



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2055

Introduced 2/9/2023, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

See Index

Creates the Microstamping Funding Program Act. Provides that the State shall establish a grant program for law enforcement officers for microstamp-ready firearms. Provides that the grant program shall be administered by the Illinois Criminal Justice Information Authority. Provides for the administration of the program. Amends the School Code. Requires school boards to develop a trauma response protocol that shall be implemented in response to a traumatic event at a school, including, but not limited to, a shooting at the school. Sets forth various requirements for the protocol, including response by hospitals, trauma intervention services, and community engagement. Provides that all moneys in the Trauma Response Fund shall be paid as grants to school districts to implement the trauma response protocol. Amends the Mental Health and Developmental Disabilities Code to require a physician, clinical psychologist, or qualified examiner to determine whether to file an action under the Firearms Restraining Order Act under specified circumstances. Amends the Developmental Disability and Mental Disability Services Act. Requires the Department of Human Services to establish family centers throughout the State to provide counseling and mental health services to families who are indigent. Amends the Firearm Owners Identification Card Act. Provides that each local law enforcement agency shall issue a firearm permit to an applicant who seeks the purchase of a firearm to verify the identity of the purchaser and shall complete a full criminal background check of the applicant that includes obtaining fingerprints from the prospective firearm purchaser. Provides that each local law enforcement agency shall keep records of those permits and make them available to the Illinois State Police through the Law Enforcement Agencies Data System (LEADS). Amends various other Acts to make conforming changes. Effective immediately.

LRB103 26224 RLC 52583 b

1 AN ACT concerning microstamping.

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

4 Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Microstamping Funding Program Act. References in this Article
7 to "this Act" mean this Article.

8 Section 1-5. Legislative findings. The General Assembly
9 finds that:

10 Law enforcement makes an arrest in only 35% of firearm
11 homicides and 21% of firearm assaults when the victim was
12 Black or Hispanic. Microstamping is a powerful crime-solving
13 tool that can help law enforcement quickly solve gun crimes.
14 Microstamping is a reliable ballistics identification tool,
15 and can greatly enhance traditional ballistics analysis and
16 the current National Integrated Ballistics Information Network
17 (NIBIN) system by providing a direct link between a spent
18 cartridge case and a firearm.

19 The leads generated from fired cartridge cases, bearing
20 microstamps found at crime scenes, have the potential to help
21 law enforcement solve gun-related crimes while limiting
22 negative interactions with law enforcement, especially in

1 minority communities. While this crime-solving technology
2 exists, firearm manufacturers have not yet produced
3 microstamp-ready firearms.

4 It behooves the State to install a program in partnership
5 with law enforcement to bring microstamp-ready firearms into
6 use in Illinois.

7 Section 1-10. Definitions. In this Act:

8 "CGIC" means the Crime Gun Intelligence Center.

9 "Microstamp-ready" means that the firearm is capable of
10 producing a unique alphanumeric or geometric code on at least
11 one location on each expended cartridge case that can be used
12 to identify the make, model, and serial number of the firearm.

13 "Microstamping component or mechanism" means a component
14 or mechanism of a firearm or an insertable component or
15 mechanism designed and intended to produce a unique
16 alphanumeric or geometric code on an expended cartridge that
17 identifies the make, model, and serial number of the firearm.

18 "NIBIN" means the National Integrated Ballistic
19 Information Network.

20 Section 1-15. Grants for microstamp-ready firearms or
21 insertable microstamping components or mechanisms, or both.

22 (a) There is created in the State treasury the
23 Microstamp-ready Firearms Fund to be administered by the
24 Illinois Criminal Justice Information Authority for the

1 purpose of issuing grants to law enforcement agencies to
2 purchase or replenish microstamp-ready firearms or insertable
3 microstamping components or mechanisms to be installed in
4 firearms, or both, for their officers.

5 (b) Subject to appropriation, the State Comptroller shall
6 transfer from the General Revenue Fund to the Microstamp-ready
7 Firearms Fund \$500,000 to establish a grant program for
8 microstamp-ready firearms in Illinois. The program shall
9 award:

10 (1) Replenishment grants: grants between \$35,000 and
11 \$50,000, for the replenishment of new microstamp-ready
12 firearms or insertable microstamping components or
13 mechanisms, or both, for their law enforcement officers.
14 One of these grants shall be for a State law enforcement
15 agency, and the other 3 shall be for 3 municipal law
16 enforcement agencies of municipalities with a population
17 between 50,000 and 200,000 that purchase firearms for
18 their officers through a quartermaster system, in which
19 the quartermaster is responsible for the purchase,
20 inventory, and dissemination of uniforms and equipment to
21 officers.

22 (2) New officer grants: grants between \$5,000 to
23 \$20,000 to law enforcement agencies of municipalities with
24 a population between 30,000 and 200,000 to assist with the
25 purchase of firearms by new officers.

26 (c) Nothing in this Act prohibits State or municipal law

1 enforcement agencies from purchasing or replenishing
2 microstamp-ready firearms or insertable microstamping
3 components or mechanisms, or both, for their law enforcement
4 officers from funding sources independent of the provisions of
5 this Act.

6 Section 1-20. Administration and restrictions. The grant
7 program shall be administered by the Illinois Criminal Justice
8 Information Authority and the grant funds shall only be used
9 for the purchase of microstamp-ready firearms or microstamping
10 components or mechanisms, or both, to be installed in firearms
11 by law enforcement agencies that are grant recipients.

12 Section 1-25. Education and training. Education and
13 training associated with microstamp-ready firearms, and
14 integration with the NIBIN and CGIC centers in Illinois shall
15 be included in the program.

16 Section 1-30. Grant application and participation. The
17 Illinois Criminal Justice Information Authority shall
18 establish the objectives and provide direction for the
19 program's grant application process, by which qualified law
20 enforcement agencies can apply to receive funds for
21 microstamp-ready firearms or insertable microstamping
22 components or mechanisms, or both, for use by their officers.
23 Law enforcement agencies participating in the grant program

1 must have their officers using the microstamp-ready firearms
2 or insertable microstamping components or mechanisms, or both,
3 as soon as they are delivered. The Illinois Criminal Justice
4 Information Authority must establish the grant program and
5 post the Notice of Funding Opportunity no later than September
6 1, 2024.

7 All grants under this program must be awarded by June 30,
8 2023.

9 Law enforcement agencies that have been awarded funds must
10 use the funds within one year of receipt or the funds shall be
11 returned to the State treasury to be deposited into the
12 General Revenue Fund. Funds are only to be used for the
13 purchase of microstamp-ready firearms or insertable
14 microstamping components or mechanisms to be installed in
15 firearms.

16 Section 1-35. Data collection. The Illinois Criminal
17 Justice Information Authority shall collect data from each
18 grant recipient, including but not limited to: the number of
19 microstamp-ready firearms or insertable microstamping
20 components or mechanisms, or both, purchased, manufacturer,
21 number of officers using the microstamp-ready firearms, and
22 the number of microstamp-ready firearms that are discharged in
23 the first year of use.

24 Section 1-90. The Illinois Administrative Procedure Act is

1 amended by adding Section 5-45.38 as follows:

2 (5 ILCS 100/5-45.38 new)

3 Sec. 5-45.38. Emergency rulemaking; Illinois Criminal
4 Justice Information Authority. To provide for the expeditious
5 and timely implementation of the Microstamping Funding Program
6 Act, emergency rules implementing the Microstamping Funding
7 Program Act may be adopted in accordance with Section 5-45 by
8 the Illinois Criminal Justice Information Authority. The
9 adoption of emergency rules authorized by Section 5-45 and
10 this Section is deemed to be necessary for the public
11 interest, safety, and welfare.

12 This Section is repealed one year after the effective date
13 of this amendatory Act of the 103rd General Assembly.

14 Section 1-95. The State Finance Act is amended by adding
15 Section 5.990 as follows:

16 (30 ILCS 105/5.990 new)

17 Sec. 5.990. The Microstamp-ready Firearms Fund.

18 Article 2.

19 Section 2-5. The State Finance Act is amended by adding
20 Section 5.991 as follows:

1 (30 ILCS 105/5.991 new)

2 Sec. 5.991. The Trauma Response Fund.

3 Section 2-10. The School Code is amended by adding
4 Sections 10-20.82 and 34-18.77 as follows:

5 (105 ILCS 5/10-20.82 new)

6 Sec. 10-20.82. Trauma response protocol.

7 (a) Each school board shall develop a trauma response
8 protocol that shall be implemented in response to a traumatic
9 event at a school, including, but not limited to, a shooting at
10 the school. The trauma response protocol shall include, but is
11 not limited to, the following:

12 (1) As soon as practicable after the traumatic
13 incident triggering the implementation of the trauma
14 response protocol and after the scene is secured by law
15 enforcement, the hospital nearest to the scene of the
16 traumatic incident shall send mental health first
17 responders to the school. Survivors of the shooting shall
18 be offered immediate grief and trauma-based counseling.
19 With respect to the requirements of this paragraph, the
20 school board shall establish an agreement with each nearby
21 hospital, and shall designate which hospital is considered
22 to be nearest to each school.

23 (2) Within 5 calendar days after a traumatic incident
24 triggering the implementation of the trauma response

1 protocol, the school or school district shall make
2 available trauma intervention services for the survivors
3 of the incident and others who may be impacted by the
4 incident. In areas with frequent gun violence, additional
5 psycho-emotional support services shall be developed that
6 include, but are not limited to, group counseling,
7 peer-to-peer support, and other measures. With respect to
8 the requirements of this paragraph, school districts may
9 partner with local community groups to implement these
10 requirements.

11 (3) School boards shall develop a plan of community
12 engagement and, if necessary, to recruit volunteers from
13 the communities experiencing gun violence. School boards
14 may partner with community members, the faith-based
15 community, and other organizations to engage in the
16 recruitment efforts.

17 (b) The Trauma Response Fund is created as a special fund
18 in the State treasury. All moneys in the Fund shall be paid,
19 subject to appropriation by the General Assembly and
20 distribution by the State Board of Education, as grants to
21 school districts to implement trauma response protocols under
22 this Section and Section 34-18.77.

23 (105 ILCS 5/34-18.77 new)

24 Sec. 34-18.77. Trauma response protocol. The board shall
25 develop a trauma response protocol that shall be implemented

1 in response to a traumatic event at a school, including, but
2 not limited to, a shooting at the school. The trauma response
3 protocol shall include, but is not limited to, the following:

4 (1) As soon as practicable after the traumatic
5 incident triggering the implementation of the trauma
6 response protocol and after the scene is secured by law
7 enforcement, the hospital nearest to the scene of the
8 traumatic incident shall send mental health first
9 responders to the school. Survivors of the shooting shall
10 be offered immediate grief and trauma-based counseling.
11 With respect to the requirements of this paragraph, the
12 board shall establish an agreement with each nearby
13 hospital, and shall designate which hospital is considered
14 to be nearest to each school.

15 (2) Within 5 calendar days after a traumatic incident
16 triggering the implementation of the trauma response
17 protocol, the school or the board shall make available
18 trauma intervention services for the survivors of the
19 incident and others who may be impacted by the incident.
20 In areas with frequent gun violence, additional
21 psycho-emotional support services shall be developed that
22 include, but are not limited to, group counseling,
23 peer-to-peer support, and other measures. With respect to
24 the requirements of this paragraph, the board may partner
25 with local community groups to implement these
26 requirements.

1 (3) The board shall develop a plan of community
2 engagement and, if necessary, to recruit volunteers from
3 the communities experiencing gun violence. The board may
4 partner with community members, the faith-based community,
5 and other organizations to engage in the recruitment
6 efforts.

7 Section 2-15. The University of Illinois Hospital Act is
8 amended by adding Section 15 as follows:

9 (110 ILCS 330/15 new)

10 Sec. 15. School trauma response protocol. The University
11 of Illinois Hospital shall, pursuant to paragraph (1) of
12 Section 10-20.82 or paragraph (1) of Section 34-18.77 of the
13 School Code, as applicable, establish agreements with school
14 districts in the development of a trauma response protocol.

15 Section 2-20. The Hospital Licensing Act is amended by
16 adding Section 6.34 as follows:

17 (210 ILCS 85/6.34 new)

18 Sec. 6.34. School trauma response protocol. Every hospital
19 shall, pursuant to paragraph (1) of Section 10-20.82 or
20 paragraph (1) of Section 34-18.77 of the School Code, as
21 applicable, establish agreements with school districts in the
22 development of a trauma response protocol.

1 Section 2-25. The Mental Health and Developmental
2 Disabilities Code is amended by changing Section 6-103.3 as
3 follows:

4 (405 ILCS 5/6-103.3)

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

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

1 person as the respondent.

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

23 (c) For the purposes of this Section:

24 "Clear and present danger" has the meaning ascribed to
25 it in Section 1.1 of the Firearm Owners Identification
26 Card Act.

1 "Determined to pose a clear and present danger to
2 himself, herself, or to others by a physician, clinical
3 psychologist, or qualified examiner" means in the
4 professional opinion of the physician, clinical
5 psychologist, or qualified examiner, a person poses a
6 clear and present danger.

7 "School administrator" means the person required to
8 report under the School Administrator Reporting of Mental
9 Health Clear and Present Danger Determinations Law.

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

11 Section 2-30. The Developmental Disability and Mental
12 Disability Services Act is by adding Section 7-5 as follows:

13 (405 ILCS 80/7-5 new)

14 Sec. 7-5. Mental health services for indigent families.
15 The Department of Human Services shall establish family
16 centers throughout this State to provide counseling and mental
17 health services to families who are indigent based on any
18 behavior or mental health condition as determined by
19 Department rule. The Department shall employ or contract with
20 psychiatrists, clinical psychologists, clinical social
21 workers, and licensed marriage and family therapists to
22 provide those services.

23 Section 2-35. The Firearm Owners Identification Card Act

1 is amended by changing Sections 3 and 8.1 and by adding Section
2 3.4 as follows:

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

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

5 Sec. 3. (a) Except as provided in Section 3a, no person may
6 knowingly transfer, or cause to be transferred, any firearm,
7 firearm ammunition, stun gun, or taser to any person within
8 this State unless the transferee with whom he deals displays
9 either: (1) a currently valid Firearm Owner's Identification
10 Card which has previously been issued in his or her name by the
11 Illinois State Police under the provisions of this Act; or (2)
12 a currently valid license to carry a concealed firearm which
13 has previously been issued in his or her name by the Illinois
14 State Police under the Firearm Concealed Carry Act. In
15 addition, all firearm, stun gun, and taser transfers by
16 federally licensed firearm dealers are subject to Section 3.1.

17 (a-1) Before a person purchases or receives a firearm from
18 a federally licensed firearm dealer, the person must display
19 to the dealer of the firearm a permit to purchase or receive
20 the firearm issued by the local law enforcement agency under
21 Section 3.4.

22 (a-5) Any person who is not a federally licensed firearm
23 dealer and who desires to transfer or sell a firearm while that
24 person is on the grounds of a gun show must, before selling or
25 transferring the firearm, request the Illinois State Police to

1 conduct a background check on the prospective recipient of the
2 firearm in accordance with Section 3.1.

3 (a-10) Notwithstanding item (2) of subsection (a) of this
4 Section, any person who is not a federally licensed firearm
5 dealer and who desires to transfer or sell a firearm or
6 firearms to any person who is not a federally licensed firearm
7 dealer shall, before selling or transferring the firearms,
8 contact a federal firearm license dealer under paragraph (1)
9 of subsection (a-15) of this Section to conduct the transfer
10 or the Illinois State Police with the transferee's or
11 purchaser's Firearm Owner's Identification Card number to
12 determine the validity of the transferee's or purchaser's
13 Firearm Owner's Identification Card under State and federal
14 law including the National Instant Criminal Background Check
15 System. This subsection shall not be effective until July 1,
16 2023. Until that date the transferor shall contact the
17 Illinois State Police with the transferee's or purchaser's
18 Firearm Owner's Identification Card number to determine the
19 validity of the card. The Illinois State Police may adopt
20 rules concerning the implementation of this subsection. The
21 Illinois State Police shall provide the seller or transferor
22 an approval number if the purchaser's Firearm Owner's
23 Identification Card is valid. Approvals issued by the Illinois
24 State Police for the purchase of a firearm pursuant to this
25 subsection are valid for 30 days from the date of issue.

26 (a-15) The provisions of subsection (a-10) of this Section

1 do not apply to:

2 (1) transfers that occur at the place of business of a
3 federally licensed firearm dealer, if the federally
4 licensed firearm dealer conducts a background check on the
5 prospective recipient of the firearm in accordance with
6 Section 3.1 of this Act and follows all other applicable
7 federal, State, and local laws as if he or she were the
8 seller or transferor of the firearm, although the dealer
9 is not required to accept the firearm into his or her
10 inventory. The purchaser or transferee may be required by
11 the federally licensed firearm dealer to pay a fee not to
12 exceed \$25 per firearm, which the dealer may retain as
13 compensation for performing the functions required under
14 this paragraph, plus the applicable fees authorized by
15 Section 3.1;

16 (2) transfers as a bona fide gift to the transferor's
17 husband, wife, son, daughter, stepson, stepdaughter,
18 father, mother, stepfather, stepmother, brother, sister,
19 nephew, niece, uncle, aunt, grandfather, grandmother,
20 grandson, granddaughter, father-in-law, mother-in-law,
21 son-in-law, or daughter-in-law;

22 (3) transfers by persons acting pursuant to operation
23 of law or a court order;

24 (4) transfers on the grounds of a gun show under
25 subsection (a-5) of this Section;

26 (5) the delivery of a firearm by its owner to a

1 gunsmith for service or repair, the return of the firearm
2 to its owner by the gunsmith, or the delivery of a firearm
3 by a gunsmith to a federally licensed firearms dealer for
4 service or repair and the return of the firearm to the
5 gunsmith;

6 (6) temporary transfers that occur while in the home
7 of the unlicensed transferee, if the unlicensed transferee
8 is not otherwise prohibited from possessing firearms and
9 the unlicensed transferee reasonably believes that
10 possession of the firearm is necessary to prevent imminent
11 death or great bodily harm to the unlicensed transferee;

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

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

18 (9) transfers to a person who is exempt from the
19 requirement of possessing a Firearm Owner's Identification
20 Card under Section 2 of this Act.

21 (a-20) The Illinois State Police shall develop an
22 Internet-based system for individuals to determine the
23 validity of a Firearm Owner's Identification Card prior to the
24 sale or transfer of a firearm. The Illinois State Police shall
25 have the Internet-based system updated and available for use
26 by January 1, 2024. The Illinois State Police shall adopt

1 rules not inconsistent with this Section to implement this
2 system, but no rule shall allow the Illinois State Police to
3 retain records in contravention of State and federal law.

4 (a-25) On or before January 1, 2022, the Illinois State
5 Police shall develop an Internet-based system upon which the
6 serial numbers of firearms that have been reported stolen are
7 available for public access for individuals to ensure any
8 firearms are not reported stolen prior to the sale or transfer
9 of a firearm under this Section. The Illinois State Police
10 shall have the Internet-based system completed and available
11 for use by July 1, 2022. The Illinois State Police shall adopt
12 rules not inconsistent with this Section to implement this
13 system.

