a  
7 vendor supplies and monitors the operation of the  
8 electronic monitoring device, and collects the fees on  
9 behalf of the county. The program shall include  
10 provisions for indigent offenders and the collection  
11 of unpaid fees. The program shall not unduly burden  
12 the offender and shall be subject to review by the  
13 Chief Judge.

14 The Chief Judge of the circuit court may suspend  
15 any additional charges or fees for late payment,  
16 interest, or damage to any device.

17 (11) comply with the terms and conditions of an order  
18 of protection issued by the court pursuant to the Illinois  
19 Domestic Violence Act of 1986, as now or hereafter  
20 amended, or an order of protection issued by the court of  
21 another state, tribe, or United States territory. A copy  
22 of the order of protection shall be transmitted to the  
23 probation officer or agency having responsibility for the  
24 case;

25 (12) reimburse any "local anti-crime program" as  
26 defined in Section 7 of the Anti-Crime Advisory Council



1 Act for any reasonable expenses incurred by the program on  
2 the offender's case, not to exceed the maximum amount of  
3 the fine authorized for the offense for which the  
4 defendant was sentenced;

5 (13) contribute a reasonable sum of money, not to  
6 exceed the maximum amount of the fine authorized for the  
7 offense for which the defendant was sentenced, (i) to a  
8 "local anti-crime program", as defined in Section 7 of the  
9 Anti-Crime Advisory Council Act, or (ii) for offenses  
10 under the jurisdiction of the Department of Natural  
11 Resources, to the fund established by the Department of  
12 Natural Resources for the purchase of evidence for  
13 investigation purposes and to conduct investigations as  
14 outlined in Section 805-105 of the Department of Natural  
15 Resources (Conservation) Law;

16 (14) refrain from entering into a designated  
17 geographic area except upon such terms as the court finds  
18 appropriate. Such terms may include consideration of the  
19 purpose of the entry, the time of day, other persons  
20 accompanying the defendant, and advance approval by a  
21 probation officer, if the defendant has been placed on  
22 probation or advance approval by the court, if the  
23 defendant was placed on conditional discharge;

24 (15) refrain from having any contact, directly or  
25 indirectly, with certain specified persons or particular  
26 types of persons, including but not limited to members of

1 street gangs and drug users or dealers;

2 (16) refrain from having in his or her body the  
3 presence of any illicit drug prohibited by the Cannabis  
4 Control Act, the Illinois Controlled Substances Act, or  
5 the Methamphetamine Control and Community Protection Act,  
6 unless prescribed by a physician, and submit samples of  
7 his or her blood or urine or both for tests to determine  
8 the presence of any illicit drug;

9 (17) if convicted for an offense committed on or after  
10 June 1, 2008 (the effective date of Public Act 95-464)  
11 that would qualify the accused as a child sex offender as  
12 defined in Section 11-9.3 or 11-9.4 of the Criminal Code  
13 of 1961 or the Criminal Code of 2012, refrain from  
14 communicating with or contacting, by means of the  
15 Internet, a person who is related to the accused and whom  
16 the accused reasonably believes to be under 18 years of  
17 age; for purposes of this paragraph (17), "Internet" has  
18 the meaning ascribed to it in Section 16-0.1 of the  
19 Criminal Code of 2012; and a person is related to the  
20 accused if the person is: (i) the spouse, brother, or  
21 sister of the accused; (ii) a descendant of the accused;  
22 (iii) a first or second cousin of the accused; or (iv) a  
23 step-child or adopted child of the accused;

24 (18) if convicted for an offense committed on or after  
25 June 1, 2009 (the effective date of Public Act 95-983)  
26 that would qualify as a sex offense as defined in the Sex

1 Offender Registration Act:

2 (i) not access or use a computer or any other  
3 device with Internet capability without the prior  
4 written approval of the offender's probation officer,  
5 except in connection with the offender's employment or  
6 search for employment with the prior approval of the  
7 offender's probation officer;

8 (ii) submit to periodic unannounced examinations  
9 of the offender's computer or any other device with  
10 Internet capability by the offender's probation  
11 officer, a law enforcement officer, or assigned  
12 computer or information technology specialist,  
13 including the retrieval and copying of all data from  
14 the computer or device and any internal or external  
15 peripherals and removal of such information,  
16 equipment, or device to conduct a more thorough  
17 inspection;

18 (iii) submit to the installation on the offender's  
19 computer or device with Internet capability, at the  
20 subject's expense, of one or more hardware or software  
21 systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions  
23 concerning the offender's use of or access to a  
24 computer or any other device with Internet capability  
25 imposed by the offender's probation officer; and

26 (19) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a misdemeanor that  
2 did not involve the intentional or knowing infliction of  
3 bodily harm or threat of bodily harm.

4 (c) The court may as a condition of probation or of  
5 conditional discharge require that a person under 18 years of  
6 age found guilty of any alcohol, cannabis or controlled  
7 substance violation, refrain from acquiring a driver's license  
8 during the period of probation or conditional discharge. If  
9 such person is in possession of a permit or license, the court  
10 may require that the minor refrain from driving or operating  
11 any motor vehicle during the period of probation or  
12 conditional discharge, except as may be necessary in the  
13 course of the minor's lawful employment.

14 (d) An offender sentenced to probation or to conditional  
15 discharge shall be given a certificate setting forth the  
16 conditions thereof.

17 (e) Except where the offender has committed a fourth or  
18 subsequent violation of subsection (c) of Section 6-303 of the  
19 Illinois Vehicle Code, the court shall not require as a  
20 condition of the sentence of probation or conditional  
21 discharge that the offender be committed to a period of  
22 imprisonment in excess of 6 months. This 6-month limit shall  
23 not include periods of confinement given pursuant to a  
24 sentence of county impact incarceration under Section 5-8-1.2.

25 Persons committed to imprisonment as a condition of  
26 probation or conditional discharge shall not be committed to

1 the Department of Corrections.

2 (f) The court may combine a sentence of periodic  
3 imprisonment under Article 7 or a sentence to a county impact  
4 incarceration program under Article 8 with a sentence of  
5 probation or conditional discharge.

6 (g) An offender sentenced to probation or to conditional  
7 discharge and who during the term of either undergoes  
8 mandatory drug or alcohol testing, or both, or is assigned to  
9 be placed on an approved electronic monitoring device, shall  
10 be ordered to pay all costs incidental to such mandatory drug  
11 or alcohol testing, or both, and all costs incidental to such  
12 approved electronic monitoring in accordance with the  
13 defendant's ability to pay those costs. The county board with  
14 the concurrence of the Chief Judge of the judicial circuit in  
15 which the county is located shall establish reasonable fees  
16 for the cost of maintenance, testing, and incidental expenses  
17 related to the mandatory drug or alcohol testing, or both, and  
18 all costs incidental to approved electronic monitoring,  
19 involved in a successful probation program for the county. The  
20 concurrence of the Chief Judge shall be in the form of an  
21 administrative order. The fees shall be collected by the clerk  
22 of the circuit court, except as provided in an administrative  
23 order of the Chief Judge of the circuit court. The clerk of the  
24 circuit court shall pay all moneys collected from these fees  
25 to the county treasurer who shall use the moneys collected to  
26 defray the costs of drug testing, alcohol testing, and

1 electronic monitoring. The county treasurer shall deposit the  
2 fees collected in the county working cash fund under Section  
3 6-27001 or Section 6-29002 of the Counties Code, as the case  
4 may be. The Chief Judge of the circuit court of the county may  
5 by administrative order establish a program for electronic  
6 monitoring of offenders, in which a vendor supplies and  
7 monitors the operation of the electronic monitoring device,  
8 and collects the fees on behalf of the county. The program  
9 shall include provisions for indigent offenders and the  
10 collection of unpaid fees. The program shall not unduly burden  
11 the offender and shall be subject to review by the Chief Judge.

12 The Chief Judge of the circuit court may suspend any  
13 additional charges or fees for late payment, interest, or  
14 damage to any device.

15 (h) Jurisdiction over an offender may be transferred from  
16 the sentencing court to the court of another circuit with the  
17 concurrence of both courts. Further transfers or retransfers  
18 of jurisdiction are also authorized in the same manner. The  
19 court to which jurisdiction has been transferred shall have  
20 the same powers as the sentencing court. The probation  
21 department within the circuit to which jurisdiction has been  
22 transferred, or which has agreed to provide supervision, may  
23 impose probation fees upon receiving the transferred offender,  
24 as provided in subsection (i). For all transfer cases, as  
25 defined in Section 9b of the Probation and Probation Officers  
26 Act, the probation department from the original sentencing

1 court shall retain all probation fees collected prior to the  
2 transfer. After the transfer, all probation fees shall be paid  
3 to the probation department within the circuit to which  
4 jurisdiction has been transferred.