14 (b) Any person within this State who transfers or causes
15 to be transferred any firearm, stun gun, or taser shall keep a
16 record of such transfer for a period of 10 years from the date
17 of transfer. Any person within this State who receives any
18 firearm, stun gun, or taser pursuant to subsection (a-10)
19 shall provide a record of the transfer within 10 days of the
20 transfer to a federally licensed firearm dealer and shall not
21 be required to maintain a transfer record. The federally
22 licensed firearm dealer shall maintain the transfer record for
23 20 years from the date of receipt. A federally licensed
24 firearm dealer may charge a fee not to exceed \$25 to retain the
25 record. The record shall be provided and maintained in either
26 an electronic or paper format. The federally licensed firearm

1 dealer shall not be liable for the accuracy of any information
2 in the transfer record submitted pursuant to this Section.
3 Such records shall contain the date of the transfer; the
4 description, serial number or other information identifying
5 the firearm, stun gun, or taser if no serial number is
6 available; and, if the transfer was completed within this
7 State, the transferee's Firearm Owner's Identification Card
8 number and any approval number or documentation provided by
9 the Illinois State Police pursuant to subsection (a-10) of
10 this Section; if the transfer was not completed within this
11 State, the record shall contain the name and address of the
12 transferee. On or after January 1, 2006, the record shall
13 contain the date of application for transfer of the firearm.
14 On demand of a peace officer such transferor shall produce for
15 inspection such record of transfer. For any transfer pursuant
16 to subsection (a-10) of this Section, on the demand of a peace
17 officer, such transferee shall identify the federally licensed
18 firearm dealer maintaining the transfer record. If the
19 transfer or sale took place at a gun show, the record shall
20 include the unique identification number. Failure to record
21 the unique identification number or approval number is a petty
22 offense. For transfers of a firearm, stun gun, or taser made on
23 or after January 18, 2019 (the effective date of Public Act
24 100-1178), failure by the private seller to maintain the
25 transfer records in accordance with this Section, or failure
26 by a transferee pursuant to subsection a-10 of this Section to

1 identify the federally licensed firearm dealer maintaining the
2 transfer record, is a Class A misdemeanor for the first
3 offense and a Class 4 felony for a second or subsequent offense
4 occurring within 10 years of the first offense and the second
5 offense was committed after conviction of the first offense.
6 Whenever any person who has not previously been convicted of
7 any violation of subsection (a-5), the court may grant
8 supervision pursuant to and consistent with the limitations of
9 Section 5-6-1 of the Unified Code of Corrections. A transferee
10 or transferor shall not be criminally liable under this
11 Section provided that he or she provides the Illinois State
12 Police with the transfer records in accordance with procedures
13 established by the Illinois State Police. The Illinois State
14 Police shall establish, by rule, a standard form on its
15 website.

16 (b-5) Any resident may purchase ammunition from a person
17 within or outside of Illinois if shipment is by United States
18 mail or by a private express carrier authorized by federal law
19 to ship ammunition. Any resident purchasing ammunition within
20 or outside the State of Illinois must provide the seller with a
21 copy of his or her valid Firearm Owner's Identification Card
22 or valid concealed carry license and either his or her
23 Illinois driver's license or Illinois State Identification
24 Card prior to the shipment of the ammunition. The ammunition
25 may be shipped only to an address on either of those 2
26 documents.

1 (c) The provisions of this Section regarding the transfer
2 of firearm ammunition shall not apply to those persons
3 specified in paragraph (b) of Section 2 of this Act.

4 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
5 102-1116, eff. 1-10-23.)

6 (Text of Section after amendment by P.A. 102-237)

7 Sec. 3. (a) Except as provided in Section 3a, no person may
8 knowingly transfer, or cause to be transferred, any firearm,
9 firearm ammunition, stun gun, or taser to any person within
10 this State unless the transferee with whom he deals displays
11 either: (1) a currently valid Firearm Owner's Identification
12 Card which has previously been issued in his or her name by the
13 Illinois State Police under the provisions of this Act; or (2)
14 a currently valid license to carry a concealed firearm which
15 has previously been issued in his or her name by the Illinois
16 State Police under the Firearm Concealed Carry Act. In
17 addition, all firearm, stun gun, and taser transfers by
18 federally licensed firearm dealers are subject to Section 3.1.

19 (a-1) Before a person purchases or receives a firearm from
20 a federally licensed firearm dealer, the person must display
21 to the dealer of the firearm a permit to purchase or receive
22 the firearm issued by the local law enforcement agency under
23 Section 3.4.

24 (a-5) Any person who is not a federally licensed firearm
25 dealer and who desires to transfer or sell a firearm while that

1 person is on the grounds of a gun show must, before selling or
2 transferring the firearm, request the Illinois State Police to
3 conduct a background check on the prospective recipient of the
4 firearm in accordance with Section 3.1.

5 (a-10) Notwithstanding item (2) of subsection (a) of this
6 Section, any person who is not a federally licensed firearm
7 dealer and who desires to transfer or sell a firearm or
8 firearms to any person who is not a federally licensed firearm
9 dealer shall, before selling or transferring the firearms,
10 contact a federal firearm license dealer under paragraph (1)
11 of subsection (a-15) of this Section to conduct the transfer
12 or the Illinois State Police with the transferee's or
13 purchaser's Firearm Owner's Identification Card number to
14 determine the validity of the transferee's or purchaser's
15 Firearm Owner's Identification Card under State and federal
16 law, including the National Instant Criminal Background Check
17 System. This subsection shall not be effective until July 1,
18 2023. Until that date the transferor shall contact the
19 Illinois State Police with the transferee's or purchaser's
20 Firearm Owner's Identification Card number to determine the
21 validity of the card. The Illinois State Police may adopt
22 rules concerning the implementation of this subsection. The
23 Illinois State Police shall provide the seller or transferor
24 an approval number if the purchaser's Firearm Owner's
25 Identification Card is valid. Approvals issued by the Illinois
26 State Police for the purchase of a firearm pursuant to this

1 subsection are valid for 30 days from the date of issue.

2 (a-15) The provisions of subsection (a-10) of this Section
3 do not apply to:

4 (1) transfers that occur at the place of business of a
5 federally licensed firearm dealer, if the federally
6 licensed firearm dealer conducts a background check on the
7 prospective recipient of the firearm in accordance with
8 Section 3.1 of this Act and follows all other applicable
9 federal, State, and local laws as if he or she were the
10 seller or transferor of the firearm, although the dealer
11 is not required to accept the firearm into his or her
12 inventory. The purchaser or transferee may be required by
13 the federally licensed firearm dealer to pay a fee not to
14 exceed \$25 per firearm, which the dealer may retain as
15 compensation for performing the functions required under
16 this paragraph, plus the applicable fees authorized by
17 Section 3.1;

18 (2) transfers as a bona fide gift to the transferor's
19 husband, wife, son, daughter, stepson, stepdaughter,
20 father, mother, stepfather, stepmother, brother, sister,
21 nephew, niece, uncle, aunt, grandfather, grandmother,
22 grandson, granddaughter, father-in-law, mother-in-law,
23 son-in-law, or daughter-in-law;

24 (3) transfers by persons acting pursuant to operation
25 of law or a court order;

26 (4) transfers on the grounds of a gun show under

1 subsection (a-5) of this Section;

2 (5) the delivery of a firearm by its owner to a
3 gunsmith for service or repair, the return of the firearm
4 to its owner by the gunsmith, or the delivery of a firearm
5 by a gunsmith to a federally licensed firearms dealer for
6 service or repair and the return of the firearm to the
7 gunsmith;

8 (6) temporary transfers that occur while in the home
9 of the unlicensed transferee, if the unlicensed transferee
10 is not otherwise prohibited from possessing firearms and
11 the unlicensed transferee reasonably believes that
12 possession of the firearm is necessary to prevent imminent
13 death or great bodily harm to the unlicensed transferee;

14 (7) transfers to a law enforcement or corrections
15 agency or a law enforcement or corrections officer acting
16 within the course and scope of his or her official duties;

17 (8) transfers of firearms that have been rendered
18 permanently inoperable to a nonprofit historical society,
19 museum, or institutional collection; and

20 (9) transfers to a person who is exempt from the
21 requirement of possessing a Firearm Owner's Identification
22 Card under Section 2 of this Act.

23 (a-20) The Illinois State Police shall develop an
24 Internet-based system for individuals to determine the
25 validity of a Firearm Owner's Identification Card prior to the
26 sale or transfer of a firearm. The Illinois State Police shall

1 have the Internet-based system updated and available for use
2 by January 1, 2024. The Illinois State Police shall adopt
3 rules not inconsistent with this Section to implement this
4 system; but no rule shall allow the Illinois State Police to
5 retain records in contravention of State and federal law.

6 (a-25) On or before January 1, 2022, the Illinois State
7 Police shall develop an Internet-based system upon which the
8 serial numbers of firearms that have been reported stolen are
9 available for public access for individuals to ensure any
10 firearms are not reported stolen prior to the sale or transfer
11 of a firearm under this Section. The Illinois State Police
12 shall have the Internet-based system completed and available
13 for use by July 1, 2022. The Illinois State Police shall adopt
14 rules not inconsistent with this Section to implement this
15 system.

16 (b) Any person within this State who transfers or causes
17 to be transferred any firearm, stun gun, or taser shall keep a
18 record of such transfer for a period of 10 years from the date
19 of transfer. Any person within this State who receives any
20 firearm, stun gun, or taser pursuant to subsection (a-10)
21 shall provide a record of the transfer within 10 days of the
22 transfer to a federally licensed firearm dealer and shall not
23 be required to maintain a transfer record. The federally
24 licensed firearm dealer shall maintain the transfer record for
25 20 years from the date of receipt. A federally licensed
26 firearm dealer may charge a fee not to exceed \$25 to retain the

1 record. The record shall be provided and maintained in either
2 an electronic or paper format. The federally licensed firearm
3 dealer shall not be liable for the accuracy of any information
4 in the transfer record submitted pursuant to this Section.
5 Such records shall contain the date of the transfer; the
6 description, serial number or other information identifying
7 the firearm, stun gun, or taser if no serial number is
8 available; and, if the transfer was completed within this
9 State, the transferee's Firearm Owner's Identification Card
10 number and any approval number or documentation provided by
11 the Illinois State Police pursuant to subsection (a-10) of
12 this Section; if the transfer was not completed within this
13 State, the record shall contain the name and address of the
14 transferee. On or after January 1, 2006, the record shall
15 contain the date of application for transfer of the firearm.
16 On demand of a peace officer such transferor shall produce for
17 inspection such record of transfer. For any transfer pursuant
18 to subsection (a-10) of this Section, on the demand of a peace
19 officer, such transferee shall identify the federally licensed
20 firearm dealer maintaining the transfer record. If the
21 transfer or sale took place at a gun show, the record shall
22 include the unique identification number. Failure to record
23 the unique identification number or approval number is a petty
24 offense. For transfers of a firearm, stun gun, or taser made on
25 or after January 18, 2019 (the effective date of Public Act
26 100-1178), failure by the private seller to maintain the

1 transfer records in accordance with this Section, or failure
2 by a transferee pursuant to subsection a-10 of this Section to
3 identify the federally licensed firearm dealer maintaining the
4 transfer record, is a Class A misdemeanor for the first
5 offense and a Class 4 felony for a second or subsequent offense
6 occurring within 10 years of the first offense and the second
7 offense was committed after conviction of the first offense.
8 Whenever any person who has not previously been convicted of
9 any violation of subsection (a-5), the court may grant
10 supervision pursuant to and consistent with the limitations of
11 Section 5-6-1 of the Unified Code of Corrections. A transferee
12 or transferor shall not be criminally liable under this
13 Section provided that he or she provides the Illinois State
14 Police with the transfer records in accordance with procedures
15 established by the Illinois State Police. The Illinois State
16 Police shall establish, by rule, a standard form on its
17 website.

18 (b-5) Any resident may purchase ammunition from a person
19 within or outside of Illinois if shipment is by United States
20 mail or by a private express carrier authorized by federal law
21 to ship ammunition. Any resident purchasing ammunition within
22 or outside the State of Illinois must provide the seller with a
23 copy of his or her valid Firearm Owner's Identification Card
24 or valid concealed carry license and either his or her
25 Illinois driver's license or Illinois State Identification
26 Card prior to the shipment of the ammunition. The ammunition

1 may be shipped only to an address on either of those 2
2 documents.

3 (c) The provisions of this Section regarding the transfer
4 of firearm ammunition shall not apply to those persons
5 specified in paragraph (b) of Section 2 of this Act.

6 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
7 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

8 (430 ILCS 65/3.4 new)

9 Sec. 3.4. Firearms transfers; permits.

10 (a) Notwithstanding any other law to the contrary, each
11 local law enforcement agency shall issue a firearm permit to
12 an applicant who seeks the purchase of a firearm to verify the
13 identity of the purchaser and shall complete a full criminal
14 background check of the applicant that includes obtaining
15 fingerprints from the prospective firearm purchaser. The
16 requirement that an applicant for a firearm submit a full set
17 of fingerprints before being issued a firearm permit applies
18 to the first issuance of a firearm permit under this
19 amendatory Act of the 103rd General Assembly. Subsequent
20 applications for firearm permits issued to an applicant do not
21 require the re-submission of the applicant's fingerprints.

22 (b) Each local law enforcement agency shall keep records
23 of those permits and make them available to the Illinois State
24 Police through the Law Enforcement Agencies Data System
25 (LEADS).

1 (c) The duration of the permit shall be 10 days after its
2 issuance.

3 (d) The local law enforcement agency may deny a permit to
4 purchase a firearm to an applicant if the agency, in its
5 discretion, believes it is in the interest of public safety.

6 (e) Prior to the purchase of a firearm, a person must
7 submit the permit issued by the local law enforcement agency
8 to the dealer or transferor of the firearm.

9 (f) In this Section, "local law enforcement agency" means
10 the municipal police department of the municipality in which
11 the applicant for the firearm purchase resides, or if the
12 applicant resides in an unincorporated area, or if no
13 municipal police department exists in the applicant's
14 municipality of residence, then "local law enforcement agency"
15 means the office of the sheriff of the county of the
16 applicant's residence.

17 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

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

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

24 (b) Upon adjudication of any individual as a person with a
25 mental disability as defined in Section 1.1 of this Act or a

1 finding that a person has been involuntarily admitted, the
2 court shall direct the circuit court clerk to immediately
3 notify the Illinois State Police, Firearm Owner's
4 Identification (FOID) department, and shall forward a copy of
5 the court order to the Department.

6 (b-1) Beginning July 1, 2016, and each July 1 and December
7 30 of every year thereafter, the circuit court clerk shall, in
8 the form and manner prescribed by the Illinois State Police,
9 notify the Illinois State Police, Firearm Owner's
10 Identification (FOID) department if the court has not directed
11 the circuit court clerk to notify the Illinois State Police,
12 Firearm Owner's Identification (FOID) department under
13 subsection (b) of this Section, within the preceding 6 months,
14 because no person has been adjudicated as a person with a
15 mental disability by the court as defined in Section 1.1 of
16 this Act or if no person has been involuntarily admitted. The
17 Supreme Court may adopt any orders or rules necessary to
18 identify the persons who shall be reported to the Illinois
19 State Police under subsection (b), or any other orders or
20 rules necessary to implement the requirements of this Act.

21 (c) The Department of Human Services shall, in the form
22 and manner prescribed by the Illinois State Police, report all
23 information collected under subsection (b) of Section 12 of
24 the Mental Health and Developmental Disabilities
25 Confidentiality Act for the purpose of determining whether a
26 person who may be or may have been a patient in a mental health

1 facility is disqualified under State or federal law from
2 receiving or retaining a Firearm Owner's Identification Card,
3 or purchasing a weapon.

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

6 (1) by a physician, clinical psychologist, or
7 qualified examiner, or is determined to have a
8 developmental disability by a physician, clinical
9 psychologist, or qualified examiner, whether employed by
10 the State or privately, then the physician, clinical
11 psychologist, or qualified examiner shall, within 24 hours
12 of making the determination, notify the Department of
13 Human Services that the person poses a clear and present
14 danger or has a developmental disability; or

15 (2) by a law enforcement official or school
16 administrator, then the law enforcement official or school
17 administrator shall, within 24 hours of making the
18 determination, notify the Illinois State Police that the
19 person poses a clear and present danger.

20 The Department of Human Services shall immediately update
21 its records and information relating to mental health and
22 developmental disabilities, and if appropriate, shall notify
23 the Illinois State Police in a form and manner prescribed by
24 the Illinois State Police. When the Illinois State Police is
25 notified pursuant to this subsection that a person has been
26 determined to pose a clear and present danger, the ~~The~~

1 Illinois State Police shall determine whether to revoke the
2 person's Firearm Owner's Identification Card under Section 8
3 of this Act. The person reporting or alleging under this
4 subsection that another person poses a clear and present
5 danger to himself, herself, or to others shall determine
6 whether to file an action under the Firearms Restraining Order
7 Act naming that person as the respondent. Any information
8 disclosed under this subsection shall remain privileged and
9 confidential, and shall not be redisclosed, except as required
10 under subsection (e) of Section 3.1 of this Act or for the
11 purpose of an action under the Firearms Restraining Order Act,
12 nor used for any other purpose. The method of providing this
13 information shall guarantee that the information is not
14 released beyond what is necessary for the purposes provided by
15 ~~purpose of~~ this Section and shall be provided by rule by the
16 Department of Human Services. The identity of the person
17 reporting under this Section shall not be disclosed to the
18 subject of the report. The physician, clinical psychologist,
19 qualified examiner, law enforcement official, or school
20 administrator making the determination and his or her employer
21 shall not be held criminally, civilly, or professionally
22 liable for making or not making the notification required
23 under this subsection, except for willful or wanton
24 misconduct.

25 (e) The Illinois State Police shall adopt rules to
26 implement this Section.

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

2 Section 2-40. The Firearms Restraining Order Act is
3 amended by changing Sections 5, 10, and 40, and by adding
4 Sections 58 and 63 as follows:

5 (430 ILCS 67/5)

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

7 "Family member of the respondent" means a spouse, former
8 spouse, person with whom the respondent has a minor child in
9 common, parent, child, or step-child of the respondent, any
10 other person related by blood or present marriage to the
11 respondent, or a person who shares a common dwelling with the
12 respondent.

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

18 "Intimate partner" means a spouse, former spouse, a person
19 with whom the respondent has or allegedly has a child in
20 common, or a person with whom the respondent has or has had a
21 dating or engagement relationship.

22 "Petitioner" means:

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

1 (2) a law enforcement officer who files a petition
2 alleging that the respondent poses a danger of causing
3 personal injury to himself, herself, or another by having
4 in his or her custody or control, purchasing, possessing,
5 or receiving a firearm, ammunition, or firearm parts that
6 could be assembled to make an operable firearm ~~or removing~~
7 ~~firearm parts that could be assembled to make an operable~~
8 ~~firearm; or -~~

9 (3) a physician, psychologist, clinical social worker,
10 licensed clinical professional counselor, clinical nurse
11 specialist in psychiatric and mental health nursing,
12 psychiatric nurse practitioner, licensed marriage and
13 family therapist, or health officer or designee of a
14 health officer who has examined a respondent.

15 "Respondent" means the person alleged in the petition to
16 pose a danger of causing personal injury to himself, herself,
17 or another by having in his or her custody or control,
18 purchasing, possessing, or receiving a firearm, ammunition, or
19 firearm parts that could be assembled to make an operable
20 firearm ~~or removing firearm parts that could be assembled to~~
21 ~~make an operable firearm.~~

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

23 (430 ILCS 67/10)

24 Sec. 10. Commencement of action; procedure.

25 (a) An action for a firearms restraining order is

1 commenced by filing a verified petition for a firearms
2 restraining order in any circuit court.

3 (b) A petition for a firearms restraining order may be
4 filed in: (1) any county where the respondent resides or (2)
5 any county where an incident occurred that involved the
6 respondent posing an immediate and present danger of causing
7 personal injury to the respondent or another by having in his
8 or her custody or control, or purchasing, possessing, or
9 receiving, a firearm, ammunition, or firearm parts that could
10 be assembled to make an operable firearm. A firearms
11 restraining order may be issued against any respondent,
12 including, but not limited to, a respondent who, at the time of
13 the filing of the petition for a firearms restraining order,
14 is under the age of 21, does not have a valid Firearm Owner's
15 Identification Card, or does not hold or have a right to
16 possess a firearm.

17 (c) No fee shall be charged by the clerk for filing,
18 amending, vacating, certifying, printing, or photocopying
19 petitions or orders; or for issuing alias summons; or for any
20 related filing service. No fee shall be charged by the sheriff
21 or other law enforcement for service by the sheriff or other
22 law enforcement of a petition, rule, motion, or order in an
23 action commenced under this Section.

24 (d) The court shall provide, through the office of the
25 clerk of the court, simplified forms and clerical assistance
26 to help with the ~~writing and~~ filing of a petition under this

1 Section by any person not represented by counsel. In addition,
2 that assistance may be provided by the State's Attorney.

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

4 (430 ILCS 67/40)

5 Sec. 40. Plenary orders.

6 (a) A petitioner may request a firearms restraining order
7 for up to one year by filing an affidavit or verified pleading
8 alleging that the respondent poses a significant danger of
9 causing personal injury to himself, herself, or another in the
10 near future by having in his or her custody or control,
11 purchasing, possessing, or receiving a firearm, ammunition,
12 and firearm parts that could be assembled to make an operable
13 firearm. The petition shall also describe the number, types,
14 and locations of any firearms, ammunition, and firearm parts
15 that could be assembled to make an operable firearm presently
16 believed by the petitioner to be possessed or controlled by
17 the respondent. The firearms restraining order may be renewed
18 for an additional period of up to one year in accordance with
19 Section 45 of this Act.

20 (b) If the respondent is alleged to pose a significant
21 danger of causing personal injury to an intimate partner, or
22 an intimate partner is alleged to have been the target of a
23 threat or act of violence by the respondent, the petitioner
24 shall make a good faith effort to provide notice to any and all
25 intimate partners of the respondent. The notice must include

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

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

16 (d) Upon receipt of a petition for a plenary firearms
17 restraining order, the court shall order a hearing within 30
18 days.

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

22 (1) The unlawful and reckless use, display, or
23 brandishing of a firearm, ammunition, and firearm parts
24 that could be assembled to make an operable firearm by the
25 respondent.

26 (2) The history of use, attempted use, or threatened

1 use of physical force by the respondent against another
2 person.

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

5 (4) Evidence of the abuse of controlled substances or
6 alcohol by the respondent.

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

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

17 (7) A pattern of violent acts or violent threats,
18 including, but not limited to, threats of violence or acts
19 of violence by the respondent directed toward himself,
20 herself, or another.

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

1 an operable firearm.

2 (g) If the court finds that there is clear and convincing
3 evidence to issue a plenary firearms restraining order, the
4 court shall issue a firearms restraining order that shall be
5 in effect for up to one year, but not less than 6 months,
6 subject to renewal under Section 45 of this Act or termination
7 under that Section.

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

24 (h) A plenary firearms restraining order shall require:

25 (1) the respondent to refrain from having in his or
26 her custody or control, purchasing, possessing, or

1 receiving additional firearms, ammunition, and firearm
2 parts that could be assembled to make an operable firearm
3 for the duration of the order under Section 8.2 of the
4 Firearm Owners Identification Card Act; and

5 (2) the respondent to comply with Section 9.5 of the
6 Firearm Owners Identification Card Act and subsection (g)
7 of Section 70 of the Firearm Concealed Carry Act.

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

1 agency.

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

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

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

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

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

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

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

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

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

14 (l) A firearms restraining order issued under this
15 subsection shall also include an order to surrender firearms,
16 ammunition, and firearm parts that could be assembled to make
17 an operable firearm. The order to surrender firearms,
18 ammunition, and firearm parts that could be assembled to make
19 an operable firearm shall require the respondent to surrender
20 all firearms, ammunition, and firearm parts that could be
21 assembled to make an operable firearm on the day the
22 respondent is served with the firearms restraining order. Upon
23 the respondent surrendering all firearms, ammunition, and
24 firearm parts that could be assembled to make an operable
25 firearm to the appropriate law enforcement agency, the law
26 enforcement agency shall provide a statement of receipt of any

1 and all firearms, ammunition, or firearm parts that could be
2 assembled to make an operable firearm with a description of
3 any and all firearms, ammunition, or firearm parts that could
4 be assembled to make an operable firearm surrendered, to the
5 respondent and the court. This statement of receipt shall be
6 considered proof of compliance with a firearms restraining
7 order and may be presented as proof at a hearing.

8 Within 30 days after the effective date of this amendatory
9 Act of the 103rd General Assembly, the Supreme Court may adopt
10 a form for an order to surrender firearms and update any
11 existing forms for a firearms restraining order to reflect the
12 changes made by this amendatory Act of the 103rd General
13 Assembly. The form for an order to surrender firearms shall
14 also include forms for a declaration of surrender of firearms,
15 proof of surrender, declaration of nonsurrender, and order to
16 release firearms.

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

25 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
26 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.

1 5-13-22; 102-1116, eff. 1-10-23.)

2 (430 ILCS 67/58 new)

3 Sec. 58. Centralized State database; Department of Public
4 Health. Within 6 months after the effective date of this
5 amendatory Act of the 103rd General Assembly, the Department
6 of Public Health shall create, in coordination with the
7 Department of Human Services' Office of Firearm Violence
8 Prevention, a centralized State database to provide access to
9 data regarding firearms restraining orders for research and
10 policy purposes. The database shall include, but shall not be
11 limited to, all of the following information:

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

14 (A) The relationship of the petitioner to the
15 respondent.

16 (B) The type of petitioner as identified under
17 Section 5.

18 (C) The demographic information of the petitioner,
19 including the petitioner's age, gender identity, and
20 racial or ethnic identity.

21 (D) For law enforcement petitioners, the specific
22 law enforcement agency or department.

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

25 (A) The demographic information of the respondent,

1 including the respondent's age, gender identity, and
2 racial or ethnic identity.

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

12 (C) Whether the respondent is a suspect or
13 defendant in a criminal matter at the time the
14 petition is filed.

15 (3) Information regarding the firearms restraining
16 order and the conditions surrounding it, including, but
17 not limited to, all of the following:

18 (A) The city and county where a petition is filed,
19 the date a petition is filed, and the date that a
20 firearms restraining order is issued.

21 (B) The expiration date of the petition.

22 (C) Whether the respondent is alleged in the
23 petition to pose a clear and present danger of causing
24 personal injury only to himself or herself, only to
25 another, or to both himself or herself and another.

26 (D) A brief synopsis of the events precipitating

1 and giving rise to the petition.

2 (E) The eventual legal outcome of a petition,
3 including:

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

7 (ii) whether a 6-month firearms restraining
8 order was granted, denied, or renewed under
9 Section 40 and the reasons for the determination;

10 (iii) whether the case surrounding the
11 petition was dismissed and, if so, the reasons for
12 the dismissal; and

13 (iv) whether the respondent contested the
14 issuance of a firearms restraining order.

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

18 (G) Whether the respondent was arrested,
19 hospitalized, or referred for psychiatric services for
20 the respondent's actions leading to the petition.

21 (H) Whether a search warrant was issued to
22 determine whether the respondent had in his or her
23 custody or control, purchased, possessed, or received
24 any firearms or ammunition or firearm parts that could
25 be assembled to make an operable firearm.

26 (4) Information regarding any firearms at issue,

1 including, but not limited to, all of the following:

2 (A) The number and type of firearms in the
3 respondent's possession or that are accessible to the
4 respondent.

5 (B) The number and type of firearms recovered,
6 seized, or transferred from the respondent as a result
7 of a petition.

8 (C) The number of possible firearms in the
9 respondent's possession or that are accessible to the
10 respondent and that are unaccounted for.

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

13 The information in the database shall be public, but
14 information disclosed to the public from the database shall
15 not contain any personal identifying information.

16 (430 ILCS 67/63 new)

17 Sec. 63. Office of Firearms Restraining Order
18 Coordination.

19 (a) Subject to appropriation from State and federal funds,
20 there is established within the Department of Human Services
21 the Office of Firearms Restraining Order Coordination. The
22 Office shall consist of a Director and 5 Coordinators,
23 appointed by the Secretary of Human Services. One Coordinator
24 shall be selected from each of the 5 Illinois Appellate Court
25 Districts and shall serve as a liaison between petitioners,

1 State's Attorney offices, and the courts within that Appellate
2 District in matters concerning firearms restraining orders.
3 The Department of Human Services shall adopt any rules it
4 deems necessary to implement this Section.

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

15 Section 2-45. The Criminal Code of 2012 is amended by
16 changing Sections 24-1, 24-3, and 24-3.5 as follows:

17 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

21 (1) Sells, manufactures, purchases, possesses or
22 carries any bludgeon, black-jack, slung-shot, sand-club,
23 sand-bag, metal knuckles or other knuckle weapon
24 regardless of its composition, throwing star, or any

1 knife, commonly referred to as a switchblade knife, which
2 has a blade that opens automatically by hand pressure
3 applied to a button, spring or other device in the handle
4 of the knife, or a ballistic knife, which is a device that
5 propels a knifelike blade as a projectile by means of a
6 coil spring, elastic material or compressed gas; or

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

12 (2.5) Carries or possesses with intent to use the same
13 unlawfully against another, any firearm in a church,
14 synagogue, mosque, or other building, structure, or place
15 used for religious worship; or

16 (3) Carries on or about his person or in any vehicle, a
17 tear gas gun projector or bomb or any object containing
18 noxious liquid gas or substance, other than an object
19 containing a non-lethal noxious liquid gas or substance
20 designed solely for personal defense carried by a person
21 18 years of age or older; or

22 (4) Carries or possesses in any vehicle or concealed
23 on or about his person except when on his land or in his
24 own abode, legal dwelling, or fixed place of business, or
25 on the land or in the legal dwelling of another person as
26 an invitee with that person's permission, any pistol,

1 revolver, stun gun or taser or other firearm, except that
2 this subsection (a)(4) does not apply to or affect
3 transportation of weapons that meet one of the following
4 conditions:

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

6 (ii) are not immediately accessible; or

7 (iii) are unloaded and enclosed in a case, firearm
8 carrying box, shipping box, or other container by a
9 person who has been issued a currently valid Firearm
10 Owner's Identification Card; or

11 (iv) are carried or possessed in accordance with
12 the Firearm Concealed Carry Act by a person who has
13 been issued a currently valid license under the
14 Firearm Concealed Carry Act; or

15 (5) Sets a spring gun; or

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

19 (7) Sells, manufactures, purchases, possesses or
20 carries:

21 (i) a machine gun, which shall be defined for the
22 purposes of this subsection as any weapon, which
23 shoots, is designed to shoot, or can be readily
24 restored to shoot, automatically more than one shot
25 without manually reloading by a single function of the
26 trigger, including the frame or receiver of any such

1 weapon, or sells, manufactures, purchases, possesses,
2 or carries any combination of parts designed or
3 intended for use in converting any weapon into a
4 machine gun, or any combination or parts from which a
5 machine gun can be assembled if such parts are in the
6 possession or under the control of a person;

7 (ii) any rifle having one or more barrels less
8 than 16 inches in length or a shotgun having one or
9 more barrels less than 18 inches in length or any
10 weapon made from a rifle or shotgun, whether by
11 alteration, modification, or otherwise, if such a
12 weapon as modified has an overall length of less than
13 26 inches; ~~or~~

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

19 (iv) any firearm manufactured on or after January
20 1, 2024 that is not microstamp-ready, or any firearm
21 manufactured on or after that date if the person knows
22 that a microstamping mechanism has been unlawfully
23 removed from that firearm. "Microstamp-ready", as used
24 in this paragraph, means that the firearm is
25 manufactured to produce a unique alphanumeric or
26 geometric code on at least 2 locations on each

1 expended cartridge case that identifies the make,
2 model, and serial number of the firearm.
3 "Microstamping mechanism", as used in this paragraph,
4 means a mechanism of the firearm designed and intended
5 to produce a unique alphanumeric or geometric code on
6 an expended cartridge that identifies the make, model,
7 and serial number of the firearm; or

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

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

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

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

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

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

13 (ii) are not immediately accessible; or

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

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

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

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

8 (11) Sells, manufactures, delivers, imports,
9 possesses, or purchases any assault weapon attachment or
10 .50 caliber cartridge in violation of Section 24-1.9 or
11 any explosive bullet. For purposes of this paragraph (a)
12 "explosive bullet" means the projectile portion of an
13 ammunition cartridge which contains or carries an
14 explosive charge which will explode upon contact with the
15 flesh of a human or an animal. "Cartridge" means a tubular
16 metal case having a projectile affixed at the front
17 thereof and a cap or primer at the rear end thereof, with
18 the propellant contained in such tube between the
19 projectile and the cap; or

20 (12) (Blank); or

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

1 officers which is either telescopic or constructed of a
2 solid piece of wood or other man-made material; or

3 (14) Manufactures, possesses, sells, or offers to
4 sell, purchase, manufacture, import, transfer, or use any
5 device, part, kit, tool, accessory, or combination of
6 parts that is designed to and functions to increase the
7 rate of fire of a semiautomatic firearm above the standard
8 rate of fire for semiautomatic firearms that is not
9 equipped with that device, part, or combination of parts;

10 or

11 (15) Carries or possesses any assault weapon or .50
12 caliber rifle in violation of Section 24-1.9; or

13 (16) Manufactures, sells, delivers, imports, or
14 purchases any assault weapon or .50 caliber rifle in
15 violation of Section 24-1.9.

16 (b) Sentence. A person convicted of a violation of
17 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
18 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)
19 commits a Class A misdemeanor. A person convicted of a
20 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a
21 Class 4 felony; a person convicted of a violation of
22 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or
23 (iv) or 24-1(a)(16) commits a Class 3 felony. A person
24 convicted of a violation of subsection 24-1(a)(7)(i) commits a
25 Class 2 felony and shall be sentenced to a term of imprisonment
26 of not less than 3 years and not more than 7 years, unless the

1 weapon is possessed in the passenger compartment of a motor
2 vehicle as defined in Section 1-146 of the Illinois Vehicle
3 Code, or on the person, while the weapon is loaded, in which
4 case it shall be a Class X felony. A person convicted of a
5 second or subsequent violation of subsection 24-1(a)(4),
6 24-1(a)(8), 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a
7 Class 3 felony. A person convicted of a violation of
8 subsection 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2
9 felony. The possession of each weapon or device in violation
10 of this Section constitutes a single and separate violation.

11 (c) Violations in specific places.

12 (1) A person who violates subsection 24-1(a)(6) or
13 24-1(a)(7) in any school, regardless of the time of day or
14 the time of year, in residential property owned, operated
15 or managed by a public housing agency or leased by a public
16 housing agency as part of a scattered site or mixed-income
17 development, in a public park, in a courthouse, on the
18 real property comprising any school, regardless of the
19 time of day or the time of year, on residential property
20 owned, operated or managed by a public housing agency or
21 leased by a public housing agency as part of a scattered
22 site or mixed-income development, on the real property
23 comprising any public park, on the real property
24 comprising any courthouse, in any conveyance owned, leased
25 or contracted by a school to transport students to or from
26 school or a school related activity, in any conveyance

1 owned, leased, or contracted by a public transportation
2 agency, or on any public way within 1,000 feet of the real
3 property comprising any school, public park, courthouse,
4 public transportation facility, or residential property
5 owned, operated, or managed by a public housing agency or
6 leased by a public housing agency as part of a scattered
7 site or mixed-income development commits a Class 2 felony
8 and shall be sentenced to a term of imprisonment of not
9 less than 3 years and not more than 7 years.

10 (1.5) A person who violates subsection 24-1(a)(4),
11 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
12 the time of day or the time of year, in residential
13 property owned, operated, or managed by a public housing
14 agency or leased by a public housing agency as part of a
15 scattered site or mixed-income development, in a public
16 park, in a courthouse, on the real property comprising any
17 school, regardless of the time of day or the time of year,
18 on residential property owned, operated, or managed by a
19 public housing agency or leased by a public housing agency
20 as part of a scattered site or mixed-income development,
21 on the real property comprising any public park, on the
22 real property comprising any courthouse, in any conveyance
23 owned, leased, or contracted by a school to transport
24 students to or from school or a school related activity,
25 in any conveyance owned, leased, or contracted by a public
26 transportation agency, or on any public way within 1,000

1 feet of the real property comprising any school, public
2 park, courthouse, public transportation facility, or
3 residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development
6 commits a Class 3 felony.

7 (2) A person who violates subsection 24-1(a)(1),
8 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
9 time of day or the time of year, in residential property
10 owned, operated or managed by a public housing agency or
11 leased by a public housing agency as part of a scattered
12 site or mixed-income development, in a public park, in a
13 courthouse, on the real property comprising any school,
14 regardless of the time of day or the time of year, on
15 residential property owned, operated or managed by a
16 public housing agency or leased by a public housing agency
17 as part of a scattered site or mixed-income development,
18 on the real property comprising any public park, on the
19 real property comprising any courthouse, in any conveyance
20 owned, leased or contracted by a school to transport
21 students to or from school or a school related activity,
22 in any conveyance owned, leased, or contracted by a public
23 transportation agency, or on any public way within 1,000
24 feet of the real property comprising any school, public
25 park, courthouse, public transportation facility, or
26 residential property owned, operated, or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development
3 commits a Class 4 felony. "Courthouse" means any building
4 that is used by the Circuit, Appellate, or Supreme Court
5 of this State for the conduct of official business.