5 (i) The court shall impose upon an offender sentenced to  
6 probation after January 1, 1989 or to conditional discharge  
7 after January 1, 1992 or to community service under the  
8 supervision of a probation or court services department after  
9 January 1, 2004, as a condition of such probation or  
10 conditional discharge or supervised community service, a fee  
11 of \$50 for each month of probation or conditional discharge  
12 supervision or supervised community service ordered by the  
13 court, unless after determining the inability of the person  
14 sentenced to probation or conditional discharge or supervised  
15 community service to pay the fee, the court assesses a lesser  
16 fee. The court may not impose the fee on a minor who is placed  
17 in the guardianship or custody of the Department of Children  
18 and Family Services under the Juvenile Court Act of 1987 while  
19 the minor is in placement. The fee shall be imposed only upon  
20 an offender who is actively supervised by the probation and  
21 court services department. The fee shall be collected by the  
22 clerk of the circuit court. The clerk of the circuit court  
23 shall pay all monies collected from this fee to the county  
24 treasurer for deposit in the probation and court services fund  
25 under Section 15.1 of the Probation and Probation Officers  
26 Act.

1           A circuit court may not impose a probation fee under this  
2 subsection (i) in excess of \$25 per month unless the circuit  
3 court has adopted, by administrative order issued by the chief  
4 judge, a standard probation fee guide determining an  
5 offender's ability to pay. Of the amount collected as a  
6 probation fee, up to \$5 of that fee collected per month may be  
7 used to provide services to crime victims and their families.

8           The Court may only waive probation fees based on an  
9 offender's ability to pay. The probation department may  
10 re-evaluate an offender's ability to pay every 6 months, and,  
11 with the approval of the Director of Court Services or the  
12 Chief Probation Officer, adjust the monthly fee amount. An  
13 offender may elect to pay probation fees due in a lump sum. Any  
14 offender that has been assigned to the supervision of a  
15 probation department, or has been transferred either under  
16 subsection (h) of this Section or under any interstate  
17 compact, shall be required to pay probation fees to the  
18 department supervising the offender, based on the offender's  
19 ability to pay.

20           Public Act 93-970 deletes the \$10 increase in the fee  
21 under this subsection that was imposed by Public Act 93-616.  
22 This deletion is intended to control over any other Act of the  
23 93rd General Assembly that retains or incorporates that fee  
24 increase.

25           (i-5) In addition to the fees imposed under subsection (i)  
26 of this Section, in the case of an offender convicted of a



1 felony sex offense (as defined in the Sex Offender Management  
2 Board Act) or an offense that the court or probation  
3 department has determined to be sexually motivated (as defined  
4 in the Sex Offender Management Board Act), the court or the  
5 probation department shall assess additional fees to pay for  
6 all costs of treatment, assessment, evaluation for risk and  
7 treatment, and monitoring the offender, based on that  
8 offender's ability to pay those costs either as they occur or  
9 under a payment plan.

10 (j) All fines and costs imposed under this Section for any  
11 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
12 Code, or a similar provision of a local ordinance, and any  
13 violation of the Child Passenger Protection Act, or a similar  
14 provision of a local ordinance, shall be collected and  
15 disbursed by the circuit clerk as provided under the Criminal  
16 and Traffic Assessment Act.

17 (k) Any offender who is sentenced to probation or  
18 conditional discharge for a felony sex offense as defined in  
19 the Sex Offender Management Board Act or any offense that the  
20 court or probation department has determined to be sexually  
21 motivated as defined in the Sex Offender Management Board Act  
22 shall be required to refrain from any contact, directly or  
23 indirectly, with any persons specified by the court and shall  
24 be available for all evaluations and treatment programs  
25 required by the court or the probation department.

26 (l) The court may order an offender who is sentenced to

1 probation or conditional discharge for a violation of an order  
2 of protection be placed under electronic surveillance as  
3 provided in Section 5-8A-7 of this Code.

4 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

5 (730 ILCS 5/3-2-13 rep.)

6 Section 95.5. The Unified Code of Corrections is amended  
7 by repealing Section 3-2-13.

8 Section 96. The Probation and Probation Officers Act is  
9 amended by changing Section 15.2 as follows:

10 (730 ILCS 110/15.2)

11 Sec. 15.2. Retiring probation officer; purchase of service  
12 firearm and badge. Each department shall establish a program  
13 to allow a probation officer of the department who is  
14 honorably retiring in good standing to purchase either one or  
15 both of the following: (1) any badge previously issued to the  
16 probation officer by the department; or (2) ~~if the probation~~  
17 ~~officer has a currently valid Firearm Owner's Identification~~  
18 ~~Card,~~ the service firearm issued or previously issued to the  
19 probation officer by the department. The badge must be  
20 permanently and conspicuously marked in such a manner that the  
21 individual who possesses the badge is not mistaken for an  
22 actively serving law enforcement officer. The cost of the  
23 firearm shall be the replacement value of the firearm and not

1 the firearm's fair market value.

2 (Source: P.A. 102-719, eff. 5-6-22.)

3 Section 100. The Stalking No Contact Order Act is amended  
4 by changing Section 80 as follows:

5 (740 ILCS 21/80)

6 Sec. 80. Stalking no contact orders; remedies.

7 (a) If the court finds that the petitioner has been a  
8 victim of stalking, a stalking no contact order shall issue;  
9 provided that the petitioner must also satisfy the  
10 requirements of Section 95 on emergency orders or Section 100  
11 on plenary orders. The petitioner shall not be denied a  
12 stalking no contact order because the petitioner or the  
13 respondent is a minor. The court, when determining whether or  
14 not to issue a stalking no contact order, may not require  
15 physical injury on the person of the petitioner. Modification  
16 and extension of prior stalking no contact orders shall be in  
17 accordance with this Act.

18 (b) A stalking no contact order shall order one or more of  
19 the following:

20 (1) prohibit the respondent from threatening to commit  
21 or committing stalking;

22 (2) order the respondent not to have any contact with  
23 the petitioner or a third person specifically named by the  
24 court;

1           (3) prohibit the respondent from knowingly coming  
2 within, or knowingly remaining within a specified distance  
3 of the petitioner or the petitioner's residence, school,  
4 daycare, or place of employment, or any specified place  
5 frequented by the petitioner; however, the court may order  
6 the respondent to stay away from the respondent's own  
7 residence, school, or place of employment only if the  
8 respondent has been provided actual notice of the  
9 opportunity to appear and be heard on the petition;

10           (4) prohibit the respondent from ~~possessing a Firearm~~  
11 ~~Owners Identification Card, or~~ possessing or buying  
12 firearms; and

13           (5) order other injunctive relief the court determines  
14 to be necessary to protect the petitioner or third party  
15 specifically named by the court.

16           (b-5) When the petitioner and the respondent attend the  
17 same public, private, or non-public elementary, middle, or  
18 high school, the court when issuing a stalking no contact  
19 order and providing relief shall consider the severity of the  
20 act, any continuing physical danger or emotional distress to  
21 the petitioner, the educational rights guaranteed to the  
22 petitioner and respondent under federal and State law, the  
23 availability of a transfer of the respondent to another  
24 school, a change of placement or a change of program of the  
25 respondent, the expense, difficulty, and educational  
26 disruption that would be caused by a transfer of the

1 respondent to another school, and any other relevant facts of  
2 the case. The court may order that the respondent not attend  
3 the public, private, or non-public elementary, middle, or high  
4 school attended by the petitioner, order that the respondent  
5 accept a change of placement or program, as determined by the  
6 school district or private or non-public school, or place  
7 restrictions on the respondent's movements within the school  
8 attended by the petitioner. The respondent bears the burden of  
9 proving by a preponderance of the evidence that a transfer,  
10 change of placement, or change of program of the respondent is  
11 not available. The respondent also bears the burden of  
12 production with respect to the expense, difficulty, and  
13 educational disruption that would be caused by a transfer of  
14 the respondent to another school. A transfer, change of  
15 placement, or change of program is not unavailable to the  
16 respondent solely on the ground that the respondent does not  
17 agree with the school district's or private or non-public  
18 school's transfer, change of placement, or change of program  
19 or solely on the ground that the respondent fails or refuses to  
20 consent to or otherwise does not take an action required to  
21 effectuate a transfer, change of placement, or change of  
22 program. When a court orders a respondent to stay away from the  
23 public, private, or non-public school attended by the  
24 petitioner and the respondent requests a transfer to another  
25 attendance center within the respondent's school district or  
26 private or non-public school, the school district or private

1 or non-public school shall have sole discretion to determine  
2 the attendance center to which the respondent is transferred.  
3 In the event the court order results in a transfer of the minor  
4 respondent to another attendance center, a change in the  
5 respondent's placement, or a change of the respondent's  
6 program, the parents, guardian, or legal custodian of the  
7 respondent is responsible for transportation and other costs  
8 associated with the transfer or change.