6 (3) Paragraphs (1), (1.5), and (2) of this subsection
7 (c) shall not apply to law enforcement officers or
8 security officers of such school, college, or university
9 or to students carrying or possessing firearms for use in
10 training courses, parades, hunting, target shooting on
11 school ranges, or otherwise with the consent of school
12 authorities and which firearms are transported unloaded
13 enclosed in a suitable case, box, or transportation
14 package.

15 (4) For the purposes of this subsection (c), "school"
16 means any public or private elementary or secondary
17 school, community college, college, or university.

18 (5) For the purposes of this subsection (c), "public
19 transportation agency" means a public or private agency
20 that provides for the transportation or conveyance of
21 persons by means available to the general public, except
22 for transportation by automobiles not used for conveyance
23 of the general public as passengers; and "public
24 transportation facility" means a terminal or other place
25 where one may obtain public transportation.

26 (d) The presence in an automobile other than a public

1 omnibus of any weapon, instrument or substance referred to in
2 subsection (a)(7) is prima facie evidence that it is in the
3 possession of, and is being carried by, all persons occupying
4 such automobile at the time such weapon, instrument or
5 substance is found, except under the following circumstances:
6 (i) if such weapon, instrument or instrumentality is found
7 upon the person of one of the occupants therein; or (ii) if
8 such weapon, instrument or substance is found in an automobile
9 operated for hire by a duly licensed driver in the due, lawful
10 and proper pursuit of his or her trade, then such presumption
11 shall not apply to the driver.

12 (e) Exemptions.

13 (1) Crossbows, Common or Compound bows and Underwater
14 Spearguns are exempted from the definition of ballistic
15 knife as defined in paragraph (1) of subsection (a) of
16 this Section.

17 (2) The provision of paragraph (1) of subsection (a)
18 of this Section prohibiting the sale, manufacture,
19 purchase, possession, or carrying of any knife, commonly
20 referred to as a switchblade knife, which has a blade that
21 opens automatically by hand pressure applied to a button,
22 spring or other device in the handle of the knife, does not
23 apply to a person who possesses a currently valid Firearm
24 Owner's Identification Card previously issued in his or
25 her name by the Illinois State Police or to a person or an
26 entity engaged in the business of selling or manufacturing

1 switchblade knives.

2 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;
3 102-1116, eff. 1-10-23.)

4 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

5 Sec. 24-3. Unlawful sale or delivery of firearms.

6 (A) A person commits the offense of unlawful sale or
7 delivery of firearms when he or she knowingly does any of the
8 following:

9 (a) Sells or gives any firearm of a size which may be
10 concealed upon the person to any person under 18 years of
11 age.

12 (b) Sells or gives any firearm to a person under 21
13 years of age who has been convicted of a misdemeanor other
14 than a traffic offense or adjudged delinquent.

15 (c) Sells or gives any firearm to any narcotic addict.

16 (d) Sells or gives any firearm to any person who has
17 been convicted of a felony under the laws of this or any
18 other jurisdiction.

19 (e) Sells or gives any firearm to any person who has
20 been a patient in a mental institution within the past 5
21 years. In this subsection (e):

22 "Mental institution" means any hospital,
23 institution, clinic, evaluation facility, mental
24 health center, or part thereof, which is used
25 primarily for the care or treatment of persons with

1 mental illness.

2 "Patient in a mental institution" means the person
3 was admitted, either voluntarily or involuntarily, to
4 a mental institution for mental health treatment,
5 unless the treatment was voluntary and solely for an
6 alcohol abuse disorder and no other secondary
7 substance abuse disorder or mental illness.

8 (f) Sells or gives any firearms to any person who is a
9 person with an intellectual disability.

10 (g) Delivers any firearm, incidental to a sale,
11 without withholding delivery of the firearm for at least
12 72 hours after application for its purchase has been made,
13 or delivers a stun gun or taser, incidental to a sale,
14 without withholding delivery of the stun gun or taser for
15 at least 24 hours after application for its purchase has
16 been made. However, this paragraph (g) does not apply to:
17 (1) the sale of a firearm to a law enforcement officer if
18 the seller of the firearm knows that the person to whom he
19 or she is selling the firearm is a law enforcement officer
20 or the sale of a firearm to a person who desires to
21 purchase a firearm for use in promoting the public
22 interest incident to his or her employment as a bank
23 guard, armed truck guard, or other similar employment; (2)
24 a mail order sale of a firearm from a federally licensed
25 firearms dealer to a nonresident of Illinois under which
26 the firearm is mailed to a federally licensed firearms

1 dealer outside the boundaries of Illinois; (3) (blank);
2 (4) the sale of a firearm to a dealer licensed as a federal
3 firearms dealer under Section 923 of the federal Gun
4 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
5 sale of any rifle, shotgun, or other long gun to a resident
6 registered competitor or attendee or non-resident
7 registered competitor or attendee by any dealer licensed
8 as a federal firearms dealer under Section 923 of the
9 federal Gun Control Act of 1968 at competitive shooting
10 events held at the World Shooting Complex sanctioned by a
11 national governing body. For purposes of transfers or
12 sales under subparagraph (5) of this paragraph (g), the
13 Department of Natural Resources shall give notice to the
14 Illinois State Police at least 30 calendar days prior to
15 any competitive shooting events at the World Shooting
16 Complex sanctioned by a national governing body. The
17 notification shall be made on a form prescribed by the
18 Illinois State Police. The sanctioning body shall provide
19 a list of all registered competitors and attendees at
20 least 24 hours before the events to the Illinois State
21 Police. Any changes to the list of registered competitors
22 and attendees shall be forwarded to the Illinois State
23 Police as soon as practicable. The Illinois State Police
24 must destroy the list of registered competitors and
25 attendees no later than 30 days after the date of the
26 event. Nothing in this paragraph (g) relieves a federally

1 licensed firearm dealer from the requirements of
2 conducting a NICS background check through the Illinois
3 Point of Contact under 18 U.S.C. 922(t). For purposes of
4 this paragraph (g), "application" means when the buyer and
5 seller reach an agreement to purchase a firearm. For
6 purposes of this paragraph (g), "national governing body"
7 means a group of persons who adopt rules and formulate
8 policy on behalf of a national firearm sporting
9 organization.

10 (h) While holding any license as a dealer, importer,
11 manufacturer or pawnbroker under the federal Gun Control
12 Act of 1968, manufactures, sells or delivers to any
13 unlicensed person a handgun having a barrel, slide, frame
14 or receiver which is a die casting of zinc alloy or any
15 other nonhomogeneous metal which will melt or deform at a
16 temperature of less than 800 degrees Fahrenheit. For
17 purposes of this paragraph, (1) "firearm" is defined as in
18 the Firearm Owners Identification Card Act; and (2)
19 "handgun" is defined as a firearm designed to be held and
20 fired by the use of a single hand, and includes a
21 combination of parts from which such a firearm can be
22 assembled.

23 (i) Sells or gives a firearm of any size to any person
24 under 18 years of age who does not possess a valid Firearm
25 Owner's Identification Card.

26 (j) Sells or gives a firearm while engaged in the

1 business of selling firearms at wholesale or retail
2 without being licensed as a federal firearms dealer under
3 Section 923 of the federal Gun Control Act of 1968 (18
4 U.S.C. 923). In this paragraph (j):

5 A person "engaged in the business" means a person who
6 devotes time, attention, and labor to engaging in the
7 activity as a regular course of trade or business with the
8 principal objective of livelihood and profit, but does not
9 include a person who makes occasional repairs of firearms
10 or who occasionally fits special barrels, stocks, or
11 trigger mechanisms to firearms.

12 "With the principal objective of livelihood and
13 profit" means that the intent underlying the sale or
14 disposition of firearms is predominantly one of obtaining
15 livelihood and pecuniary gain, as opposed to other
16 intents, such as improving or liquidating a personal
17 firearms collection; however, proof of profit shall not be
18 required as to a person who engages in the regular and
19 repetitive purchase and disposition of firearms for
20 criminal purposes or terrorism.

21 (k) Sells or transfers ownership of a firearm to a
22 person who does not display to the seller or transferor of
23 the firearm either: (1) a currently valid Firearm Owner's
24 Identification Card that has previously been issued in the
25 transferee's name by the Illinois State Police under the
26 provisions of the Firearm Owners Identification Card Act;

1 or (2) a currently valid license to carry a concealed
2 firearm that has previously been issued in the
3 transferee's name by the Illinois State Police under the
4 Firearm Concealed Carry Act. This paragraph (k) does not
5 apply to the transfer of a firearm to a person who is
6 exempt from the requirement of possessing a Firearm
7 Owner's Identification Card under Section 2 of the Firearm
8 Owners Identification Card Act. For the purposes of this
9 Section, a currently valid Firearm Owner's Identification
10 Card or license to carry a concealed firearm means receipt
11 of an approval number issued in accordance with subsection
12 (a-10) of Section 3 or Section 3.1 of the Firearm Owners
13 Identification Card Act.

14 (1) In addition to the other requirements of this
15 paragraph (k), all persons who are not federally
16 licensed firearms dealers must also have complied with
17 subsection (a-10) of Section 3 of the Firearm Owners
18 Identification Card Act by determining the validity of
19 a purchaser's Firearm Owner's Identification Card.

20 (2) All sellers or transferors who have complied
21 with the requirements of subparagraph (1) of this
22 paragraph (k) shall not be liable for damages in any
23 civil action arising from the use or misuse by the
24 transferee of the firearm transferred, except for
25 willful or wanton misconduct on the part of the seller
26 or transferor.

1 (1) Not being entitled to the possession of a firearm,
2 delivers the firearm, knowing it to have been stolen or
3 converted. It may be inferred that a person who possesses
4 a firearm with knowledge that its serial number has been
5 removed or altered has knowledge that the firearm is
6 stolen or converted.

7 (m) Sells or gives a firearm to a person who does not
8 display to the seller or transferor a permit to purchase
9 the firearm issued by the local law enforcement agency
10 under Section 3.4 of the Firearm Owners Identification
11 Card Act.

12 (B) Paragraph (h) of subsection (A) does not include
13 firearms sold within 6 months after enactment of Public Act
14 78-355 (approved August 21, 1973, effective October 1, 1973),
15 nor is any firearm legally owned or possessed by any citizen or
16 purchased by any citizen within 6 months after the enactment
17 of Public Act 78-355 subject to confiscation or seizure under
18 the provisions of that Public Act. Nothing in Public Act
19 78-355 shall be construed to prohibit the gift or trade of any
20 firearm if that firearm was legally held or acquired within 6
21 months after the enactment of that Public Act.

22 (C) Sentence.

23 (1) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (c), (e), (f), (g),
25 or (h) of subsection (A) commits a Class 4 felony.

26 (2) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (b) or (i) of
2 subsection (A) commits a Class 3 felony.

3 (3) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (a) of subsection
5 (A) commits a Class 2 felony.

6 (4) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (a), (b), or (i) of
8 subsection (A) in any school, on the real property
9 comprising a school, within 1,000 feet of the real
10 property comprising a school, at a school related
11 activity, or on or within 1,000 feet of any conveyance
12 owned, leased, or contracted by a school or school
13 district to transport students to or from school or a
14 school related activity, regardless of the time of day or
15 time of year at which the offense was committed, commits a
16 Class 1 felony. Any person convicted of a second or
17 subsequent violation of unlawful sale or delivery of
18 firearms in violation of paragraph (a), (b), or (i) of
19 subsection (A) in any school, on the real property
20 comprising a school, within 1,000 feet of the real
21 property comprising a school, at a school related
22 activity, or on or within 1,000 feet of any conveyance
23 owned, leased, or contracted by a school or school
24 district to transport students to or from school or a
25 school related activity, regardless of the time of day or
26 time of year at which the offense was committed, commits a

1 Class 1 felony for which the sentence shall be a term of
2 imprisonment of no less than 5 years and no more than 15
3 years.

4 (5) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (a) or (i) of
6 subsection (A) in residential property owned, operated, or
7 managed by a public housing agency or leased by a public
8 housing agency as part of a scattered site or mixed-income
9 development, in a public park, in a courthouse, on
10 residential property owned, operated, or managed by a
11 public housing agency or leased by a public housing agency
12 as part of a scattered site or mixed-income development,
13 on the real property comprising any public park, on the
14 real property comprising any courthouse, or on any public
15 way within 1,000 feet of the real property comprising any
16 public park, courthouse, or residential property owned,
17 operated, or managed by a public housing agency or leased
18 by a public housing agency as part of a scattered site or
19 mixed-income development commits a Class 2 felony.

20 (6) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (j) of subsection
22 (A) commits a Class A misdemeanor. A second or subsequent
23 violation is a Class 4 felony.

24 (7) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (k) of subsection
26 (A) commits a Class 4 felony, except that a violation of

1 subparagraph (1) of paragraph (k) of subsection (A) shall
2 not be punishable as a crime or petty offense. A third or
3 subsequent conviction for a violation of paragraph (k) of
4 subsection (A) is a Class 1 felony.

5 (8) A person 18 years of age or older convicted of
6 unlawful sale or delivery of firearms in violation of
7 paragraph (a) or (i) of subsection (A), when the firearm
8 that was sold or given to another person under 18 years of
9 age was used in the commission of or attempt to commit a
10 forcible felony, shall be fined or imprisoned, or both,
11 not to exceed the maximum provided for the most serious
12 forcible felony so committed or attempted by the person
13 under 18 years of age who was sold or given the firearm.

14 (9) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (d) of subsection
16 (A) commits a Class 3 felony.

17 (10) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (l) of subsection
19 (A) commits a Class 2 felony if the delivery is of one
20 firearm. Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (l) of subsection
22 (A) commits a Class 1 felony if the delivery is of not less
23 than 2 and not more than 5 firearms at the same time or
24 within a one-year period. Any person convicted of unlawful
25 sale or delivery of firearms in violation of paragraph (l)
26 of subsection (A) commits a Class X felony for which he or

1 she shall be sentenced to a term of imprisonment of not
2 less than 6 years and not more than 30 years if the
3 delivery is of not less than 6 and not more than 10
4 firearms at the same time or within a 2-year period. Any
5 person convicted of unlawful sale or delivery of firearms
6 in violation of paragraph (l) of subsection (A) commits a
7 Class X felony for which he or she shall be sentenced to a
8 term of imprisonment of not less than 6 years and not more
9 than 40 years if the delivery is of not less than 11 and
10 not more than 20 firearms at the same time or within a
11 3-year period. Any person convicted of unlawful sale or
12 delivery of firearms in violation of paragraph (l) of
13 subsection (A) commits a Class X felony for which he or she
14 shall be sentenced to a term of imprisonment of not less
15 than 6 years and not more than 50 years if the delivery is
16 of not less than 21 and not more than 30 firearms at the
17 same time or within a 4-year period. Any person convicted
18 of unlawful sale or delivery of firearms in violation of
19 paragraph (l) of subsection (A) commits a Class X felony
20 for which he or she shall be sentenced to a term of
21 imprisonment of not less than 6 years and not more than 60
22 years if the delivery is of 31 or more firearms at the same
23 time or within a 5-year period.

24 (11) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (m) of subsection
26 (A) commits a Class 1 felony.

1 (D) For purposes of this Section:

2 "School" means a public or private elementary or secondary
3 school, community college, college, or university.

4 "School related activity" means any sporting, social,
5 academic, or other activity for which students' attendance or
6 participation is sponsored, organized, or funded in whole or
7 in part by a school or school district.

8 (E) A prosecution for a violation of paragraph (k) of
9 subsection (A) of this Section may be commenced within 6 years
10 after the commission of the offense. A prosecution for a
11 violation of this Section other than paragraph (g) of
12 subsection (A) of this Section may be commenced within 5 years
13 after the commission of the offense defined in the particular
14 paragraph.

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

17 (720 ILCS 5/24-3.5)

18 Sec. 24-3.5. Unlawful purchase of a firearm.

19 (a) For purposes of this Section, "firearms transaction
20 record form" means a form:

21 (1) executed by a transferee of a firearm stating: (i)
22 the transferee's name and address (including county or
23 similar political subdivision); (ii) whether the
24 transferee is a citizen of the United States; (iii) the
25 transferee's State of residence; and (iv) the date and

1 place of birth, height, weight, and race of the
2 transferee; and

3 (2) on which the transferee certifies that he or she
4 is not prohibited by federal law from transporting or
5 shipping a firearm in interstate or foreign commerce or
6 receiving a firearm that has been shipped or transported
7 in interstate or foreign commerce or possessing a firearm
8 in or affecting commerce.

9 (b) A person commits the offense of unlawful purchase of a
10 firearm who knowingly purchases or attempts to purchase a
11 firearm with the intent to deliver that firearm to another
12 person who is prohibited by federal or State law from
13 possessing a firearm.

14 (c) A person commits the offense of unlawful purchase of a
15 firearm when he or she, in purchasing or attempting to
16 purchase a firearm, intentionally provides false or misleading
17 information on a United States Department of the Treasury,
18 Bureau of Alcohol, Tobacco and Firearms firearms transaction
19 record form.

20 (c-5) A person commits the offense of unlawful purchase of
21 a firearm when he or she, in purchasing or attempting to
22 purchase a firearm does not display to the seller or
23 transferor of the firearm a permit to purchase the firearm
24 issued by the local law enforcement agency under Section 3.4
25 of the Firearm Owners Identification Card Act.

26 (d) Exemption. It is not a violation of subsection (b) of

1 this Section for a person to make a gift or loan of a firearm
2 to a person who is not prohibited by federal or State law from
3 possessing a firearm if the transfer of the firearm is made in
4 accordance with Section 3 of the Firearm Owners Identification
5 Card Act.

6 (e) Sentence.

7 (1) A person who commits the offense of unlawful
8 purchase of a firearm:

9 (A) is guilty of a Class 2 felony for purchasing or
10 attempting to purchase one firearm;

11 (B) is guilty of a Class 1 felony for purchasing or
12 attempting to purchase not less than 2 firearms and
13 not more than 5 firearms at the same time or within a
14 one year period;

15 (C) is guilty of a Class X felony for which the
16 offender shall be sentenced to a term of imprisonment
17 of not less than 9 years and not more than 40 years for
18 purchasing or attempting to purchase not less than 6
19 firearms at the same time or within a 2 year period.

20 (D) is guilty of a Class 2 felony for purchasing or
21 attempting to purchase a firearm in violation of
22 subsection (c-5).

23 (2) In addition to any other penalty that may be
24 imposed for a violation of this Section, the court may
25 sentence a person convicted of a violation of subsection
26 (c) of this Section to a fine not to exceed \$250,000 for

1 each violation.

2 (f) A prosecution for unlawful purchase of a firearm may
3 be commenced within 6 years after the commission of the
4 offense.

5 (Source: P.A. 95-882, eff. 1-1-09.)

6 Section 2-50. The Code of Criminal Procedure of 1963 is
7 amended by changing Section 112A-14 as follows:

8 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

9 Sec. 112A-14. Domestic violence order of protection;
10 remedies.

11 (a) (Blank).

12 (b) The court may order any of the remedies listed in this
13 subsection (b). The remedies listed in this subsection (b)
14 shall be in addition to other civil or criminal remedies
15 available to petitioner.