9 (b-6) The court may order the parents, guardian, or legal  
10 custodian of a minor respondent to take certain actions or to  
11 refrain from taking certain actions to ensure that the  
12 respondent complies with the order. In the event the court  
13 orders a transfer of the respondent to another school, the  
14 parents, guardian, or legal custodian of the respondent are  
15 responsible for transportation and other costs associated with  
16 the change of school by the respondent.

17 (b-7) The court shall not hold a school district or  
18 private or non-public school or any of its employees in civil  
19 or criminal contempt unless the school district or private or  
20 non-public school has been allowed to intervene.

21 (b-8) The court may hold the parents, guardian, or legal  
22 custodian of a minor respondent in civil or criminal contempt  
23 for a violation of any provision of any order entered under  
24 this Act for conduct of the minor respondent in violation of  
25 this Act if the parents, guardian, or legal custodian  
26 directed, encouraged, or assisted the respondent minor in such

1 conduct.

2 (c) The court may award the petitioner costs and attorneys  
3 fees if a stalking no contact order is granted.

4 (d) Monetary damages are not recoverable as a remedy.

5 (e) If the stalking no contact order prohibits the  
6 respondent from ~~possessing a Firearm Owner's Identification~~  
7 ~~Card, or~~ possessing or buying firearms, ~~+~~ the court shall  
8 confiscate the respondent's firearms ~~Firearm Owner's~~  
9 ~~Identification Card and immediately return the card to the~~  
10 ~~Illinois State Police Firearm Owner's Identification Card~~  
11 ~~Office.~~

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

13 Section 105. The Mental Health and Developmental  
14 Disabilities Confidentiality Act is amended by changing  
15 Section 12 as follows:

16 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

17 Sec. 12. (a) If the United States Secret Service or the  
18 Illinois State Police requests information from a mental  
19 health or developmental disability facility, as defined in  
20 Section 1-107 and 1-114 of the Mental Health and Developmental  
21 Disabilities Code, relating to a specific recipient and the  
22 facility director determines that disclosure of such  
23 information may be necessary to protect the life of, or to  
24 prevent the infliction of great bodily harm to, a public

1 official, or a person under the protection of the United  
2 States Secret Service, only the following information may be  
3 disclosed: the recipient's name, address, and age and the date  
4 of any admission to or discharge from a facility; and any  
5 information which would indicate whether or not the recipient  
6 has a history of violence or presents a danger of violence to  
7 the person under protection. Any information so disclosed  
8 shall be used for investigative purposes only and shall not be  
9 publicly disseminated. Any person participating in good faith  
10 in the disclosure of such information in accordance with this  
11 provision shall have immunity from any liability, civil,  
12 criminal or otherwise, if such information is disclosed  
13 relying upon the representation of an officer of the United  
14 States Secret Service or the Illinois State Police that a  
15 person is under the protection of the United States Secret  
16 Service or is a public official.

17 For the purpose of this subsection (a), the term "public  
18 official" means the Governor, Lieutenant Governor, Attorney  
19 General, Secretary of State, State Comptroller, State  
20 Treasurer, member of the General Assembly, member of the  
21 United States Congress, Judge of the United States as defined  
22 in 28 U.S.C. 451, Justice of the United States as defined in 28  
23 U.S.C. 451, United States Magistrate Judge as defined in 28  
24 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
25 Supreme, Appellate, Circuit, or Associate Judge of the State  
26 of Illinois. The term shall also include the spouse, child or



1 children of a public official.

2 (b) The Department of Human Services (acting as successor  
3 to the Department of Mental Health and Developmental  
4 Disabilities) and all public or private hospitals and mental  
5 health facilities are required, as hereafter described in this  
6 subsection, to furnish the Illinois State Police only such  
7 information as may be required for the sole purpose of  
8 determining whether an individual who may be or may have been a  
9 patient is disqualified because of that status from receiving  
10 or retaining a firearm under paragraph (4) of subsection (a)  
11 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~  
12 ~~Identification Card or falls within the federal prohibitors~~  
13 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~  
14 ~~of the Firearm Owners Identification Card Act~~, or falls within  
15 the federal prohibitors in 18 U.S.C. 922(g) and (n). All  
16 physicians, clinical psychologists, or qualified examiners at  
17 public or private mental health facilities or parts thereof as  
18 defined in this subsection shall, in the form and manner  
19 required by the Department, provide notice directly to the  
20 Department of Human Services, or to his or her employer who  
21 shall then report to the Department, within 24 hours after  
22 determining that a person poses a clear and present danger to  
23 himself, herself, or others, or within 7 days after a person 14  
24 years or older is determined to be a person with a  
25 developmental disability by a physician, clinical  
26 psychologist, or qualified examiner as described in this

1 ~~subsection (b) Section 1.1 of the Firearm Owners~~  
2 ~~Identification Card Act.~~ If a person is a patient as described  
3 in clause (2) (A) ~~(1)~~ of the definition of "patient" in Section  
4 (2) (A) 1.1 of the Firearm Owners Identification Card Act, this  
5 information shall be furnished within 7 days after admission  
6 to a public or private hospital or mental health facility or  
7 the provision of services. Any such information disclosed  
8 under this subsection shall remain privileged and  
9 confidential, and shall not be redisclosed, except as required  
10 by clause (e) (2) of Section 24-4.5 of the Criminal Code of 2012  
11 ~~subsection (c) of Section 3.1 of the Firearm Owners~~  
12 ~~Identification Card Act,~~ nor utilized for any other purpose.  
13 The method of requiring the providing of such information  
14 shall guarantee that no information is released beyond what is  
15 necessary for this purpose. In addition, the information  
16 disclosed shall be provided by the Department within the time  
17 period established by Section 24-3 of the Criminal Code of  
18 2012 regarding the delivery of firearms. The method used shall  
19 be sufficient to provide the necessary information within the  
20 prescribed time period, which may include periodically  
21 providing lists to the Department of Human Services or any  
22 public or private hospital or mental health facility of  
23 ~~Firearm Owner's Identification Card~~ applicants for firearm  
24 purchases on which the Department or hospital shall indicate  
25 the identities of those individuals who are to its knowledge  
26 disqualified from having a firearm ~~Firearm Owner's~~

1 ~~Identification Card~~ for reasons described herein. The  
2 Department may provide for a centralized source of information  
3 for the State on this subject under its jurisdiction. The  
4 identity of the person reporting under this subsection shall  
5 not be disclosed to the subject of the report. For the purposes  
6 of this subsection, the physician, clinical psychologist, or  
7 qualified examiner making the determination and his or her  
8 employer shall not be held criminally, civilly, or  
9 professionally liable for making or not making the  
10 notification required under this subsection, except for  
11 willful or wanton misconduct.

12 Any person, institution, or agency, under this Act,  
13 participating in good faith in the reporting or disclosure of  
14 records and communications otherwise in accordance with this  
15 provision or with rules, regulations or guidelines issued by  
16 the Department shall have immunity from any liability, civil,  
17 criminal or otherwise, that might result by reason of the  
18 action. For the purpose of any proceeding, civil or criminal,  
19 arising out of a report or disclosure in accordance with this  
20 provision, the good faith of any person, institution, or  
21 agency so reporting or disclosing shall be presumed. The full  
22 extent of the immunity provided in this subsection (b) shall  
23 apply to any person, institution or agency that fails to make a  
24 report or disclosure in the good faith belief that the report  
25 or disclosure would violate federal regulations governing the  
26 confidentiality of alcohol and drug abuse patient records

1 implementing 42 U.S.C. 290dd-3 and 290ee-3.

2 For purposes of this subsection (b) only, the following  
3 terms shall have the meaning prescribed:

4 (1) (Blank).