16 (1) Prohibition of abuse. Prohibit respondent's
17 harassment, interference with personal liberty,
18 intimidation of a dependent, physical abuse, or willful
19 deprivation, as defined in this Article, if such abuse has
20 occurred or otherwise appears likely to occur if not
21 prohibited.

22 (2) Grant of exclusive possession of residence.
23 Prohibit respondent from entering or remaining in any
24 residence, household, or premises of the petitioner,

1 including one owned or leased by respondent, if petitioner
2 has a right to occupancy thereof. The grant of exclusive
3 possession of the residence, household, or premises shall
4 not affect title to real property, nor shall the court be
5 limited by the standard set forth in subsection (c-2) of
6 Section 501 of the Illinois Marriage and Dissolution of
7 Marriage Act.

8 (A) Right to occupancy. A party has a right to
9 occupancy of a residence or household if it is solely
10 or jointly owned or leased by that party, that party's
11 spouse, a person with a legal duty to support that
12 party or a minor child in that party's care, or by any
13 person or entity other than the opposing party that
14 authorizes that party's occupancy (e.g., a domestic
15 violence shelter). Standards set forth in subparagraph
16 (B) shall not preclude equitable relief.

17 (B) Presumption of hardships. If petitioner and
18 respondent each has the right to occupancy of a
19 residence or household, the court shall balance (i)
20 the hardships to respondent and any minor child or
21 dependent adult in respondent's care resulting from
22 entry of this remedy with (ii) the hardships to
23 petitioner and any minor child or dependent adult in
24 petitioner's care resulting from continued exposure to
25 the risk of abuse (should petitioner remain at the
26 residence or household) or from loss of possession of

1 the residence or household (should petitioner leave to
2 avoid the risk of abuse). When determining the balance
3 of hardships, the court shall also take into account
4 the accessibility of the residence or household.
5 Hardships need not be balanced if respondent does not
6 have a right to occupancy.

7 The balance of hardships is presumed to favor
8 possession by petitioner unless the presumption is
9 rebutted by a preponderance of the evidence, showing
10 that the hardships to respondent substantially
11 outweigh the hardships to petitioner and any minor
12 child or dependent adult in petitioner's care. The
13 court, on the request of petitioner or on its own
14 motion, may order respondent to provide suitable,
15 accessible, alternate housing for petitioner instead
16 of excluding respondent from a mutual residence or
17 household.

18 (3) Stay away order and additional prohibitions. Order
19 respondent to stay away from petitioner or any other
20 person protected by the domestic violence order of
21 protection, or prohibit respondent from entering or
22 remaining present at petitioner's school, place of
23 employment, or other specified places at times when
24 petitioner is present, or both, if reasonable, given the
25 balance of hardships. Hardships need not be balanced for
26 the court to enter a stay away order or prohibit entry if

1 respondent has no right to enter the premises.

2 (A) If a domestic violence order of protection
3 grants petitioner exclusive possession of the
4 residence, prohibits respondent from entering the
5 residence, or orders respondent to stay away from
6 petitioner or other protected persons, then the court
7 may allow respondent access to the residence to remove
8 items of clothing and personal adornment used
9 exclusively by respondent, medications, and other
10 items as the court directs. The right to access shall
11 be exercised on only one occasion as the court directs
12 and in the presence of an agreed-upon adult third
13 party or law enforcement officer.

14 (B) When the petitioner and the respondent attend
15 the same public, private, or non-public elementary,
16 middle, or high school, the court when issuing a
17 domestic violence order of protection and providing
18 relief shall consider the severity of the act, any
19 continuing physical danger or emotional distress to
20 the petitioner, the educational rights guaranteed to
21 the petitioner and respondent under federal and State
22 law, the availability of a transfer of the respondent
23 to another school, a change of placement or a change of
24 program of the respondent, the expense, difficulty,
25 and educational disruption that would be caused by a
26 transfer of the respondent to another school, and any

1 other relevant facts of the case. The court may order
2 that the respondent not attend the public, private, or
3 non-public elementary, middle, or high school attended
4 by the petitioner, order that the respondent accept a
5 change of placement or change of program, as
6 determined by the school district or private or
7 non-public school, or place restrictions on the
8 respondent's movements within the school attended by
9 the petitioner. The respondent bears the burden of
10 proving by a preponderance of the evidence that a
11 transfer, change of placement, or change of program of
12 the respondent is not available. The respondent also
13 bears the burden of production with respect to the
14 expense, difficulty, and educational disruption that
15 would be caused by a transfer of the respondent to
16 another school. A transfer, change of placement, or
17 change of program is not unavailable to the respondent
18 solely on the ground that the respondent does not
19 agree with the school district's or private or
20 non-public school's transfer, change of placement, or
21 change of program or solely on the ground that the
22 respondent fails or refuses to consent or otherwise
23 does not take an action required to effectuate a
24 transfer, change of placement, or change of program.
25 When a court orders a respondent to stay away from the
26 public, private, or non-public school attended by the

1 petitioner and the respondent requests a transfer to
2 another attendance center within the respondent's
3 school district or private or non-public school, the
4 school district or private or non-public school shall
5 have sole discretion to determine the attendance
6 center to which the respondent is transferred. If the
7 court order results in a transfer of the minor
8 respondent to another attendance center, a change in
9 the respondent's placement, or a change of the
10 respondent's program, the parents, guardian, or legal
11 custodian of the respondent is responsible for
12 transportation and other costs associated with the
13 transfer or change.

14 (C) The court may order the parents, guardian, or
15 legal custodian of a minor respondent to take certain
16 actions or to refrain from taking certain actions to
17 ensure that the respondent complies with the order. If
18 the court orders a transfer of the respondent to
19 another school, the parents, guardian, or legal
20 custodian of the respondent is responsible for
21 transportation and other costs associated with the
22 change of school by the respondent.

23 (4) Counseling. Require or recommend the respondent to
24 undergo counseling for a specified duration with a social
25 worker, psychologist, clinical psychologist,
26 psychiatrist, family service agency, alcohol or substance

1 abuse program, mental health center guidance counselor,
2 agency providing services to elders, program designed for
3 domestic violence abusers, or any other guidance service
4 the court deems appropriate. The court may order the
5 respondent in any intimate partner relationship to report
6 to an Illinois Department of Human Services protocol
7 approved partner abuse intervention program for an
8 assessment and to follow all recommended treatment.

9 (5) Physical care and possession of the minor child.
10 In order to protect the minor child from abuse, neglect,
11 or unwarranted separation from the person who has been the
12 minor child's primary caretaker, or to otherwise protect
13 the well-being of the minor child, the court may do either
14 or both of the following: (i) grant petitioner physical
15 care or possession of the minor child, or both, or (ii)
16 order respondent to return a minor child to, or not remove
17 a minor child from, the physical care of a parent or person
18 in loco parentis.

19 If the respondent is charged with abuse (as defined in
20 Section 112A-3 of this Code) of a minor child, there shall
21 be a rebuttable presumption that awarding physical care to
22 respondent would not be in the minor child's best
23 interest.

24 (6) Temporary allocation of parental responsibilities
25 and significant decision-making responsibilities. Award
26 temporary significant decision-making responsibility to

1 petitioner in accordance with this Section, the Illinois
2 Marriage and Dissolution of Marriage Act, the Illinois
3 Parentage Act of 2015, and this State's Uniform
4 Child-Custody Jurisdiction and Enforcement Act.

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 temporary
8 significant decision-making responsibility to respondent
9 would not be in the child's 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 temporary significant decision-making
13 responsibility of a minor child to petitioner. The court
14 shall restrict or deny respondent's parenting time with a
15 minor child if the court finds that respondent has done or
16 is likely to do any of the following:

17 (i) abuse or endanger the minor child during
18 parenting time;

19 (ii) use the parenting time as an opportunity to
20 abuse or harass petitioner or petitioner's family or
21 household members;

22 (iii) improperly conceal or detain the minor
23 child; or

24 (iv) otherwise act in a manner that is not in the
25 best interests of the minor child.

26 The court shall not be limited by the standards set

1 forth in Section 603.10 of the Illinois Marriage and
2 Dissolution of Marriage Act. If the court grants parenting
3 time, the order shall specify dates and times for the
4 parenting time to take place or other specific parameters
5 or conditions that are appropriate. No order for parenting
6 time shall refer merely to the term "reasonable parenting
7 time". Petitioner may deny respondent access to the minor
8 child if, when respondent arrives for parenting time,
9 respondent is under the influence of drugs or alcohol and
10 constitutes a threat to the safety and well-being of
11 petitioner or petitioner's minor children or is behaving
12 in a violent or abusive manner. If necessary to protect
13 any member of petitioner's family or household from future
14 abuse, respondent shall be prohibited from coming to
15 petitioner's residence to meet the minor child for
16 parenting time, and the petitioner and respondent shall
17 submit to the court their recommendations for reasonable
18 alternative arrangements for parenting time. A person may
19 be approved to supervise parenting time only after filing
20 an affidavit accepting that responsibility and
21 acknowledging accountability to the court.

22 (8) Removal or concealment of minor child. Prohibit
23 respondent from removing a minor child from the State or
24 concealing the child within the State.

25 (9) Order to appear. Order the respondent to appear in
26 court, alone or with a minor child, to prevent abuse,

1 neglect, removal or concealment of the child, to return
2 the child to the custody or care of the petitioner, or to
3 permit any court-ordered interview or examination of the
4 child or the respondent.

5 (10) Possession of personal property. Grant petitioner
6 exclusive possession of personal property and, if
7 respondent has possession or control, direct respondent to
8 promptly make it available to petitioner, if:

9 (i) petitioner, but not respondent, owns the
10 property; or

11 (ii) the petitioner and respondent own the
12 property jointly; sharing it would risk abuse of
13 petitioner by respondent or is impracticable; and the
14 balance of hardships favors temporary possession by
15 petitioner.

16 If petitioner's sole claim to ownership of the
17 property is that it is marital property, the court may
18 award petitioner temporary possession thereof under the
19 standards of subparagraph (ii) of this paragraph only if a
20 proper proceeding has been filed under the Illinois
21 Marriage and Dissolution of Marriage Act, as now or
22 hereafter amended.

23 No order under this provision shall affect title to
24 property.

25 (11) Protection of property. Forbid the respondent
26 from taking, transferring, encumbering, concealing,

1 damaging, or otherwise disposing of any real or personal
2 property, except as explicitly authorized by the court,
3 if:

4 (i) petitioner, but not respondent, owns the
5 property; or

6 (ii) the petitioner and respondent own the
7 property jointly, and the balance of hardships favors
8 granting this remedy.

9 If petitioner's sole claim to ownership of the
10 property is that it is marital property, the court may
11 grant petitioner relief under subparagraph (ii) of this
12 paragraph only if a proper proceeding has been filed under
13 the Illinois Marriage and Dissolution of Marriage Act, as
14 now or hereafter amended.

15 The court may further prohibit respondent from
16 improperly using the financial or other resources of an
17 aged member of the family or household for the profit or
18 advantage of respondent or of any other person.

19 (11.5) Protection of animals. Grant the petitioner the
20 exclusive care, custody, or control of any animal owned,
21 possessed, leased, kept, or held by either the petitioner
22 or the respondent or a minor child residing in the
23 residence or household of either the petitioner or the
24 respondent and order the respondent to stay away from the
25 animal and forbid the respondent from taking,
26 transferring, encumbering, concealing, harming, or

1 otherwise disposing of the animal.

2 (12) Order for payment of support. Order respondent to
3 pay temporary support for the petitioner or any child in
4 the petitioner's care or over whom the petitioner has been
5 allocated parental responsibility, when the respondent has
6 a legal obligation to support that person, in accordance
7 with the Illinois Marriage and Dissolution of Marriage
8 Act, which shall govern, among other matters, the amount
9 of support, payment through the clerk and withholding of
10 income to secure payment. An order for child support may
11 be granted to a petitioner with lawful physical care of a
12 child, or an order or agreement for physical care of a
13 child, prior to entry of an order allocating significant
14 decision-making responsibility. Such a support order shall
15 expire upon entry of a valid order allocating parental
16 responsibility differently and vacating petitioner's
17 significant decision-making responsibility unless
18 otherwise provided in the order.

19 (13) Order for payment of losses. Order respondent to
20 pay petitioner for losses suffered as a direct result of
21 the abuse. Such losses shall include, but not be limited
22 to, medical expenses, lost earnings or other support,
23 repair or replacement of property damaged or taken,
24 reasonable attorney's fees, court costs, and moving or
25 other travel expenses, including additional reasonable
26 expenses for temporary shelter and restaurant meals.

1 (i) Losses affecting family needs. If a party is
2 entitled to seek maintenance, child support, or
3 property distribution from the other party under the
4 Illinois Marriage and Dissolution of Marriage Act, as
5 now or hereafter amended, the court may order
6 respondent to reimburse petitioner's actual losses, to
7 the extent that such reimbursement would be
8 "appropriate temporary relief", as authorized by
9 subsection (a) (3) of Section 501 of that Act.

10 (ii) Recovery of expenses. In the case of an
11 improper concealment or removal of a minor child, the
12 court may order respondent to pay the reasonable
13 expenses incurred or to be incurred in the search for
14 and recovery of the minor child, including, but not
15 limited to, legal fees, court costs, private
16 investigator fees, and travel costs.

17 (14) Prohibition of entry. Prohibit the respondent
18 from entering or remaining in the residence or household
19 while the respondent is under the influence of alcohol or
20 drugs and constitutes a threat to the safety and
21 well-being of the petitioner or the petitioner's children.

22 (14.5) Prohibition of firearm possession.

23 (A) A person who is subject to an existing
24 domestic violence order of protection issued under
25 this Code may not lawfully possess weapons or a
26 Firearm Owner's Identification Card under Section 8.2

1 of the Firearm Owners Identification Card Act and is
2 subject to the requirements of subsection (a-1) of
3 Section 214 of the Illinois Domestic Violence Act of
4 1986 and paragraph (14.5) or (14.6) of subsection (b)
5 of Section 214 of the Illinois Domestic Violence Act
6 of 1986, as applicable.

7 (B) Any firearms in the possession of the
8 respondent, except as provided in subparagraph (C) of
9 this paragraph (14.5), shall be ordered by the court
10 to be turned over to a person with a valid Firearm
11 Owner's Identification Card for surrender: safekeeping

12 (i) in the case of an ex parte order under
13 Section 112A-17.5, for the duration of the
14 domestic violence order of protection; or

15 (ii) in the case of a final order, for the
16 duration of the domestic violence order of
17 protection or 2 years, whichever is longer.

18 The court shall issue an order that the respondent
19 comply with Section 9.5 of the Firearm Owners
20 Identification Card Act.

21 (C) If the respondent is a peace officer as
22 defined in Section 2-13 of the Criminal Code of 2012,
23 the court shall order that any firearms used by the
24 respondent in the performance of his or her duties as a
25 peace officer be surrendered to the chief law
26 enforcement executive of the agency in which the

1 respondent is employed, who shall retain the firearms
2 for surrender: ~~safekeeping~~

3 (i) in the case of an ex parte order under
4 Section 112A-17.5, for the duration of the
5 domestic violence order of protection; or

6 (ii) in the case of a final order, for the
7 duration of the domestic violence order of
8 protection or 2 years, whichever is longer.

9 (D) Upon expiration of the period of surrender
10 ~~safekeeping~~, if the firearms or Firearm Owner's
11 Identification Card cannot be returned to respondent
12 because respondent cannot be located, fails to respond
13 to requests to retrieve the firearms, or is not
14 lawfully eligible to possess a firearm, upon petition
15 from the local law enforcement agency, the court may
16 order the local law enforcement agency to destroy the
17 firearms, use the firearms for training purposes, or
18 for any other application as deemed appropriate by the
19 local law enforcement agency; or that the firearms be
20 turned over to a third party who is lawfully eligible
21 to possess firearms, and who does not reside with
22 respondent.

23 (15) Prohibition of access to records. If a domestic
24 violence order of protection prohibits respondent from
25 having contact with the minor child, or if petitioner's
26 address is omitted under subsection (b) of Section 112A-5

1 of this Code, or if necessary to prevent abuse or wrongful
2 removal or concealment of a minor child, the order shall
3 deny respondent access to, and prohibit respondent from
4 inspecting, obtaining, or attempting to inspect or obtain,
5 school or any other records of the minor child who is in
6 the care of petitioner.

7 (16) Order for payment of shelter services. Order
8 respondent to reimburse a shelter providing temporary
9 housing and counseling services to the petitioner for the
10 cost of the services, as certified by the shelter and
11 deemed reasonable by the court.

12 (17) Order for injunctive relief. Enter injunctive
13 relief necessary or appropriate to prevent further abuse
14 of a family or household member or to effectuate one of the
15 granted remedies, if supported by the balance of
16 hardships. If the harm to be prevented by the injunction
17 is abuse or any other harm that one of the remedies listed
18 in paragraphs (1) through (16) of this subsection is
19 designed to prevent, no further evidence is necessary to
20 establish that the harm is an irreparable injury.

21 (18) Telephone services.

22 (A) Unless a condition described in subparagraph
23 (B) of this paragraph exists, the court may, upon
24 request by the petitioner, order a wireless telephone
25 service provider to transfer to the petitioner the
26 right to continue to use a telephone number or numbers

1 indicated by the petitioner and the financial
2 responsibility associated with the number or numbers,
3 as set forth in subparagraph (C) of this paragraph. In
4 this paragraph (18), the term "wireless telephone
5 service provider" means a provider of commercial
6 mobile service as defined in 47 U.S.C. 332. The
7 petitioner may request the transfer of each telephone
8 number that the petitioner, or a minor child in his or
9 her custody, uses. The clerk of the court shall serve
10 the order on the wireless telephone service provider's
11 agent for service of process provided to the Illinois
12 Commerce Commission. The order shall contain all of
13 the following:

14 (i) The name and billing telephone number of
15 the account holder including the name of the
16 wireless telephone service provider that serves
17 the account.

18 (ii) Each telephone number that will be
19 transferred.

20 (iii) A statement that the provider transfers
21 to the petitioner all financial responsibility for
22 and right to the use of any telephone number
23 transferred under this paragraph.

24 (B) A wireless telephone service provider shall
25 terminate the respondent's use of, and shall transfer
26 to the petitioner use of, the telephone number or

1 numbers indicated in subparagraph (A) of this
2 paragraph unless it notifies the petitioner, within 72
3 hours after it receives the order, that one of the
4 following applies:

5 (i) The account holder named in the order has
6 terminated the account.

7 (ii) A difference in network technology would
8 prevent or impair the functionality of a device on
9 a network if the transfer occurs.

10 (iii) The transfer would cause a geographic or
11 other limitation on network or service provision
12 to the petitioner.

13 (iv) Another technological or operational
14 issue would prevent or impair the use of the
15 telephone number if the transfer occurs.

16 (C) The petitioner assumes all financial
17 responsibility for and right to the use of any
18 telephone number transferred under this paragraph. In
19 this paragraph, "financial responsibility" includes
20 monthly service costs and costs associated with any
21 mobile device associated with the number.