5 (1.3) "Clear and present danger" has the meaning as  
6 defined in Section 6-103.3 of the Mental Health and  
7 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~  
8 ~~Identification Card Act.~~

9 (1.5) "Person with a developmental disability" has the  
10 meaning as defined in Section 1-106 of the Mental Health  
11 and Developmental Disabilities Code ~~1.1 of the Firearm~~  
12 ~~Owners Identification Card Act.~~

13 (2) "Patient" means (A) a person who voluntarily  
14 receives mental health treatment as an in-patient or  
15 resident of any public or private mental health facility,  
16 unless the treatment was solely for an alcohol abuse  
17 disorder and no other secondary substance abuse disorder  
18 or mental illness; or (B) a person who voluntarily  
19 receives mental health treatment as an out-patient or is  
20 provided services by a public or private mental health  
21 facility, and who poses a clear and present danger to  
22 himself, herself, or to others ~~has the meaning as defined~~  
23 ~~in Section 1.1 of the Firearm Owners Identification Card~~  
24 ~~Act.~~

25 (3) "Mental health facility" means any licensed  
26 private hospital or hospital affiliate, institution, or

1 facility, or part thereof, and any facility, or part  
2 thereof, operated by the State or a political subdivision  
3 thereof which provide treatment of persons with mental  
4 illness and includes all hospitals, institutions, clinics,  
5 evaluation facilities, mental health centers, colleges,  
6 universities, long-term care facilities, and nursing  
7 homes, or parts thereof, which provide treatment of  
8 persons with mental illness whether or not the primary  
9 purpose is to provide treatment of persons with mental  
10 illness ~~has the meaning as defined in Section 1.1 of the~~  
11 ~~Firearm Owners Identification Card Act.~~

12 (c) Upon the request of a peace officer who takes a person  
13 into custody and transports such person to a mental health or  
14 developmental disability facility pursuant to Section 3-606 or  
15 4-404 of the Mental Health and Developmental Disabilities Code  
16 or who transports a person from such facility, a facility  
17 director shall furnish said peace officer the name, address,  
18 age and name of the nearest relative of the person transported  
19 to or from the mental health or developmental disability  
20 facility. In no case shall the facility director disclose to  
21 the peace officer any information relating to the diagnosis,  
22 treatment or evaluation of the person's mental or physical  
23 health.

24 For the purposes of this subsection (c), the terms "mental  
25 health or developmental disability facility", "peace officer"  
26 and "facility director" shall have the meanings ascribed to

1 them in the Mental Health and Developmental Disabilities Code.

2 (d) Upon the request of a peace officer or prosecuting  
3 authority who is conducting a bona fide investigation of a  
4 criminal offense, or attempting to apprehend a fugitive from  
5 justice, a facility director may disclose whether a person is  
6 present at the facility. Upon request of a peace officer or  
7 prosecuting authority who has a valid forcible felony warrant  
8 issued, a facility director shall disclose: (1) whether the  
9 person who is the subject of the warrant is present at the  
10 facility and (2) the date of that person's discharge or future  
11 discharge from the facility. The requesting peace officer or  
12 prosecuting authority must furnish a case number and the  
13 purpose of the investigation or an outstanding arrest warrant  
14 at the time of the request. Any person, institution, or agency  
15 participating in good faith in disclosing such information in  
16 accordance with this subsection (d) is immune from any  
17 liability, civil, criminal or otherwise, that might result by  
18 reason of the action.

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

20 Section 110. The Illinois Domestic Violence Act of 1986 is  
21 amended by changing Sections 210 and 214 as follows:

22 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

23 Sec. 210. Process.

24 (a) Summons. Any action for an order of protection,

1 whether commenced alone or in conjunction with another  
2 proceeding, is a distinct cause of action and requires that a  
3 separate summons be issued and served, except that in pending  
4 cases the following methods may be used:

5 (1) By delivery of the summons to respondent  
6 personally in open court in pending civil or criminal  
7 cases.

8 (2) By notice in accordance with Section 210.1 in  
9 civil cases in which the defendant has filed a general  
10 appearance.

11 The summons shall be in the form prescribed by Supreme  
12 Court Rule 101(d), except that it shall require respondent to  
13 answer or appear within 7 days. Attachments to the summons or  
14 notice shall include the petition for order of protection and  
15 supporting affidavits, if any, and any emergency order of  
16 protection that has been issued. The enforcement of an order  
17 of protection under Section 223 shall not be affected by the  
18 lack of service, delivery, or notice, provided the  
19 requirements of subsection (d) of that Section are otherwise  
20 met.

21 (b) Blank.

22 (c) Expedited service. The summons shall be served by the  
23 sheriff or other law enforcement officer at the earliest time  
24 and shall take precedence over other summonses except those of  
25 a similar emergency nature. Special process servers may be  
26 appointed at any time, and their designation shall not affect

1 the responsibilities and authority of the sheriff or other  
2 official process servers. In counties with a population over  
3 3,000,000, a special process server may not be appointed if  
4 the order of protection grants the surrender of a child, the  
5 surrender of a firearm ~~or firearm owners identification card,~~  
6 or the exclusive possession of a shared residence.

7 (d) Remedies requiring actual notice. The counseling,  
8 payment of support, payment of shelter services, and payment  
9 of losses remedies provided by paragraphs 4, 12, 13, and 16 of  
10 subsection (b) of Section 214 may be granted only if  
11 respondent has been personally served with process, has  
12 answered or has made a general appearance.

13 (e) Remedies upon constructive notice. Service of process  
14 on a member of respondent's household or by publication shall  
15 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,  
16 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section  
17 214, but only if: (i) petitioner has made all reasonable  
18 efforts to accomplish actual service of process personally  
19 upon respondent, but respondent cannot be found to effect such  
20 service and (ii) petitioner files an affidavit or presents  
21 sworn testimony as to those efforts.

22 (f) Default. A plenary order of protection may be entered  
23 by default as follows:

24 (1) For any of the remedies sought in the petition, if  
25 respondent has been served or given notice in accordance  
26 with subsection (a) and if respondent then fails to appear



1 as directed or fails to appear on any subsequent  
2 appearance or hearing date agreed to by the parties or set  
3 by the court; or

4 (2) For any of the remedies provided in accordance  
5 with subsection (e), if respondent fails to answer or  
6 appear in accordance with the date set in the publication  
7 notice or the return date indicated on the service of a  
8 household member.

9 (g) Emergency orders. If an order is granted under  
10 subsection (c) of Section 217, the court shall immediately  
11 file a certified copy of the order with the sheriff or other  
12 law enforcement official charged with maintaining Department  
13 of State Police records.

14 (Source: P.A. 101-508, eff. 1-1-20.)

15 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

16 Sec. 214. Order of protection; remedies.

17 (a) Issuance of order. If the court finds that petitioner  
18 has been abused by a family or household member or that  
19 petitioner is a high-risk adult who has been abused,  
20 neglected, or exploited, as defined in this Act, an order of  
21 protection prohibiting the abuse, neglect, or exploitation  
22 shall issue; provided that petitioner must also satisfy the  
23 requirements of one of the following Sections, as appropriate:  
24 Section 217 on emergency orders, Section 218 on interim  
25 orders, or Section 219 on plenary orders. Petitioner shall not

1 be denied an order of protection because petitioner or  
2 respondent is a minor. The court, when determining whether or  
3 not to issue an order of protection, shall not require  
4 physical manifestations of abuse on the person of the victim.  
5 Modification and extension of prior orders of protection shall  
6 be in accordance with this Act.

7 (b) Remedies and standards. The remedies to be included in  
8 an order of protection shall be determined in accordance with  
9 this Section and one of the following Sections, as  
10 appropriate: Section 217 on emergency orders, Section 218 on  
11 interim orders, and Section 219 on plenary orders. The  
12 remedies listed in this subsection shall be in addition to  
13 other civil or criminal remedies available to petitioner.

14 (1) Prohibition of abuse, neglect, or exploitation.  
15 Prohibit respondent's harassment, interference with  
16 personal liberty, intimidation of a dependent, physical  
17 abuse, or willful deprivation, neglect or exploitation, as  
18 defined in this Act, or stalking of the petitioner, as  
19 defined in Section 12-7.3 of the Criminal Code of 2012, if  
20 such abuse, neglect, exploitation, or stalking has  
21 occurred or otherwise appears likely to occur if not  
22 prohibited.

23 (2) Grant of exclusive possession of residence.  
24 Prohibit respondent from entering or remaining in any  
25 residence, household, or premises of the petitioner,  
26 including one owned or leased by respondent, if petitioner

1 has a right to occupancy thereof. The grant of exclusive  
2 possession of the residence, household, or premises shall  
3 not affect title to real property, nor shall the court be  
4 limited by the standard set forth in subsection (c-2) of  
5 Section 501 of the Illinois Marriage and Dissolution of  
6 Marriage Act.

7 (A) Right to occupancy. A party has a right to  
8 occupancy of a residence or household if it is solely  
9 or jointly owned or leased by that party, that party's  
10 spouse, a person with a legal duty to support that  
11 party or a minor child in that party's care, or by any  
12 person or entity other than the opposing party that  
13 authorizes that party's occupancy (e.g., a domestic  
14 violence shelter). Standards set forth in subparagraph  
15 (B) shall not preclude equitable relief.

16 (B) Presumption of hardships. If petitioner and  
17 respondent each has the right to occupancy of a  
18 residence or household, the court shall balance (i)  
19 the hardships to respondent and any minor child or  
20 dependent adult in respondent's care resulting from  
21 entry of this remedy with (ii) the hardships to  
22 petitioner and any minor child or dependent adult in  
23 petitioner's care resulting from continued exposure to  
24 the risk of abuse (should petitioner remain at the  
25 residence or household) or from loss of possession of  
26 the residence or household (should petitioner leave to

1 avoid the risk of abuse). When determining the balance  
2 of hardships, the court shall also take into account  
3 the accessibility of the residence or household.  
4 Hardships need not be balanced if respondent does not  
5 have a right to occupancy.

6 The balance of hardships is presumed to favor  
7 possession by petitioner unless the presumption is  
8 rebutted by a preponderance of the evidence, showing  
9 that the hardships to respondent substantially  
10 outweigh the hardships to petitioner and any minor  
11 child or dependent adult in petitioner's care. The  
12 court, on the request of petitioner or on its own  
13 motion, may order respondent to provide suitable,  
14 accessible, alternate housing for petitioner instead  
15 of excluding respondent from a mutual residence or  
16 household.

17 (3) Stay away order and additional prohibitions. Order  
18 respondent to stay away from petitioner or any other  
19 person protected by the order of protection, or prohibit  
20 respondent from entering or remaining present at  
21 petitioner's school, place of employment, or other  
22 specified places at times when petitioner is present, or  
23 both, if reasonable, given the balance of hardships.  
24 Hardships need not be balanced for the court to enter a  
25 stay away order or prohibit entry if respondent has no  
26 right to enter the premises.

1           (A) If an order of protection grants petitioner  
2 exclusive possession of the residence, or prohibits  
3 respondent from entering the residence, or orders  
4 respondent to stay away from petitioner or other  
5 protected persons, then the court may allow respondent  
6 access to the residence to remove items of clothing  
7 and personal adornment used exclusively by respondent,  
8 medications, and other items as the court directs. The  
9 right to access shall be exercised on only one  
10 occasion as the court directs and in the presence of an  
11 agreed-upon adult third party or law enforcement  
12 officer.

13           (B) When the petitioner and the respondent attend  
14 the same public, private, or non-public elementary,  
15 middle, or high school, the court when issuing an  
16 order of protection and providing relief shall  
17 consider the severity of the act, any continuing  
18 physical danger or emotional distress to the  
19 petitioner, the educational rights guaranteed to the  
20 petitioner and respondent under federal and State law,  
21 the availability of a transfer of the respondent to  
22 another school, a change of placement or a change of  
23 program of the respondent, the expense, difficulty,  
24 and educational disruption that would be caused by a  
25 transfer of the respondent to another school, and any  
26 other relevant facts of the case. The court may order

1 that the respondent not attend the public, private, or  
2 non-public elementary, middle, or high school attended  
3 by the petitioner, order that the respondent accept a  
4 change of placement or change of program, as  
5 determined by the school district or private or  
6 non-public school, or place restrictions on the  
7 respondent's movements within the school attended by  
8 the petitioner. The respondent bears the burden of  
9 proving by a preponderance of the evidence that a  
10 transfer, change of placement, or change of program of  
11 the respondent is not available. The respondent also  
12 bears the burden of production with respect to the  
13 expense, difficulty, and educational disruption that  
14 would be caused by a transfer of the respondent to  
15 another school. A transfer, change of placement, or  
16 change of program is not unavailable to the respondent  
17 solely on the ground that the respondent does not  
18 agree with the school district's or private or  
19 non-public school's transfer, change of placement, or  
20 change of program or solely on the ground that the  
21 respondent fails or refuses to consent or otherwise  
22 does not take an action required to effectuate a  
23 transfer, change of placement, or change of program.  
24 When a court orders a respondent to stay away from the  
25 public, private, or non-public school attended by the  
26 petitioner and the respondent requests a transfer to

1 another attendance center within the respondent's  
2 school district or private or non-public school, the  
3 school district or private or non-public school shall  
4 have sole discretion to determine the attendance  
5 center to which the respondent is transferred. In the  
6 event the court order results in a transfer of the  
7 minor respondent to another attendance center, a  
8 change in the respondent's placement, or a change of  
9 the respondent's program, the parents, guardian, or  
10 legal custodian of the respondent is responsible for  
11 transportation and other costs associated with the  
12 transfer or change.

13 (C) The court may order the parents, guardian, or  
14 legal custodian of a minor respondent to take certain  
15 actions or to refrain from taking certain actions to  
16 ensure that the respondent complies with the order. In  
17 the event the court orders a transfer of the  
18 respondent to another school, the parents, guardian,  
19 or legal custodian of the respondent is responsible  
20 for transportation and other costs associated with the  
21 change of school by the respondent.

22 (4) Counseling. Require or recommend the respondent to  
23 undergo counseling for a specified duration with a social  
24 worker, psychologist, clinical psychologist,  
25 psychiatrist, family service agency, alcohol or substance  
26 abuse program, mental health center guidance counselor,

1 agency providing services to elders, program designed for  
2 domestic violence abusers or any other guidance service  
3 the court deems appropriate. The Court may order the  
4 respondent in any intimate partner relationship to report  
5 to an Illinois Department of Human Services protocol  
6 approved partner abuse intervention program for an  
7 assessment and to follow all recommended treatment.

8 (5) Physical care and possession of the minor child.  
9 In order to protect the minor child from abuse, neglect,  
10 or unwarranted separation from the person who has been the  
11 minor child's primary caretaker, or to otherwise protect  
12 the well-being of the minor child, the court may do either  
13 or both of the following: (i) grant petitioner physical  
14 care or possession of the minor child, or both, or (ii)  
15 order respondent to return a minor child to, or not remove  
16 a minor child from, the physical care of a parent or person  
17 in loco parentis.

18 If a court finds, after a hearing, that respondent has  
19 committed abuse (as defined in Section 103) of a minor  
20 child, there shall be a rebuttable presumption that  
21 awarding physical care to respondent would not be in the  
22 minor child's best interest.

23 (6) Temporary allocation of parental responsibilities:  
24 significant decision-making. Award temporary  
25 decision-making responsibility to petitioner in accordance  
26 with this Section, the Illinois Marriage and Dissolution



1 of Marriage Act, the Illinois Parentage Act of 2015, and  
2 this State's Uniform Child-Custody Jurisdiction and  
3 Enforcement Act.

4 If a court finds, after a hearing, that respondent has  
5 committed abuse (as defined in Section 103) of a minor  
6 child, there shall be a rebuttable presumption that  
7 awarding temporary significant decision-making  
8 responsibility to respondent would not be in the child's  
9 best interest.

10 (7) Parenting time. Determine the parenting time, if  
11 any, of respondent in any case in which the court awards  
12 physical care or allocates temporary significant  
13 decision-making responsibility of a minor child to  
14 petitioner. The court shall restrict or deny respondent's  
15 parenting time with a minor child if the court finds that  
16 respondent has done or is likely to do any of the  
17 following: (i) abuse or endanger the minor child during  
18 parenting time; (ii) use the parenting time as an  
19 opportunity to abuse or harass petitioner or petitioner's  
20 family or household members; (iii) improperly conceal or  
21 detain the minor child; or (iv) otherwise act in a manner  
22 that is not in the best interests of the minor child. The  
23 court shall not be limited by the standards set forth in  
24 Section 603.10 of the Illinois Marriage and Dissolution of  
25 Marriage Act. If the court grants parenting time, the  
26 order shall specify dates and times for the parenting time

1 to take place or other specific parameters or conditions  
2 that are appropriate. No order for parenting time shall  
3 refer merely to the term "reasonable parenting time".

4 Petitioner may deny respondent access to the minor  
5 child if, when respondent arrives for parenting time,  
6 respondent is under the influence of drugs or alcohol and  
7 constitutes a threat to the safety and well-being of  
8 petitioner or petitioner's minor children or is behaving  
9 in a violent or abusive manner.

10 If necessary to protect any member of petitioner's  
11 family or household from future abuse, respondent shall be  
12 prohibited from coming to petitioner's residence to meet  
13 the minor child for parenting time, and the parties shall  
14 submit to the court their recommendations for reasonable  
15 alternative arrangements for parenting time. A person may  
16 be approved to supervise parenting time only after filing  
17 an affidavit accepting that responsibility and  
18 acknowledging accountability to the court.

19 (8) Removal or concealment of minor child. Prohibit  
20 respondent from removing a minor child from the State or  
21 concealing the child within the State.

22 (9) Order to appear. Order the respondent to appear in  
23 court, alone or with a minor child, to prevent abuse,  
24 neglect, removal or concealment of the child, to return  
25 the child to the custody or care of the petitioner or to  
26 permit any court-ordered interview or examination of the

1 child or the respondent.

2 (10) Possession of personal property. Grant petitioner  
3 exclusive possession of personal property and, if  
4 respondent has possession or control, direct respondent to  
5 promptly make it available to petitioner, if:

6 (i) petitioner, but not respondent, owns the  
7 property; or

8 (ii) the parties own the property jointly; sharing  
9 it would risk abuse of petitioner by respondent or is  
10 impracticable; and the balance of hardships favors  
11 temporary possession by petitioner.