22 (D) A wireless telephone service provider may
23 apply to the petitioner its routine and customary
24 requirements for establishing an account or
25 transferring a number, including requiring the
26 petitioner to provide proof of identification,

1 financial information, and customer preferences.

2 (E) Except for willful or wanton misconduct, a
3 wireless telephone service provider is immune from
4 civil liability for its actions taken in compliance
5 with a court order issued under this paragraph.

6 (F) All wireless service providers that provide
7 services to residential customers shall provide to the
8 Illinois Commerce Commission the name and address of
9 an agent for service of orders entered under this
10 paragraph (18). Any change in status of the registered
11 agent must be reported to the Illinois Commerce
12 Commission within 30 days of such change.

13 (G) The Illinois Commerce Commission shall
14 maintain the list of registered agents for service for
15 each wireless telephone service provider on the
16 Commission's website. The Commission may consult with
17 wireless telephone service providers and the Circuit
18 Court Clerks on the manner in which this information
19 is provided and displayed.

20 (c) Relevant factors; findings.

21 (1) In determining whether to grant a specific remedy,
22 other than payment of support, the court shall consider
23 relevant factors, including, but not limited to, the
24 following:

25 (i) the nature, frequency, severity, pattern, and
26 consequences of the respondent's past abuse of the

1 petitioner or any family or household member,
2 including the concealment of his or her location in
3 order to evade service of process or notice, and the
4 likelihood of danger of future abuse to petitioner or
5 any member of petitioner's or respondent's family or
6 household; and

7 (ii) the danger that any minor child will be
8 abused or neglected or improperly relocated from the
9 jurisdiction, improperly concealed within the State,
10 or improperly separated from the child's primary
11 caretaker.

12 (2) In comparing relative hardships resulting to the
13 parties from loss of possession of the family home, the
14 court shall consider relevant factors, including, but not
15 limited to, the following:

16 (i) availability, accessibility, cost, safety,
17 adequacy, location, and other characteristics of
18 alternate housing for each party and any minor child
19 or dependent adult in the party's care;

20 (ii) the effect on the party's employment; and

21 (iii) the effect on the relationship of the party,
22 and any minor child or dependent adult in the party's
23 care, to family, school, church, and community.

24 (3) Subject to the exceptions set forth in paragraph
25 (4) of this subsection (c), the court shall make its
26 findings in an official record or in writing, and shall at

1 a minimum set forth the following:

2 (i) That the court has considered the applicable
3 relevant factors described in paragraphs (1) and (2)
4 of this subsection (c).

5 (ii) Whether the conduct or actions of respondent,
6 unless prohibited, will likely cause irreparable harm
7 or continued abuse.

8 (iii) Whether it is necessary to grant the
9 requested relief in order to protect petitioner or
10 other alleged abused persons.

11 (4) (Blank).

12 (5) Never married parties. No rights or
13 responsibilities for a minor child born outside of
14 marriage attach to a putative father until a father and
15 child relationship has been established under the Illinois
16 Parentage Act of 1984, the Illinois Parentage Act of 2015,
17 the Illinois Public Aid Code, Section 12 of the Vital
18 Records Act, the Juvenile Court Act of 1987, the Probate
19 Act of 1975, the Uniform Interstate Family Support Act,
20 the Expedited Child Support Act of 1990, any judicial,
21 administrative, or other act of another state or
22 territory, any other statute of this State, or by any
23 foreign nation establishing the father and child
24 relationship, any other proceeding substantially in
25 conformity with the federal Personal Responsibility and
26 Work Opportunity Reconciliation Act of 1996, or when both

1 parties appeared in open court or at an administrative
2 hearing acknowledging under oath or admitting by
3 affirmation the existence of a father and child
4 relationship. Absent such an adjudication, no putative
5 father shall be granted temporary allocation of parental
6 responsibilities, including parenting time with the minor
7 child, or physical care and possession of the minor child,
8 nor shall an order of payment for support of the minor
9 child be entered.

10 (d) Balance of hardships; findings. If the court finds
11 that the balance of hardships does not support the granting of
12 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
13 subsection (b) of this Section, which may require such
14 balancing, the court's findings shall so indicate and shall
15 include a finding as to whether granting the remedy will
16 result in hardship to respondent that would substantially
17 outweigh the hardship to petitioner from denial of the remedy.
18 The findings shall be an official record or in writing.

19 (e) Denial of remedies. Denial of any remedy shall not be
20 based, in whole or in part, on evidence that:

21 (1) respondent has cause for any use of force, unless
22 that cause satisfies the standards for justifiable use of
23 force provided by Article 7 of the Criminal Code of 2012;

24 (2) respondent was voluntarily intoxicated;

25 (3) petitioner acted in self-defense or defense of
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 of the Criminal Code
2 of 2012;

3 (4) petitioner did not act in self-defense or defense
4 of another;

5 (5) petitioner left the residence or household to
6 avoid further abuse by respondent;

7 (6) petitioner did not leave the residence or
8 household to avoid further abuse by respondent; or

9 (7) conduct by any family or household member excused
10 the abuse by respondent, unless that same conduct would
11 have excused such abuse if the parties had not been family
12 or household members.

13 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
14 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

15 Section 2-55. The Illinois Domestic Violence Act of 1986
16 is amended by changing Sections 214, 217, and 223 as follows:

17 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

18 Sec. 214. Order of protection; remedies.

19 (a) Issuance of order. If the court finds that petitioner
20 has been abused by a family or household member or that
21 petitioner is a high-risk adult who has been abused,
22 neglected, or exploited, as defined in this Act, an order of
23 protection prohibiting the abuse, neglect, or exploitation
24 shall issue; provided that petitioner must also satisfy the

1 requirements of one of the following Sections, as appropriate:
2 Section 217 on emergency orders, Section 218 on interim
3 orders, or Section 219 on plenary orders. Petitioner shall not
4 be denied an order of protection because petitioner or
5 respondent is a minor. The court, when determining whether or
6 not to issue an order of protection, shall not require
7 physical manifestations of abuse on the person of the victim.
8 Modification and extension of prior orders of protection shall
9 be in accordance with this Act.

10 (a-1) If the respondent to an order of protection issued
11 under subsection (a) is subject to paragraph (14.5) or (14.6)
12 of subsection (b), the order of protection shall also include
13 an order to surrender firearms. The order to surrender
14 firearms shall require the respondent to surrender any firearm
15 on the day the respondent is served with the order of
16 protection. Upon the respondent surrendering any firearm to
17 the appropriate law enforcement agency, the law enforcement
18 agency shall provide a statement of receipt of any firearm,
19 with a description of any firearm surrendered, to the
20 respondent and the court. This statement of receipt shall be
21 considered proof of compliance with an order to surrender
22 firearms and may be presented as proof at a hearing.

23 The failure to surrender any firearm within 24 hours to
24 the appropriate law enforcement agency under an order to
25 surrender firearms shall constitute contempt of court for the
26 violation of the terms of the order of protection.

1 Within 30 days of the effective date of this amendatory
2 Act of the 103rd General Assembly, the Supreme Court shall
3 adopt a form for an order to surrender firearms and update any
4 existing forms for an order of protection to reflect the
5 changes made by this amendatory Act of the 103rd General
6 Assembly. The form for an order to surrender firearms shall
7 also include forms for a declaration of surrender of firearms,
8 proof of surrender, declaration of nonsurrender, and order to
9 release firearms.

10 (b) Remedies and standards. The remedies to be included in
11 an order of protection shall be determined in accordance with
12 this Section and one of the following Sections, as
13 appropriate: Section 217 on emergency orders, Section 218 on
14 interim orders, and Section 219 on plenary orders. The
15 remedies listed in this subsection shall be in addition to
16 other civil or criminal remedies available to petitioner.

17 (1) Prohibition of abuse, neglect, or exploitation.
18 Prohibit respondent's harassment, interference with
19 personal liberty, intimidation of a dependent, physical
20 abuse, or willful deprivation, neglect or exploitation, as
21 defined in this Act, or stalking of the petitioner, as
22 defined in Section 12-7.3 of the Criminal Code of 2012, if
23 such abuse, neglect, exploitation, or stalking has
24 occurred or otherwise appears likely to occur if not
25 prohibited.

26 (2) Grant of exclusive possession of residence.

1 Prohibit respondent from entering or remaining in any
2 residence, household, or premises of the petitioner,
3 including one owned or leased by respondent, if petitioner
4 has a right to occupancy thereof. The grant of exclusive
5 possession of the residence, household, or premises shall
6 not affect title to real property, nor shall the court be
7 limited by the standard set forth in subsection (c-2) of
8 Section 501 of the Illinois Marriage and Dissolution of
9 Marriage Act.

10 (A) Right to occupancy. A party has a right to
11 occupancy of a residence or household if it is solely
12 or jointly owned or leased by that party, that party's
13 spouse, a person with a legal duty to support that
14 party or a minor child in that party's care, or by any
15 person or entity other than the opposing party that
16 authorizes that party's occupancy (e.g., a domestic
17 violence shelter). Standards set forth in subparagraph
18 (B) shall not preclude equitable relief.

19 (B) Presumption of hardships. If petitioner and
20 respondent each has the right to occupancy of a
21 residence or household, the court shall balance (i)
22 the hardships to respondent and any minor child or
23 dependent adult in respondent's care resulting from
24 entry of this remedy with (ii) the hardships to
25 petitioner and any minor child or dependent adult in
26 petitioner's care resulting from continued exposure to

1 the risk of abuse (should petitioner remain at the
2 residence or household) or from loss of possession of
3 the residence or household (should petitioner leave to
4 avoid the risk of abuse). When determining the balance
5 of hardships, the court shall also take into account
6 the accessibility of the residence or household.
7 Hardships need not be balanced if respondent does not
8 have a right to occupancy.

9 The balance of hardships is presumed to favor
10 possession by petitioner unless the presumption is
11 rebutted by a preponderance of the evidence, showing
12 that the hardships to respondent substantially
13 outweigh the hardships to petitioner and any minor
14 child or dependent adult in petitioner's care. The
15 court, on the request of petitioner or on its own
16 motion, may order respondent to provide suitable,
17 accessible, alternate housing for petitioner instead
18 of excluding respondent from a mutual residence or
19 household.

20 (3) Stay away order and additional prohibitions. Order
21 respondent to stay away from petitioner or any other
22 person protected by the order of protection, or prohibit
23 respondent from entering or remaining present at
24 petitioner's school, place of employment, or other
25 specified places at times when petitioner is present, or
26 both, if reasonable, given the balance of hardships.

1 Hardships need not be balanced for the court to enter a
2 stay away order or prohibit entry if respondent has no
3 right to enter the premises.

4 (A) If an order of protection grants petitioner
5 exclusive possession of the residence, or prohibits
6 respondent from entering the residence, or orders
7 respondent to stay away from petitioner or other
8 protected persons, then the court may allow respondent
9 access to the residence to remove items of clothing
10 and personal adornment used exclusively by respondent,
11 medications, and other items as the court directs. The
12 right to access shall be exercised on only one
13 occasion as the court directs and in the presence of an
14 agreed-upon adult third party or law enforcement
15 officer.

16 (B) When the petitioner and the respondent attend
17 the same public, private, or non-public elementary,
18 middle, or high school, the court when issuing an
19 order of protection and providing relief shall
20 consider the severity of the act, any continuing
21 physical danger or emotional distress to the
22 petitioner, the educational rights guaranteed to the
23 petitioner and respondent under federal and State law,
24 the availability of a transfer of the respondent to
25 another school, a change of placement or a change of
26 program of the respondent, the expense, difficulty,

1 and educational disruption that would be caused by a
2 transfer of the respondent to another school, and any
3 other relevant facts of the case. The court may order
4 that the respondent not attend the public, private, or
5 non-public elementary, middle, or high school attended
6 by the petitioner, order that the respondent accept a
7 change of placement or change of program, as
8 determined by the school district or private or
9 non-public school, or place restrictions on the
10 respondent's movements within the school attended by
11 the petitioner. The respondent bears the burden of
12 proving by a preponderance of the evidence that a
13 transfer, change of placement, or change of program of
14 the respondent is not available. The respondent also
15 bears the burden of production with respect to the
16 expense, difficulty, and educational disruption that
17 would be caused by a transfer of the respondent to
18 another school. A transfer, change of placement, or
19 change of program is not unavailable to the respondent
20 solely on the ground that the respondent does not
21 agree with the school district's or private or
22 non-public school's transfer, change of placement, or
23 change of program or solely on the ground that the
24 respondent fails or refuses to consent or otherwise
25 does not take an action required to effectuate a
26 transfer, change of placement, or change of program.

1 When a court orders a respondent to stay away from the
2 public, private, or non-public school attended by the
3 petitioner and the respondent requests a transfer to
4 another attendance center within the respondent's
5 school district or private or non-public school, the
6 school district or private or non-public school shall
7 have sole discretion to determine the attendance
8 center to which the respondent is transferred. In the
9 event the court order results in a transfer of the
10 minor respondent to another attendance center, a
11 change in the respondent's placement, or a change of
12 the respondent's program, the parents, guardian, or
13 legal custodian of the respondent is responsible for
14 transportation and other costs associated with the
15 transfer or change.

16 (C) The court may order the parents, guardian, or
17 legal custodian of a minor respondent to take certain
18 actions or to refrain from taking certain actions to
19 ensure that the respondent complies with the order. In
20 the event the court orders a transfer of the
21 respondent to another school, the parents, guardian,
22 or legal custodian of the respondent is responsible
23 for transportation and other costs associated with the
24 change of school by the respondent.

25 (4) Counseling. Require or recommend the respondent to
26 undergo counseling for a specified duration with a social

1 worker, psychologist, clinical psychologist,
2 psychiatrist, family service agency, alcohol or substance
3 abuse program, mental health center guidance counselor,
4 agency providing services to elders, program designed for
5 domestic violence abusers or any other guidance service
6 the court deems appropriate. The Court may order the
7 respondent in any intimate partner relationship to report
8 to an Illinois Department of Human Services protocol
9 approved partner abuse intervention program for an
10 assessment and to follow all recommended treatment.

11 (5) Physical care and possession of the minor child.
12 In order to protect the minor child from abuse, neglect,
13 or unwarranted separation from the person who has been the
14 minor child's primary caretaker, or to otherwise protect
15 the well-being of the minor child, the court may do either
16 or both of the following: (i) grant petitioner physical
17 care or possession of the minor child, or both, or (ii)
18 order respondent to return a minor child to, or not remove
19 a minor child from, the physical care of a parent or person
20 in loco parentis.

21 If a court finds, after a hearing, that respondent has
22 committed abuse (as defined in Section 103) of a minor
23 child, there shall be a rebuttable presumption that
24 awarding physical care to respondent would not be in the
25 minor child's best interest.

26 (6) Temporary allocation of parental responsibilities:

1 significant decision-making. Award temporary
2 decision-making responsibility to petitioner in accordance
3 with this Section, the Illinois Marriage and Dissolution
4 of Marriage Act, the Illinois Parentage Act of 2015, and
5 this State's Uniform Child-Custody Jurisdiction and
6 Enforcement Act.

7 If a court finds, after a hearing, that respondent has
8 committed abuse (as defined in Section 103) of a minor
9 child, there shall be a rebuttable presumption that
10 awarding temporary significant decision-making
11 responsibility to respondent would not be in the child's
12 best interest.

13 (7) Parenting time. Determine the parenting time, if
14 any, of respondent in any case in which the court awards
15 physical care or allocates temporary significant
16 decision-making responsibility of a minor child to
17 petitioner. The court shall restrict or deny respondent's
18 parenting time with a minor child if the court finds that
19 respondent has done or is likely to do any of the
20 following: (i) abuse or endanger the minor child during
21 parenting time; (ii) use the parenting time as an
22 opportunity to abuse or harass petitioner or petitioner's
23 family or household members; (iii) improperly conceal or
24 detain the minor child; or (iv) otherwise act in a manner
25 that is not in the best interests of the minor child. The
26 court shall not be limited by the standards set forth in

1 Section 603.10 of the Illinois Marriage and Dissolution of
2 Marriage Act. If the court grants parenting time, the
3 order shall specify dates and times for the parenting time
4 to take place or other specific parameters or conditions
5 that are appropriate. No order for parenting time shall
6 refer merely to the term "reasonable parenting time".

7 Petitioner may deny respondent access to the minor
8 child if, when respondent arrives for parenting time,
9 respondent is under the influence of drugs or alcohol and
10 constitutes a threat to the safety and well-being of
11 petitioner or petitioner's minor children or is behaving
12 in a violent or abusive manner.

13 If necessary to protect any member of petitioner's
14 family or household from future abuse, respondent shall be
15 prohibited from coming to petitioner's residence to meet
16 the minor child for parenting time, and the parties shall
17 submit to the court their recommendations for reasonable
18 alternative arrangements for parenting time. A person may
19 be approved to supervise parenting time only after filing
20 an affidavit accepting that responsibility and
21 acknowledging accountability to the court.

22 (8) Removal or concealment of minor child. Prohibit
23 respondent from removing a minor child from the State or
24 concealing the child within the State.

25 (9) Order to appear. Order the respondent to appear in
26 court, alone or with a minor child, to prevent abuse,

1 neglect, removal or concealment of the child, to return
2 the child to the custody or care of the petitioner or to
3 permit any court-ordered interview or examination of the
4 child or the respondent.

5 (10) Possession of personal property. Grant petitioner
6 exclusive possession of personal property and, if
7 respondent has possession or control, direct respondent to
8 promptly make it available to petitioner, if:

9 (i) petitioner, but not respondent, owns the
10 property; or

11 (ii) the parties own the property jointly; sharing
12 it would risk abuse of petitioner by respondent or is
13 impracticable; and the balance of hardships favors
14 temporary possession by petitioner.

15 If petitioner's sole claim to ownership of the
16 property is that it is marital property, the court may
17 award petitioner temporary possession thereof under the
18 standards of subparagraph (ii) of this paragraph only if a
19 proper proceeding has been filed under the Illinois
20 Marriage and Dissolution of Marriage Act, as now or
21 hereafter amended.

22 No order under this provision shall affect title to
23 property.

24 (11) Protection of property. Forbid the respondent
25 from taking, transferring, encumbering, concealing,
26 damaging or otherwise disposing of any real or personal

1 property, except as explicitly authorized by the court,
2 if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the parties own the property jointly, and the
6 balance of hardships favors granting this remedy.

7 If petitioner's sole claim to ownership of the
8 property is that it is marital property, the court may
9 grant petitioner relief under subparagraph (ii) of this
10 paragraph only if a proper proceeding has been filed under
11 the Illinois Marriage and Dissolution of Marriage Act, as
12 now or hereafter amended.

13 The court may further prohibit respondent from
14 improperly using the financial or other resources of an
15 aged member of the family or household for the profit or
16 advantage of respondent or of any other person.