12 If petitioner's sole claim to ownership of the  
13 property is that it is marital property, the court may  
14 award petitioner temporary possession thereof under the  
15 standards of subparagraph (ii) of this paragraph only if a  
16 proper proceeding has been filed under the Illinois  
17 Marriage and Dissolution of Marriage Act, as now or  
18 hereafter amended.

19 No order under this provision shall affect title to  
20 property.

21 (11) Protection of property. Forbid the respondent  
22 from taking, transferring, encumbering, concealing,  
23 damaging or otherwise disposing of any real or personal  
24 property, except as explicitly authorized by the court,  
25 if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly, and the  
3 balance of hardships favors granting this remedy.

4 If petitioner's sole claim to ownership of the  
5 property is that it is marital property, the court may  
6 grant petitioner relief under subparagraph (ii) of this  
7 paragraph only if a proper proceeding has been filed under  
8 the Illinois Marriage and Dissolution of Marriage Act, as  
9 now or hereafter amended.

10 The court may further prohibit respondent from  
11 improperly using the financial or other resources of an  
12 aged member of the family or household for the profit or  
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the  
15 exclusive care, custody, or control of any animal owned,  
16 possessed, leased, kept, or held by either the petitioner  
17 or the respondent or a minor child residing in the  
18 residence or household of either the petitioner or the  
19 respondent and order the respondent to stay away from the  
20 animal and forbid the respondent from taking,  
21 transferring, encumbering, concealing, harming, or  
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to  
24 pay temporary support for the petitioner or any child in  
25 the petitioner's care or over whom the petitioner has been  
26 allocated parental responsibility, when the respondent has

1 a legal obligation to support that person, in accordance  
2 with the Illinois Marriage and Dissolution of Marriage  
3 Act, which shall govern, among other matters, the amount  
4 of support, payment through the clerk and withholding of  
5 income to secure payment. An order for child support may  
6 be granted to a petitioner with lawful physical care of a  
7 child, or an order or agreement for physical care of a  
8 child, prior to entry of an order allocating significant  
9 decision-making responsibility. Such a support order shall  
10 expire upon entry of a valid order allocating parental  
11 responsibility differently and vacating the petitioner's  
12 significant decision-making authority, unless otherwise  
13 provided in the order.

14 (13) Order for payment of losses. Order respondent to  
15 pay petitioner for losses suffered as a direct result of  
16 the abuse, neglect, or exploitation. Such losses shall  
17 include, but not be limited to, medical expenses, lost  
18 earnings or other support, repair or replacement of  
19 property damaged or taken, reasonable attorney's fees,  
20 court costs and moving or other travel expenses, including  
21 additional reasonable expenses for temporary shelter and  
22 restaurant meals.

23 (i) Losses affecting family needs. If a party is  
24 entitled to seek maintenance, child support or  
25 property distribution from the other party under the  
26 Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended, the court may order  
2 respondent to reimburse petitioner's actual losses, to  
3 the extent that such reimbursement would be  
4 "appropriate temporary relief", as authorized by  
5 subsection (a) (3) of Section 501 of that Act.

6 (ii) Recovery of expenses. In the case of an  
7 improper concealment or removal of a minor child, the  
8 court may order respondent to pay the reasonable  
9 expenses incurred or to be incurred in the search for  
10 and recovery of the minor child, including but not  
11 limited to legal fees, court costs, private  
12 investigator fees, and travel costs.

13 (14) Prohibition of entry. Prohibit the respondent  
14 from entering or remaining in the residence or household  
15 while the respondent is under the influence of alcohol or  
16 drugs and constitutes a threat to the safety and  
17 well-being of the petitioner or the petitioner's children.

18 (14.5) Prohibition of firearm possession.

19 (a) Prohibit a respondent against whom an order of  
20 protection was issued from possessing any firearms  
21 during the duration of the order if the order:

22 (1) was issued after a hearing of which such  
23 person received actual notice, and at which such  
24 person had an opportunity to participate;

25 (2) restrains such person from harassing,  
26 stalking, or threatening an intimate partner of

1           such person or child of such intimate partner or  
2           person, or engaging in other conduct that would  
3           place an intimate partner in reasonable fear of  
4           bodily injury to the partner or child; and

5           (3) (i) includes a finding that such person  
6           represents a credible threat to the physical  
7           safety of such intimate partner or child; or (ii)  
8           by its terms explicitly prohibits the use,  
9           attempted use, or threatened use of physical force  
10          against such intimate partner or child that would  
11          reasonably be expected to cause bodily injury.

12          ~~Any Firearm Owner's Identification Card in the~~  
13          ~~possession of the respondent, except as provided in~~  
14          ~~subsection (b), shall be ordered by the court to be~~  
15          ~~turned over to the local law enforcement agency. The~~  
16          ~~local law enforcement agency shall immediately mail~~  
17          ~~the card to the Illinois State Police Firearm Owner's~~  
18          ~~Identification Card Office for safekeeping. The court~~  
19          shall issue a warrant for seizure of any firearm in the  
20          possession of the respondent, to be kept by the local  
21          law enforcement agency for safekeeping, except as  
22          provided in subsection (b). The period of safekeeping  
23          shall be for the duration of the order of protection.  
24          The firearm or firearms ~~and Firearm Owner's~~  
25          ~~Identification Card, if unexpired,~~ shall, at the  
26          respondent's request, be returned to the respondent at

1 the end of the order of protection. It is the  
2 respondent's responsibility to notify the Illinois  
3 State Police ~~Firearm Owner's Identification Card~~  
4 ~~Office~~.

5 (b) If the respondent is a peace officer as  
6 defined in Section 2-13 of the Criminal Code of 2012,  
7 the court shall order that any firearms used by the  
8 respondent in the performance of his or her duties as a  
9 peace officer be surrendered to the chief law  
10 enforcement executive of the agency in which the  
11 respondent is employed, who shall retain the firearms  
12 for safekeeping for the duration of the order of  
13 protection.

14 (c) Upon expiration of the period of safekeeping,  
15 if the firearms ~~or Firearm Owner's Identification Card~~  
16 cannot be returned to respondent because respondent  
17 cannot be located, fails to respond to requests to  
18 retrieve the firearms, or is not lawfully eligible to  
19 possess a firearm, upon petition from the local law  
20 enforcement agency, the court may order the local law  
21 enforcement agency to destroy the firearms, use the  
22 firearms for training purposes, or for any other  
23 application as deemed appropriate by the local law  
24 enforcement agency; or that the firearms be turned  
25 over to a third party who is lawfully eligible to  
26 possess firearms, and who does not reside with



1           respondent.

2           (15) Prohibition of access to records. If an order of  
3 protection prohibits respondent from having contact with  
4 the minor child, or if petitioner's address is omitted  
5 under subsection (b) of Section 203, or if necessary to  
6 prevent abuse or wrongful removal or concealment of a  
7 minor child, the order shall deny respondent access to,  
8 and prohibit respondent from inspecting, obtaining, or  
9 attempting to inspect or obtain, school or any other  
10 records of the minor child who is in the care of  
11 petitioner.

12           (16) Order for payment of shelter services. Order  
13 respondent to reimburse a shelter providing temporary  
14 housing and counseling services to the petitioner for the  
15 cost of the services, as certified by the shelter and  
16 deemed reasonable by the court.

17           (17) Order for injunctive relief. Enter injunctive  
18 relief necessary or appropriate to prevent further abuse  
19 of a family or household member or further abuse, neglect,  
20 or exploitation of a high-risk adult with disabilities or  
21 to effectuate one of the granted remedies, if supported by  
22 the balance of hardships. If the harm to be prevented by  
23 the injunction is abuse or any other harm that one of the  
24 remedies listed in paragraphs (1) through (16) of this  
25 subsection is designed to prevent, no further evidence is  
26 necessary that the harm is an irreparable injury.

1 (18) Telephone services.

2 (A) Unless a condition described in subparagraph  
3 (B) of this paragraph exists, the court may, upon  
4 request by the petitioner, order a wireless telephone  
5 service provider to transfer to the petitioner the  
6 right to continue to use a telephone number or numbers  
7 indicated by the petitioner and the financial  
8 responsibility associated with the number or numbers,  
9 as set forth in subparagraph (C) of this paragraph.  
10 For purposes of this paragraph (18), the term  
11 "wireless telephone service provider" means a provider  
12 of commercial mobile service as defined in 47 U.S.C.  
13 332. The petitioner may request the transfer of each  
14 telephone number that the petitioner, or a minor child  
15 in his or her custody, uses. The clerk of the court  
16 shall serve the order on the wireless telephone  
17 service provider's agent for service of process  
18 provided to the Illinois Commerce Commission. The  
19 order shall contain all of the following:

20 (i) The name and billing telephone number of  
21 the account holder including the name of the  
22 wireless telephone service provider that serves  
23 the account.

24 (ii) Each telephone number that will be  
25 transferred.

26 (iii) A statement that the provider transfers

1 to the petitioner all financial responsibility for  
2 and right to the use of any telephone number  
3 transferred under this paragraph.

4 (B) A wireless telephone service provider shall  
5 terminate the respondent's use of, and shall transfer  
6 to the petitioner use of, the telephone number or  
7 numbers indicated in subparagraph (A) of this  
8 paragraph unless it notifies the petitioner, within 72  
9 hours after it receives the order, that one of the  
10 following applies:

11 (i) The account holder named in the order has  
12 terminated the account.

13 (ii) A difference in network technology would  
14 prevent or impair the functionality of a device on  
15 a network if the transfer occurs.

16 (iii) The transfer would cause a geographic or  
17 other limitation on network or service provision  
18 to the petitioner.

19 (iv) Another technological or operational  
20 issue would prevent or impair the use of the  
21 telephone number if the transfer occurs.

22 (C) The petitioner assumes all financial  
23 responsibility for and right to the use of any  
24 telephone number transferred under this paragraph. In  
25 this paragraph, "financial responsibility" includes  
26 monthly service costs and costs associated with any

1 mobile device associated with the number.

2 (D) A wireless telephone service provider may  
3 apply to the petitioner its routine and customary  
4 requirements for establishing an account or  
5 transferring a number, including requiring the  
6 petitioner to provide proof of identification,  
7 financial information, and customer preferences.

8 (E) Except for willful or wanton misconduct, a  
9 wireless telephone service provider is immune from  
10 civil liability for its actions taken in compliance  
11 with a court order issued under this paragraph.

12 (F) All wireless service providers that provide  
13 services to residential customers shall provide to the  
14 Illinois Commerce Commission the name and address of  
15 an agent for service of orders entered under this  
16 paragraph (18). Any change in status of the registered  
17 agent must be reported to the Illinois Commerce  
18 Commission within 30 days of such change.

19 (G) The Illinois Commerce Commission shall  
20 maintain the list of registered agents for service for  
21 each wireless telephone service provider on the  
22 Commission's website. The Commission may consult with  
23 wireless telephone service providers and the Circuit  
24 Court Clerks on the manner in which this information  
25 is provided and displayed.

26 (c) Relevant factors; findings.

1           (1) In determining whether to grant a specific remedy,  
2 other than payment of support, the court shall consider  
3 relevant factors, including but not limited to the  
4 following:

5           (i) the nature, frequency, severity, pattern and  
6 consequences of the respondent's past abuse, neglect  
7 or exploitation of the petitioner or any family or  
8 household member, including the concealment of his or  
9 her location in order to evade service of process or  
10 notice, and the likelihood of danger of future abuse,  
11 neglect, or exploitation to petitioner or any member  
12 of petitioner's or respondent's family or household;  
13 and

14           (ii) the danger that any minor child will be  
15 abused or neglected or improperly relocated from the  
16 jurisdiction, improperly concealed within the State or  
17 improperly separated from the child's primary  
18 caretaker.

19           (2) In comparing relative hardships resulting to the  
20 parties from loss of possession of the family home, the  
21 court shall consider relevant factors, including but not  
22 limited to the following:

23           (i) availability, accessibility, cost, safety,  
24 adequacy, location and other characteristics of  
25 alternate housing for each party and any minor child  
26 or dependent adult in the party's care;

1 (ii) the effect on the party's employment; and

2 (iii) the effect on the relationship of the party,  
3 and any minor child or dependent adult in the party's  
4 care, to family, school, church and community.

5 (3) Subject to the exceptions set forth in paragraph  
6 (4) of this subsection, the court shall make its findings  
7 in an official record or in writing, and shall at a minimum  
8 set forth the following:

9 (i) That the court has considered the applicable  
10 relevant factors described in paragraphs (1) and (2)  
11 of this subsection.

12 (ii) Whether the conduct or actions of respondent,  
13 unless prohibited, will likely cause irreparable harm  
14 or continued abuse.

15 (iii) Whether it is necessary to grant the  
16 requested relief in order to protect petitioner or  
17 other alleged abused persons.

18 (4) For purposes of issuing an ex parte emergency  
19 order of protection, the court, as an alternative to or as  
20 a supplement to making the findings described in  
21 paragraphs (c)(3)(i) through (c)(3)(iii) of this  
22 subsection, may use the following procedure:

23 When a verified petition for an emergency order of  
24 protection in accordance with the requirements of Sections  
25 203 and 217 is presented to the court, the court shall  
26 examine petitioner on oath or affirmation. An emergency

1 order of protection shall be issued by the court if it  
2 appears from the contents of the petition and the  
3 examination of petitioner that the averments are  
4 sufficient to indicate abuse by respondent and to support  
5 the granting of relief under the issuance of the emergency  
6 order of protection.

7 (5) Never married parties. No rights or  
8 responsibilities for a minor child born outside of  
9 marriage attach to a putative father until a father and  
10 child relationship has been established under the Illinois  
11 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
12 the Illinois Public Aid Code, Section 12 of the Vital  
13 Records Act, the Juvenile Court Act of 1987, the Probate  
14 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
15 Support Act, the Uniform Interstate Family Support Act,  
16 the Expedited Child Support Act of 1990, any judicial,  
17 administrative, or other act of another state or  
18 territory, any other Illinois statute, or by any foreign  
19 nation establishing the father and child relationship, any  
20 other proceeding substantially in conformity with the  
21 Personal Responsibility and Work Opportunity  
22 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
23 both parties appeared in open court or at an  
24 administrative hearing acknowledging under oath or  
25 admitting by affirmation the existence of a father and  
26 child relationship. Absent such an adjudication, finding,

1 or acknowledgment, no putative father shall be granted  
2 temporary allocation of parental responsibilities,  
3 including parenting time with the minor child, or physical  
4 care and possession of the minor child, nor shall an order  
5 of payment for support of the minor child be entered.

6 (d) Balance of hardships; findings. If the court finds  
7 that the balance of hardships does not support the granting of  
8 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
9 subsection (b) of this Section, which may require such  
10 balancing, the court's findings shall so indicate and shall  
11 include a finding as to whether granting the remedy will  
12 result in hardship to respondent that would substantially  
13 outweigh the hardship to petitioner from denial of the remedy.  
14 The findings shall be an official record or in writing.

15 (e) Denial of remedies. Denial of any remedy shall not be  
16 based, in whole or in part, on evidence that:

17 (1) Respondent has cause for any use of force, unless  
18 that cause satisfies the standards for justifiable use of  
19 force provided by Article 7 of the Criminal Code of 2012;

20 (2) Respondent was voluntarily intoxicated;

21 (3) Petitioner acted in self-defense or defense of  
22 another, provided that, if petitioner utilized force, such  
23 force was justifiable under Article 7 of the Criminal Code  
24 of 2012;

25 (4) Petitioner did not act in self-defense or defense  
26 of another;



1           (5) Petitioner left the residence or household to  
2           avoid further abuse, neglect, or exploitation by  
3           respondent;

4           (6) Petitioner did not leave the residence or  
5           household to avoid further abuse, neglect, or exploitation  
6           by respondent;

7           (7) Conduct by any family or household member excused  
8           the abuse, neglect, or exploitation by respondent, unless  
9           that same conduct would have excused such abuse, neglect,  
10          or exploitation if the parties had not been family or  
11          household members.

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

13          Section 115. The Uniform Disposition of Unclaimed Property  
14          Act is amended by changing Section 1 as follows:

15                 (765 ILCS 1025/1) (from Ch. 141, par. 101)

16          Sec. 1. As used in this Act, unless the context otherwise  
17          requires:

18                 (a) "Banking organization" means any bank, trust company,  
19                 savings bank, industrial bank, land bank, safe deposit  
20                 company, or a private banker.

21                 (b) "Business association" means any corporation, joint  
22                 stock company, business trust, partnership, or any  
23                 association, limited liability company, or other business  
24                 entity consisting of one or more persons, whether or not for

1 profit.

2 (c) "Financial organization" means any savings and loan  
3 association, building and loan association, credit union,  
4 currency exchange, co-operative bank, mutual funds, or  
5 investment company.

6 (d) "Holder" means any person in possession of property  
7 subject to this Act belonging to another, or who is trustee in  
8 case of a trust, or is indebted to another on an obligation  
9 subject to this Act.

10 (e) "Life insurance corporation" means any association or  
11 corporation transacting the business of insurance on the lives  
12 of persons or insurance appertaining thereto, including, but  
13 not by way of limitation, endowments and annuities.