17 (11.5) Protection of animals. Grant the petitioner the
18 exclusive care, custody, or control of any animal owned,
19 possessed, leased, kept, or held by either the petitioner
20 or the respondent or a minor child residing in the
21 residence or household of either the petitioner or the
22 respondent and order the respondent to stay away from the
23 animal and forbid the respondent from taking,
24 transferring, encumbering, concealing, harming, or
25 otherwise disposing of the animal.

26 (12) Order for payment of support. Order respondent to

1 pay temporary support for the petitioner or any child in
2 the petitioner's care or over whom the petitioner has been
3 allocated parental responsibility, when the respondent has
4 a legal obligation to support that person, in accordance
5 with the Illinois Marriage and Dissolution of Marriage
6 Act, which shall govern, among other matters, the amount
7 of support, payment through the clerk and withholding of
8 income to secure payment. An order for child support may
9 be granted to a petitioner with lawful physical care of a
10 child, or an order or agreement for physical care of a
11 child, prior to entry of an order allocating significant
12 decision-making responsibility. Such a support order shall
13 expire upon entry of a valid order allocating parental
14 responsibility differently and vacating the petitioner's
15 significant decision-making authority, unless otherwise
16 provided in the order.

17 (13) Order for payment of losses. Order respondent to
18 pay petitioner for losses suffered as a direct result of
19 the abuse, neglect, or exploitation. Such losses shall
20 include, but not be limited to, medical expenses, lost
21 earnings or other support, repair or replacement of
22 property damaged or taken, reasonable attorney's fees,
23 court costs and moving or other travel expenses, including
24 additional reasonable expenses for temporary shelter and
25 restaurant meals.

26 (i) Losses affecting family needs. If a party is

1 entitled to seek maintenance, child support or
2 property distribution from the other party under the
3 Illinois Marriage and Dissolution of Marriage Act, as
4 now or hereafter amended, the court may order
5 respondent to reimburse petitioner's actual losses, to
6 the extent that such reimbursement would be
7 "appropriate temporary relief", as authorized by
8 subsection (a) (3) of Section 501 of that Act.

9 (ii) Recovery of expenses. In the case of an
10 improper concealment or removal of a minor child, the
11 court may order respondent to pay the reasonable
12 expenses incurred or to be incurred in the search for
13 and recovery of the minor child, including but not
14 limited to legal fees, court costs, private
15 investigator fees, and travel costs.

16 (14) Prohibition of entry. Prohibit the respondent
17 from entering or remaining in the residence or household
18 while the respondent is under the influence of alcohol or
19 drugs and constitutes a threat to the safety and
20 well-being of the petitioner or the petitioner's children.

21 (14.5) Prohibition of firearm possession; plenary
22 orders.

23 (a) In the case of a granted plenary order,
24 prohibit ~~Prohibit~~ a respondent against whom an order
25 of protection was issued from possessing any firearms
26 during the duration of the order or 2 years, whichever

1 is longer, if the order:

2 (1) was issued after a hearing of which such
3 person received actual notice, and at which such
4 person had an opportunity to participate;

5 (2) restrains such person from harassing,
6 stalking, or threatening an intimate partner of
7 such person or child of such intimate partner or
8 person, or engaging in other conduct that would
9 place an intimate partner in reasonable fear of
10 bodily injury to the partner or child; and

11 (3) (i) includes a finding that such person
12 represents a credible threat to the physical
13 safety of such intimate partner or child; or (ii)
14 by its terms explicitly prohibits the use,
15 attempted use, or threatened use of physical force
16 against such intimate partner or child that would
17 reasonably be expected to cause bodily injury.

18 Any Firearm Owner's Identification Card in the
19 possession of the respondent, except as provided in
20 subparagraph ~~subsection~~ (b), shall be revoked or
21 suspended consistent with Section 8.2 of the Firearm
22 Owners Identification Act, and the respondent shall be
23 ordered by the court to surrender the card and any
24 firearm in the respondent's possession consistent with
25 Sections 8.2, 8.3, and 9.5 of the Firearm Owners
26 Identification Act. If the card is suspended, the ~~be~~

1 ~~turned over to the local law enforcement agency. The~~
2 ~~local law enforcement agency shall immediately mail~~
3 ~~the card to the Illinois State Police Firearm Owner's~~
4 ~~Identification Card Office for safekeeping. The court~~
5 ~~shall issue a warrant for seizure of any firearm in the~~
6 ~~possession of the respondent, to be kept by the local~~
7 ~~law enforcement agency for safekeeping, except as~~
8 ~~provided in subsection (b). The period of surrender~~
9 ~~safekeeping shall be for the duration of the order of~~
10 ~~protection. If the card is revoked, the period of~~
11 ~~surrender shall be for the duration of the order of~~
12 ~~protection or 2 years, whichever is longer. The~~
13 ~~Illinois State Police shall make notification to the~~
14 ~~local law enforcement with jurisdiction of the~~
15 ~~suspension or revocation. The firearm or firearms and~~
16 ~~Firearm Owner's Identification Card, if unexpired,~~
17 ~~shall at the respondent's request, be returned to the~~
18 ~~respondent at the end of the order of protection. It is~~
19 ~~the respondent's responsibility to notify the Illinois~~
20 ~~State Police Firearm Owner's Identification Card~~
21 ~~Office.~~

22 (b) If the respondent is a peace officer as
23 defined in Section 2-13 of the Criminal Code of 2012,
24 the court shall order that any firearms used by the
25 respondent in the performance of his or her duties as a
26 peace officer be surrendered to the chief law

1 enforcement executive of the agency in which the
2 respondent is employed, who shall retain the firearms
3 for surrender ~~safekeeping~~ for the duration of the
4 order of protection or 2 years, whichever is longer.

5 (c) Upon expiration of the period of surrender
6 ~~safekeeping~~, if the firearms or Firearm Owner's
7 Identification Card cannot be returned to the
8 respondent because the respondent cannot be located,
9 fails to respond to requests to retrieve the firearms,
10 or is not lawfully eligible to possess a firearm, upon
11 petition from the local law enforcement agency, the
12 court may order the local law enforcement agency to
13 destroy the firearms, use the firearms for training
14 purposes, or for any other application as deemed
15 appropriate by the local law enforcement agency; or
16 that the firearms be turned over to a third party who
17 is lawfully eligible to possess firearms, and who does
18 not reside with the respondent.

19 (d) A respondent who has surrendered a firearm
20 under this paragraph shall not purchase a firearm for
21 the period of surrender. A respondent who has
22 surrendered a firearm under this paragraph shall not
23 possess or have access to any firearm regardless of
24 whether the firearm belongs to another person or if
25 the respondent is residing with another person who
26 owns a firearm and keeps the firearm at the residence.

1 (e) Upon expiration of the period of surrender,
2 any surrendered firearm may only be returned to a
3 respondent if a judicial officer has signed an order
4 to release firearms stating that the order of
5 protection is no longer in effect and the period of
6 surrender has expired.

7 (14.6) Prohibition of firearm possession; emergency
8 orders.

9 (a) Any Firearm Owner's Identification Card in the
10 possession of the respondent, except as provided in
11 subparagraph (b), shall be suspended consistent with
12 Section 8.2 of the Firearm Owners Identification Act,
13 and the respondent shall be ordered by the court to
14 surrender the card and any firearm in the respondent's
15 possession consistent with Sections 8.3 and 9.5 of the
16 Firearm Owners Identification Act. The period of
17 surrender shall be for the duration of the order of
18 protection.

19 (b) If the respondent is a peace officer as
20 defined in Section 2-13 of the Criminal Code of 2012,
21 the court shall order that any firearms used by the
22 respondent in the performance of his or her duties as a
23 peace officer be surrendered to the chief law
24 enforcement executive of the agency in which the
25 respondent is employed, who shall retain the firearms
26 for surrender for the duration of the order of

1 protection.

2 (c) Upon expiration of the period of surrender, if
3 the firearms or Firearm Owner's Identification Card
4 cannot be returned to respondent because respondent
5 cannot be located, fails to respond to requests to
6 retrieve the firearms, or is not lawfully eligible to
7 possess a firearm, upon petition from the local law
8 enforcement agency, the court may order the local law
9 enforcement agency to destroy the firearms, use the
10 firearms for training purposes, or for any other
11 application as deemed appropriate by the local law
12 enforcement agency; or that the firearms be turned
13 over to a third party who is lawfully eligible to
14 possess firearms, and who does not reside with
15 respondent.

16 (d) A respondent who has surrendered a firearm
17 under this paragraph shall not purchase a firearm for
18 the period of surrender. A respondent who has
19 surrendered a firearm under this paragraph shall not
20 possess or have access to any firearm regardless of
21 whether the firearm belongs to another person or if
22 the respondent is residing with another person who
23 owns a firearm and keeps the firearm at the residence.

24 (e) Upon expiration of the period of surrender,
25 any surrendered firearm may only be returned to a
26 respondent if a judicial officer has signed an order

1 to release firearms stating that the order of
2 protection is no longer in effect and the period of
3 surrender has expired.

4 (15) Prohibition of access to records. If an order of
5 protection prohibits respondent from having contact with
6 the minor child, or if petitioner's address is omitted
7 under subsection (b) of Section 203, or if necessary to
8 prevent abuse or wrongful removal or concealment of a
9 minor child, the order shall deny respondent access to,
10 and prohibit respondent from inspecting, obtaining, or
11 attempting to inspect or obtain, school or any other
12 records of the minor child who is in the care of
13 petitioner.

14 (16) Order for payment of shelter services. Order
15 respondent to reimburse a shelter providing temporary
16 housing and counseling services to the petitioner for the
17 cost of the services, as certified by the shelter and
18 deemed reasonable by the court.

19 (17) Order for injunctive relief. Enter injunctive
20 relief necessary or appropriate to prevent further abuse
21 of a family or household member or further abuse, neglect,
22 or exploitation of a high-risk adult with disabilities or
23 to effectuate one of the granted remedies, if supported by
24 the balance of hardships. If the harm to be prevented by
25 the injunction is abuse or any other harm that one of the
26 remedies listed in paragraphs (1) through (16) of this

1 subsection is designed to prevent, no further evidence is
2 necessary that the harm is an irreparable injury.

3 (18) Telephone services.

4 (A) Unless a condition described in subparagraph
5 (B) of this paragraph exists, the court may, upon
6 request by the petitioner, order a wireless telephone
7 service provider to transfer to the petitioner the
8 right to continue to use a telephone number or numbers
9 indicated by the petitioner and the financial
10 responsibility associated with the number or numbers,
11 as set forth in subparagraph (C) of this paragraph.
12 For purposes of this paragraph (18), the term
13 "wireless telephone service provider" means a provider
14 of commercial mobile service as defined in 47 U.S.C.
15 332. The petitioner may request the transfer of each
16 telephone number that the petitioner, or a minor child
17 in his or her custody, uses. The clerk of the court
18 shall serve the order on the wireless telephone
19 service provider's agent for service of process
20 provided to the Illinois Commerce Commission. The
21 order shall contain all of the following:

22 (i) The name and billing telephone number of
23 the account holder including the name of the
24 wireless telephone service provider that serves
25 the account.

26 (ii) Each telephone number that will be

1 transferred.

2 (iii) A statement that the provider transfers
3 to the petitioner all financial responsibility for
4 and right to the use of any telephone number
5 transferred under this paragraph.

6 (B) A wireless telephone service provider shall
7 terminate the respondent's use of, and shall transfer
8 to the petitioner use of, the telephone number or
9 numbers indicated in subparagraph (A) of this
10 paragraph unless it notifies the petitioner, within 72
11 hours after it receives the order, that one of the
12 following applies:

13 (i) The account holder named in the order has
14 terminated the account.

15 (ii) A difference in network technology would
16 prevent or impair the functionality of a device on
17 a network if the transfer occurs.

18 (iii) The transfer would cause a geographic or
19 other limitation on network or service provision
20 to the petitioner.

21 (iv) Another technological or operational
22 issue would prevent or impair the use of the
23 telephone number if the transfer occurs.

24 (C) The petitioner assumes all financial
25 responsibility for and right to the use of any
26 telephone number transferred under this paragraph. In

1 this paragraph, "financial responsibility" includes
2 monthly service costs and costs associated with any
3 mobile device associated with the number.

4 (D) A wireless telephone service provider may
5 apply to the petitioner its routine and customary
6 requirements for establishing an account or
7 transferring a number, including requiring the
8 petitioner to provide proof of identification,
9 financial information, and customer preferences.

10 (E) Except for willful or wanton misconduct, a
11 wireless telephone service provider is immune from
12 civil liability for its actions taken in compliance
13 with a court order issued under this paragraph.

14 (F) All wireless service providers that provide
15 services to residential customers shall provide to the
16 Illinois Commerce Commission the name and address of
17 an agent for service of orders entered under this
18 paragraph (18). Any change in status of the registered
19 agent must be reported to the Illinois Commerce
20 Commission within 30 days of such change.

21 (G) The Illinois Commerce Commission shall
22 maintain the list of registered agents for service for
23 each wireless telephone service provider on the
24 Commission's website. The Commission may consult with
25 wireless telephone service providers and the Circuit
26 Court Clerks on the manner in which this information

1 is provided and displayed.

2 (c) Relevant factors; findings.

3 (1) In determining whether to grant a specific remedy,
4 other than payment of support, the court shall consider
5 relevant factors, including but not limited to the
6 following:

7 (i) the nature, frequency, severity, pattern and
8 consequences of the respondent's past abuse, neglect
9 or exploitation of the petitioner or any family or
10 household member, including the concealment of his or
11 her location in order to evade service of process or
12 notice, and the likelihood of danger of future abuse,
13 neglect, or exploitation to petitioner or any member
14 of petitioner's or respondent's family or household;
15 and

16 (ii) the danger that any minor child will be
17 abused or neglected or improperly relocated from the
18 jurisdiction, improperly concealed within the State or
19 improperly separated from the child's primary
20 caretaker.

21 (2) In comparing relative hardships resulting to the
22 parties from loss of possession of the family home, the
23 court shall consider relevant factors, including but not
24 limited to the following:

25 (i) availability, accessibility, cost, safety,
26 adequacy, location and other characteristics of

1 alternate housing for each party and any minor child
2 or dependent adult in the party's care;

3 (ii) the effect on the party's employment; and

4 (iii) the effect on the relationship of the party,
5 and any minor child or dependent adult in the party's
6 care, to family, school, church and community.

7 (3) Subject to the exceptions set forth in paragraph
8 (4) of this subsection, the court shall make its findings
9 in an official record or in writing, and shall at a minimum
10 set forth the following:

11 (i) That the court has considered the applicable
12 relevant factors described in paragraphs (1) and (2)
13 of this subsection.

14 (ii) Whether the conduct or actions of respondent,
15 unless prohibited, will likely cause irreparable harm
16 or continued abuse.

17 (iii) Whether it is necessary to grant the
18 requested relief in order to protect petitioner or
19 other alleged abused persons.

20 (4) For purposes of issuing an ex parte emergency
21 order of protection, the court, as an alternative to or as
22 a supplement to making the findings described in
23 paragraphs (c)(3)(i) through (c)(3)(iii) of this
24 subsection, may use the following procedure:

25 When a verified petition for an emergency order of
26 protection in accordance with the requirements of Sections

1 203 and 217 is presented to the court, the court shall
2 examine petitioner on oath or affirmation. An emergency
3 order of protection shall be issued by the court if it
4 appears from the contents of the petition and the
5 examination of petitioner that the averments are
6 sufficient to indicate abuse by respondent and to support
7 the granting of relief under the issuance of the emergency
8 order of protection.

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 Revised Uniform Reciprocal Enforcement of
17 Support Act, the Uniform Interstate Family Support Act,
18 the Expedited Child Support Act of 1990, any judicial,
19 administrative, or other act of another state or
20 territory, any other Illinois statute, or by any foreign
21 nation establishing the father and child relationship, any
22 other proceeding substantially in conformity with the
23 Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996 (Pub. L. 104-193), or where
25 both parties appeared in open court or at an
26 administrative hearing acknowledging under oath or

1 admitting by affirmation the existence of a father and
2 child relationship. Absent such an adjudication, finding,
3 or acknowledgment, no putative father shall be granted
4 temporary allocation of parental responsibilities,
5 including parenting time with the minor child, or physical
6 care and possession of the minor child, nor shall an order
7 of payment for support of the minor child be entered.

8 (d) Balance of hardships; findings. If the court finds
9 that the balance of hardships does not support the granting of
10 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
11 subsection (b) of this Section, which may require such
12 balancing, the court's findings shall so indicate and shall
13 include a finding as to whether granting the remedy will
14 result in hardship to respondent that would substantially
15 outweigh the hardship to petitioner from denial of the remedy.
16 The findings shall be an official record or in writing.

17 (e) Denial of remedies. Denial of any remedy shall not be
18 based, in whole or in part, on evidence that:

19 (1) Respondent has cause for any use of force, unless
20 that cause satisfies the standards for justifiable use of
21 force provided by Article 7 of the Criminal Code of 2012;

22 (2) Respondent was voluntarily intoxicated;

23 (3) Petitioner acted in self-defense or defense of
24 another, provided that, if petitioner utilized force, such
25 force was justifiable under Article 7 of the Criminal Code
26 of 2012;

1 (4) Petitioner did not act in self-defense or defense
2 of another;

3 (5) Petitioner left the residence or household to
4 avoid further abuse, neglect, or exploitation by
5 respondent;

6 (6) Petitioner did not leave the residence or
7 household to avoid further abuse, neglect, or exploitation
8 by respondent;

9 (7) Conduct by any family or household member excused
10 the abuse, neglect, or exploitation by respondent, unless
11 that same conduct would have excused such abuse, neglect,
12 or exploitation if the parties had not been family or
13 household members.

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

15 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

16 Sec. 217. Emergency order of protection.

17 (a) Prerequisites. An emergency order of protection shall
18 issue if petitioner satisfies the requirements of this
19 subsection for one or more of the requested remedies. For each
20 remedy requested, the petitioner shall establish that:

21 (1) The court has jurisdiction under Section 208;

22 (2) The requirements of Section 214 are satisfied; and

23 (3) There is good cause to grant the remedy,
24 regardless of prior service of process or of notice upon
25 the respondent, because:

1 (i) For the remedies of "prohibition of abuse"
2 described in Section 214(b)(1), "stay away order and
3 additional prohibitions" described in Section
4 214(b)(3), "removal or concealment of minor child"
5 described in Section 214(b)(8), "order to appear"
6 described in Section 214(b)(9), "physical care and
7 possession of the minor child" described in Section
8 214(b)(5), "protection of property" described in
9 Section 214(b)(11), "prohibition of entry" described
10 in Section 214(b)(14), "prohibition of firearm
11 possession" described in Section 214(b)(14.6)
12 ~~214(b)(14.5)~~, "prohibition of access to records"
13 described in Section 214(b)(15), and "injunctive
14 relief" described in Section 214(b)(16), the harm
15 which that remedy is intended to prevent would be
16 likely to occur if the respondent were given any prior
17 notice, or greater notice than was actually given, of
18 the petitioner's efforts to obtain judicial relief;

19 (ii) For the remedy of "grant of exclusive
20 possession of residence" described in Section
21 214(b)(2), the immediate danger of further abuse of
22 the petitioner by the respondent, if the petitioner
23 chooses or had chosen to remain in the residence or
24 household while the respondent was given any prior
25 notice or greater notice than was actually given of
26 the petitioner's efforts to obtain judicial relief,

1 outweighs the hardships to the respondent of an
2 emergency order granting the petitioner exclusive
3 possession of the residence or household. This remedy
4 shall not be denied because the petitioner has or
5 could obtain temporary shelter elsewhere while prior
6 notice is given to the respondent, unless the
7 hardships to respondent from exclusion from the home
8 substantially outweigh those to the petitioner;

9 (iii) For the remedy of "possession of personal
10 property" described in Section 214(b)(10), improper
11 disposition of the personal property would be likely
12 to occur if the respondent were given any prior
13 notice, or greater notice than was actually given, of
14 the petitioner's efforts to obtain judicial relief, or
15 the petitioner has an immediate and pressing need for
16 possession of that property.