14 (f) "Owner" means a depositor in case of a deposit, a  
15 beneficiary in case of a trust, a creditor, claimant, or payee  
16 in case of other property, or any person having a legal or  
17 equitable interest in property subject to this Act, or his  
18 legal representative.

19 (g) "Person" means any individual, business association,  
20 financial organization, government or political subdivision or  
21 agency, public authority, estate, trust, or any other legal or  
22 commercial entity.

23 (h) "Utility" means any person who owns or operates, for  
24 public use, any plant, equipment, property, franchise, or  
25 license for the transmission of communications or the  
26 production, storage, transmission, sale, delivery, or

1 furnishing of electricity, water, steam, oil or gas.

2 (i) (Blank).

3 (j) "Insurance company" means any person transacting the  
4 kinds of business enumerated in Section 4 of the Illinois  
5 Insurance Code other than life insurance.

6 (k) "Economic loss", as used in Sections 2a and 9 of this  
7 Act includes, but is not limited to, delivery charges,  
8 mark-downs and write-offs, carrying costs, restocking charges,  
9 lay-aways, special orders, issuance of credit memos, and the  
10 costs of special services or goods provided that reduce the  
11 property value or that result in lost sales opportunity.

12 (l) "Reportable property" means property, tangible or  
13 intangible, presumed abandoned under this Act that must be  
14 appropriately and timely reported and remitted to the Office  
15 of the State Treasurer under this Act. Interest, dividends,  
16 stock splits, warrants, or other rights that become reportable  
17 property under this Act include the underlying security or  
18 commodity giving rise to the interest, dividend, split,  
19 warrant, or other right to which the owner would be entitled.

20 (m) "Firearm" has the meaning ascribed to that term in  
21 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~  
22 ~~Identification Card Act.~~

23 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99;  
24 91-748, eff. 6-2-00.)

25 Section 120. The Revised Uniform Unclaimed Property Act is

1 amended by changing Section 15-705 as follows:

2 (765 ILCS 1026/15-705)

3 Sec. 15-705. Exceptions to the sale of tangible property.  
4 The administrator shall dispose of tangible property  
5 identified by this Section in accordance with this Section.

6 (a) Military medals or decorations. The administrator may  
7 not sell a medal or decoration awarded for military service in  
8 the armed forces of the United States. Instead, the  
9 administrator, with the consent of the respective organization  
10 under paragraph (1), agency under paragraph (2), or entity  
11 under paragraph (3), may deliver a medal or decoration to be  
12 held in custody for the owner, to:

13 (1) a military veterans organization qualified under  
14 Section 501(c)(19) of the Internal Revenue Code;

15 (2) the agency that awarded the medal or decoration;  
16 or

17 (3) a governmental entity.

18 After delivery, the administrator is not responsible for  
19 the safekeeping of the medal or decoration.

20 (b) Property with historical value. Property that the  
21 administrator reasonably believes may have historical value  
22 may be, at his or her discretion, loaned to an accredited  
23 museum in the United States where it will be kept until such  
24 time as the administrator orders it to be returned to his or  
25 her custody.

1 (c) Human remains. If human remains are delivered to the  
2 administrator under this Act, the administrator shall deliver  
3 those human remains to the coroner of the county in which the  
4 human remains were abandoned for disposition under Section  
5 3-3034 of the Counties Code. The only human remains that may be  
6 delivered to the administrator under this Act and that the  
7 administrator may receive are those that are reported and  
8 delivered as contents of a safe deposit box.

9 (d) Evidence in a criminal investigation. Property that  
10 may have been used in the commission of a crime or that may  
11 assist in the investigation of a crime, as determined after  
12 consulting with the Illinois State Police, shall be delivered  
13 to the Illinois State Police or other appropriate law  
14 enforcement authority to allow law enforcement to determine  
15 whether a criminal investigation should take place. Any such  
16 property delivered to a law enforcement authority shall be  
17 held in accordance with existing statutes and rules related to  
18 the gathering, retention, and release of evidence.

19 (e) Firearms.

20 (1) The administrator, in cooperation with the  
21 Illinois State Police, shall develop a procedure to  
22 determine whether a firearm delivered to the administrator  
23 under this Act has been stolen or used in the commission of  
24 a crime. The Illinois State Police shall determine the  
25 appropriate disposition of a firearm that has been stolen  
26 or used in the commission of a crime. The administrator

1 shall attempt to return a firearm that has not been stolen  
2 or used in the commission of a crime to the rightful owner  
3 if the Illinois State Police determines that the owner may  
4 lawfully possess the firearm.

5 (2) If the administrator is unable to return a firearm  
6 to its owner, the administrator shall transfer custody of  
7 the firearm to the Illinois State Police. Legal title to a  
8 firearm transferred to the Illinois State Police under  
9 this subsection (e) is vested in the Illinois State Police  
10 by operation of law if:

11 (i) the administrator cannot locate the owner of  
12 the firearm;

13 (ii) the owner of the firearm may not lawfully  
14 possess the firearm;

15 (iii) the apparent owner does not respond to  
16 notice published under Section 15-503 of this Act; or

17 (iv) the apparent owner responds to notice  
18 published under Section 15-502 and states that he or  
19 she no longer claims an interest in the firearm.

20 (3) With respect to a firearm whose title is  
21 transferred to the Illinois State Police under this  
22 subsection (e), the Illinois State Police may:

23 (i) retain the firearm for use by the crime  
24 laboratory system, for training purposes, or for any  
25 other application as deemed appropriate by the  
26 Department;

1           (ii) transfer the firearm to the Illinois State  
2           Museum if the firearm has historical value; or

3           (iii) destroy the firearm if it is not retained  
4           pursuant to subparagraph (i) or transferred pursuant  
5           to subparagraph (ii).

6           As used in this subsection, "firearm" has the meaning  
7           provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~  
8           ~~Firearm Owners Identification Card Act.~~

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

10           Section 995. No acceleration or delay. Where this Act  
11           makes changes in a statute that is represented in this Act by  
12           text that is not yet or no longer in effect (for example, a  
13           Section represented by multiple versions), the use of that  
14           text does not accelerate or delay the taking effect of (i) the  
15           changes made by this Act or (ii) provisions derived from any  
16           other Public Act.

17           Section 999. Effective date. This Act takes effect upon  
18           becoming law.

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20 430 ILCS 66/80

21 430 ILCS 66/105

22 430 ILCS 67/35

23 430 ILCS 67/40

24 430 ILCS 68/5-20

25 430 ILCS 68/5-25

26 430 ILCS 68/5-40

1	430 ILCS 68/5-85	
2	520 ILCS 5/3.2	from Ch. 61, par. 3.2
3	520 ILCS 5/3.2a	from Ch. 61, par. 3.2a
4	625 ILCS 5/2-116	from Ch. 95 1/2, par. 2-116
5	720 ILCS 5/2-7.1	
6	720 ILCS 5/2-7.5	
7	720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
8	720 ILCS 5/16-0.1	
9	720 ILCS 5/17-30	was 720 ILCS 5/16C-2
10	720 ILCS 5/24-1	from Ch. 38, par. 24-1
11	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
12	720 ILCS 5/24-1.6	
13	720 ILCS 5/24-1.8	
14	720 ILCS 5/24-2	
15	720 ILCS 5/24-3	from Ch. 38, par. 24-3
16	720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1
17	720 ILCS 5/24-3.2	from Ch. 38, par. 24-3.2
18	720 ILCS 5/24-3.4	from Ch. 38, par. 24-3.4
19	720 ILCS 5/24-3.5	
20	720 ILCS 5/24-3B	
21	720 ILCS 5/24-4.1	
22	720 ILCS 5/24-4.5 new	
23	720 ILCS 5/24-5.1	
24	720 ILCS 5/24-9	
25	720 ILCS 646/10	
26	725 ILCS 5/102-7.1	

1	725 ILCS 5/110-10	from Ch. 38, par. 110-10
2	725 ILCS 5/112A-5.5	
3	725 ILCS 5/112A-11.1	
4	725 ILCS 5/112A-11.2	
5	725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
6	725 ILCS 5/112A-14.7	
7	725 ILCS 5/112A-17.5	
8	730 ILCS 5/3-2-10.5	
9	730 ILCS 5/5-4.5-110	
10	730 ILCS 5/5-5-3	
11	730 ILCS 5/5-5-3.2	
12	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
13	730 ILCS 5/3-2-13 rep.	
14	730 ILCS 110/15.2	
15	740 ILCS 21/80	
16	740 ILCS 110/12	from Ch. 91 1/2, par. 812
17	750 ILCS 60/210	from Ch. 40, par. 2312-10
18	750 ILCS 60/214	from Ch. 40, par. 2312-14
19	765 ILCS 1025/1	from Ch. 141, par. 101
20	765 ILCS 1026/15-705	