17 An emergency order may not include the counseling, legal
18 custody, payment of support, or monetary compensation
19 remedies.

20 (a-5) When a petition for an emergency order of protection
21 is granted, the order and file shall not be public and shall
22 only be accessible to the court, the petitioner, law
23 enforcement, a domestic violence advocate or counselor, the
24 counsel of record for either party, and the State's Attorney
25 for the county until the order is served on the respondent.

26 (b) Appearance by respondent. If the respondent appears in

1 court for this hearing for an emergency order, he or she may
2 elect to file a general appearance and testify. Any resulting
3 order may be an emergency order, governed by this Section.
4 Notwithstanding the requirements of this Section, if all
5 requirements of Section 218 have been met, the court may issue
6 a 30-day interim order.

7 (c) Emergency orders: court holidays and evenings.

8 (1) Prerequisites. When the court is unavailable at
9 the close of business, the petitioner may file a petition
10 for a 21-day emergency order before any available circuit
11 judge or associate judge who may grant relief under this
12 Act. If the judge finds that there is an immediate and
13 present danger of abuse to the petitioner and that the
14 petitioner has satisfied the prerequisites set forth in
15 subsection (a) of Section 217, that judge may issue an
16 emergency order of protection.

17 (1.5) Issuance of order. The chief judge of the
18 circuit court may designate for each county in the circuit
19 at least one judge to be reasonably available to issue
20 orally, by telephone, by facsimile, or otherwise, an
21 emergency order of protection at all times, whether or not
22 the court is in session.

23 (2) Certification and transfer. The judge who issued
24 the order under this Section shall promptly communicate or
25 convey the order to the sheriff to facilitate the entry of
26 the order into the Law Enforcement Agencies Data System by

1 the Illinois State Police pursuant to Section 302. Any
2 order issued under this Section and any documentation in
3 support thereof shall be certified on the next court day
4 to the appropriate court. The clerk of that court shall
5 immediately assign a case number, file the petition, order
6 and other documents with the court, and enter the order of
7 record and file it with the sheriff for service, in
8 accordance with Section 222. Filing the petition shall
9 commence proceedings for further relief under Section 202.
10 Failure to comply with the requirements of this subsection
11 shall not affect the validity of the order.

12 (Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21;
13 102-831, eff. 5-13-22; revised 7-29-22.)

14 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

15 Sec. 223. Enforcement of orders of protection.

16 (a) When violation is crime. A violation of any order of
17 protection, whether issued in a civil or criminal proceeding
18 or by a military tribunal, shall be enforced by a criminal
19 court when:

20 (1) The respondent commits the crime of violation of
21 an order of protection pursuant to Section 12-3.4 or 12-30
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 by having knowingly violated:

24 (i) remedies described in paragraphs (1), (2),
25 (3), (14), ~~or~~ (14.5), or (14.6) of subsection (b) of

1 Section 214 of this Act; or

2 (ii) a remedy, which is substantially similar to
3 the remedies authorized under paragraphs (1), (2),
4 (3), (14), ~~and (14.5)~~, and (14.6) of subsection (b) of
5 Section 214 of this Act, in a valid order of protection
6 which is authorized under the laws of another state,
7 tribe, or United States territory; or

8 (iii) any other remedy when the act constitutes a
9 crime against the protected parties as defined by the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 Prosecution for a violation of an order of protection
12 shall not bar concurrent prosecution for any other crime,
13 including any crime that may have been committed at the
14 time of the violation of the order of protection; or

15 (2) The respondent commits the crime of child
16 abduction pursuant to Section 10-5 of the Criminal Code of
17 1961 or the Criminal Code of 2012, by having knowingly
18 violated:

19 (i) remedies described in paragraphs (5), (6) or
20 (8) of subsection (b) of Section 214 of this Act; or

21 (ii) a remedy, which is substantially similar to
22 the remedies authorized under paragraphs (5), (6), or
23 (8) of subsection (b) of Section 214 of this Act, in a
24 valid order of protection which is authorized under
25 the laws of another state, tribe, or United States
26 territory.

1 (b) When violation is contempt of court. A violation of
2 any valid Illinois order of protection, whether issued in a
3 civil or criminal proceeding or by a military tribunal, may be
4 enforced through civil or criminal contempt procedures, as
5 appropriate, by any court with jurisdiction, regardless where
6 the act or acts which violated the order of protection were
7 committed, to the extent consistent with the venue provisions
8 of this Act. Nothing in this Act shall preclude any Illinois
9 court from enforcing any valid order of protection issued in
10 another state. Illinois courts may enforce orders of
11 protection through both criminal prosecution and contempt
12 proceedings, unless the action which is second in time is
13 barred by collateral estoppel or the constitutional
14 prohibition against double jeopardy.

15 (1) In a contempt proceeding where the petition for a
16 rule to show cause sets forth facts evidencing an
17 immediate danger that the respondent will flee the
18 jurisdiction, conceal a child, or inflict physical abuse
19 on the petitioner or minor children or on dependent adults
20 in petitioner's care, the court may order the attachment
21 of the respondent without prior service of the rule to
22 show cause or the petition for a rule to show cause.
23 Conditions of release shall be set unless specifically
24 denied in writing.

25 (2) A petition for a rule to show cause for violation
26 of an order of protection shall be treated as an expedited

1 proceeding.

2 (b-1) The court shall not hold a school district or
3 private or non-public school or any of its employees in civil
4 or criminal contempt unless the school district or private or
5 non-public school has been allowed to intervene.

6 (b-2) The court may hold the parents, guardian, or legal
7 custodian of a minor respondent in civil or criminal contempt
8 for a violation of any provision of any order entered under
9 this Act for conduct of the minor respondent in violation of
10 this Act if the parents, guardian, or legal custodian
11 directed, encouraged, or assisted the respondent minor in such
12 conduct.

13 (c) Violation of custody or support orders or temporary or
14 final judgments allocating parental responsibilities. A
15 violation of remedies described in paragraphs (5), (6), (8),
16 or (9) of subsection (b) of Section 214 of this Act may be
17 enforced by any remedy provided by Section 607.5 of the
18 Illinois Marriage and Dissolution of Marriage Act. The court
19 may enforce any order for support issued under paragraph (12)
20 of subsection (b) of Section 214 in the manner provided for
21 under Parts V and VII of the Illinois Marriage and Dissolution
22 of Marriage Act.

23 (d) Actual knowledge. An order of protection may be
24 enforced pursuant to this Section if the respondent violates
25 the order after the respondent has actual knowledge of its
26 contents as shown through one of the following means:

1 (1) By service, delivery, or notice under Section 210.

2 (2) By notice under Section 210.1 or 211.

3 (3) By service of an order of protection under Section
4 222.

5 (4) By other means demonstrating actual knowledge of
6 the contents of the order.

7 (e) The enforcement of an order of protection in civil or
8 criminal court shall not be affected by either of the
9 following:

10 (1) The existence of a separate, correlative order,
11 entered under Section 215.

12 (2) Any finding or order entered in a conjoined
13 criminal proceeding.

14 (f) Circumstances. The court, when determining whether or
15 not a violation of an order of protection has occurred, shall
16 not require physical manifestations of abuse on the person of
17 the victim.

18 (g) Penalties.

19 (1) Except as provided in paragraph (3) of this
20 subsection, where the court finds the commission of a
21 crime or contempt of court under subsections (a) or (b) of
22 this Section, the penalty shall be the penalty that
23 generally applies in such criminal or contempt
24 proceedings, and may include one or more of the following:
25 incarceration, payment of restitution, a fine, payment of
26 attorneys' fees and costs, or community service.

1 (2) The court shall hear and take into account
2 evidence of any factors in aggravation or mitigation
3 before deciding an appropriate penalty under paragraph (1)
4 of this subsection.

5 (3) To the extent permitted by law, the court is
6 encouraged to:

7 (i) increase the penalty for the knowing violation
8 of any order of protection over any penalty previously
9 imposed by any court for respondent's violation of any
10 order of protection or penal statute involving
11 petitioner as victim and respondent as defendant;

12 (ii) impose a minimum penalty of 24 hours
13 imprisonment for respondent's first violation of any
14 order of protection; and

15 (iii) impose a minimum penalty of 48 hours
16 imprisonment for respondent's second or subsequent
17 violation of an order of protection

18 unless the court explicitly finds that an increased
19 penalty or that period of imprisonment would be manifestly
20 unjust.

21 (4) In addition to any other penalties imposed for a
22 violation of an order of protection, a criminal court may
23 consider evidence of any violations of an order of
24 protection:

25 (i) to increase, revoke or modify the conditions
26 of pretrial release on an underlying criminal charge

1 concealed upon the person, notwithstanding that the ammunition
2 may also be used in some rifles.

3 "Manufacturer", "ammunition manufacturer", or "registered
4 handgun ammunition manufacturer" means any person that
5 manufactures handgun ammunition within this State or
6 manufactures handgun ammunition with the intent to distribute
7 that ammunition for purposes, within this State, of sale,
8 loan, or transfer.

9 "Pistol", "revolver", and "firearm capable of being
10 concealed upon the person" applies to and includes any device
11 designed to be used as a weapon, from which is expelled a
12 projectile by the force of any explosion, or other form of
13 combustion, and that has a barrel less than 16 inches in
14 length. These terms also include any device that has a barrel
15 16 inches or more in length which is designed to be
16 interchanged with a barrel less than 16 inches in length.

17 "Public place" means an area open to the public and
18 includes, but is not limited to, streets, sidewalks, bridges,
19 alleys, plazas, parks, driveways, front yards, parking lots,
20 including motor vehicles in these areas, whether moving or
21 not, and buildings open to the general public, including those
22 that serve food or drink, or provide entertainment, and the
23 doorways and entrances to buildings or dwellings.

24 "Retail mercantile establishment" has the meaning ascribed
25 to it in Section 16-0.1 of this Code.

26 "Serialized" means:

1 (1) the handgun ammunition has been identified in a
2 manner prescribed by the Illinois State Police so that all
3 assembled handgun ammunition contained within a package
4 provided for retail sale, or as otherwise specified by the
5 Illinois State Police, is uniquely identified;

6 (2) bullets used for reloading or handloading
7 contained within a package provided for retail sale, or as
8 otherwise specified by the Illinois State Police, are
9 uniquely identified;

10 (3) identification of the manufacturer of the items
11 described in subdivisions (1) and (2) of this definition;

12 (4) identification on the exterior of the items
13 described in subdivisions (1) and (2) of this definition
14 in a manner that permits visual inspection for the purpose
15 of determining if the assembled handgun ammunition or
16 bullet is serialized;

17 (5) identification on the exterior of the items
18 described in subdivisions (1) and (2) of this definition
19 in a manner that is maintained subsequent to the discharge
20 of the handgun ammunition and subsequent to the impact of
21 the bullet, based on standards prescribed by the Illinois
22 State Police; and

23 (6) identification on the exterior of every package or
24 container of serialized handgun ammunition, as prescribed
25 by the Illinois State Police, with the same unique
26 identifiers used on the assembled handgun ammunition or

1 bullets contained within the packaging or container. A
2 package or container shall not be labeled with the same
3 unique identifiers as any other package or container by
4 the same manufacturer.

5 "Serialized handgun ammunition" means any of the
6 following, which are subject to serialization under this
7 Article:

8 (1) handgun ammunition;

9 (2) .22 caliber rimfire ammunition;

10 (3) assembled handgun ammunition packaged for retail
11 sale; or

12 (4) bullets used for reloading or handloading handgun
13 ammunition that are packaged for retail sale.

14 "Serialized handgun ammunition" does not include blank
15 cartridges, shot-shells, or projectiles used in black powder
16 handguns.

17 (720 ILCS 5/24-1.11 new)

18 Sec. 24-1.11. Serialization of handgun ammunition.

19 (a) The Illinois State Police shall enforce the
20 requirements of the handgun serialization program and other
21 provisions of Sections 24-1.11 through 24-1.14 of this Code.
22 The Illinois State Police may prescribe the manner in which
23 handgun ammunition is serialized in order to comply with
24 Section 24-1.12 of this Code, including, but not limited to,
25 determining how handgun ammunition that is loose, packaged, in

1 lots, series, or otherwise aggregated for purposes of
2 manufacture or sale shall be serialized with a unique
3 identifier, under Section 24-1.12. The Illinois State Police
4 shall adopt rules implementing this Section no later than
5 January 1, 2024.

6 (b) The Illinois State Police may:

7 (1) adopt rules relating to the assessment and
8 collection of end-user fees in an amount not to exceed
9 \$0.005 per round of handgun ammunition or per bullet, in
10 which the accumulated fee amount may not exceed the cost
11 to pay for the infrastructure, implementation,
12 operational, enforcement, and future development costs of
13 Sections 24-1.11 through 24-1.14;

14 (2) adopt rules relating to the implementation and
15 furtherance of a retail handgun ammunition vendor's
16 registry and the assessment and collection of fees
17 associated with the registration program in an amount not
18 to exceed \$50 per year per retail location, adjusted
19 annually for inflation based upon the Consumer Price Index
20 for the North Central Region as published by the United
21 States Department of Labor, Bureau of Labor Statistics for
22 the immediately preceding calendar year, in which the
23 accumulated fee amount may not exceed the cost to pay for
24 the infrastructure, implementation, operational,
25 enforcement, and future development costs of Sections
26 24-1.11 through 24-1.14; or

1 (3) adopt or amend rules relating to this Section in
2 an effort to incorporate new technologies as they become
3 available.

4 (720 ILCS 5/24-1.12 new)

5 Sec. 24-1.12. Unlawful manufacture, sale, or transfer of
6 non-serialized handgun ammunition; unlawful possession of
7 non-serialized handgun ammunition; penalties.

8 (a) Beginning January 1, 2024, and except as provided in
9 subsection (g-15) of Section 24-2, a person commits unlawful
10 manufacture, sale, or transfer of non-serialized handgun
11 ammunition when he or she knowingly manufactures, causes to be
12 manufactured, imports into this State for sale or personal
13 use, keeps for sale, offers or exposes for sale, or gives or
14 lends any handgun ammunition that is not serialized. A
15 violation of this subsection (a) is a Class A misdemeanor.

16 (b) Beginning January 1, 2024, and except as provided in
17 subsection (g-15) of Section 24-2, a person commits unlawful
18 possession of non-serialized handgun ammunition when he or she
19 knowingly possesses in any public place any handgun ammunition
20 that is not serialized. A violation of this subsection is a
21 Class C misdemeanor.

22 (c) Beginning January 1, 2024, and except as provided in
23 subsection (g-15) of Section 24-2, a person commits unlawful
24 possession of non-serialized handgun ammunition when he or she
25 knowingly possesses non-serialized ammunition for a rifle

1 having one or more barrels less than 16 inches in length or a
2 shotgun having one or more barrels less than 18 inches in
3 length or any weapon made from a rifle or shotgun, whether by
4 alteration, modification, or otherwise, if the weapon as
5 modified has an overall length of less than 26 inches. A
6 violation of this subsection is a Class C misdemeanor.

7 (d) For purposes of Sections 24-1.11 through 24-1.14, the
8 possession of each round of non-serialized handgun ammunition
9 or bullets constitutes a separate and distinct offense.

10 (720 ILCS 5/24-1.13 new)

11 Sec. 24-1.13. Unlawful retail sale of handgun ammunition.

12 (a) (1) Beginning January 1, 2024, a person commits
13 unlawful retail sale of handgun ammunition if he or she
14 knowingly engages in the retail sale of handgun ammunition and
15 sells, leases, or transfers serialized handgun ammunition
16 without being a registered handgun ammunition vendor as
17 described in paragraph (2) of this subsection (a). A violation
18 of this paragraph (1) is a Class A misdemeanor.

19 (2) As used in this Section, "vendor", "ammunition
20 vendor", or "registered handgun ammunition vendor" means any
21 person who is engaged in the retail sale of handgun ammunition
22 and has all of the following:

23 (A) any regulatory or business license, or licenses,
24 required by a unit of local government;

25 (B) a valid Retailers Occupation Tax Registration

1 Number issued by the Department of Revenue; and

2 (C) is recorded in the centralized handgun ammunition
3 vendor's registry specified in subsection (b) of this
4 Section.

5 (b) The Illinois State Police shall maintain a centralized
6 registry of all persons under subparagraphs (A) through (C),
7 inclusive, of paragraph (2) of subsection (a) of this Section.
8 The Illinois State Police may remove from this registry any
9 person who violates this Article. Upon removal of a vendor
10 from this registry, notification shall be provided to local
11 law enforcement and licensing authorities in the jurisdiction
12 where the vendor's business is located.

13 (c) The Illinois State Police may inspect handgun
14 ammunition vendors to ensure compliance with this Article.
15 Nothing in this Section prohibits any unit of local government
16 from adopting one or more ordinances relating to the
17 inspection of handgun ammunition vendors.

18 (d) Any vendor, agent, or employee of the vendor who sells
19 or otherwise transfers ownership of any serialized handgun
20 ammunition shall record the following information in a format
21 prescribed by the Illinois State Police:

22 (1) the date of the transaction;

23 (2) the name of the transferee;

24 (3) the transferee's driver's license number or other
25 government issued identification card number and the
26 governmental agency that issued the identification;

1 (4) in order to validate a transferee's age and ensure
2 compliance with paragraphs (a) and (b) of subsection (A)
3 of Section 24-3, the date of birth of the transferee;

4 (5) the unique identifier, as described in Section
5 24-0.05, of all serialized handgun ammunition or bullets
6 transferred; and

7 (6) all other information prescribed by the Illinois
8 State Police.

9 (e) On the date the vendor delivers the handgun ammunition
10 to the transferee, he or she shall report the information
11 required in subsection (d) to the Illinois State Police in a
12 manner prescribed by the Illinois State Police. A copy of the
13 records required by this Section shall be maintained on the
14 premises of the vendor for a period of not less than 3 years
15 from the date of the recorded transfer. The records shall be
16 subject to inspection at any time during normal business hours
17 by any peace officer, or by any authorized employee of the
18 Illinois State Police, if the inspection relates to an
19 investigation in which access to those records is or may be
20 relevant to that investigation, is seeking information about
21 persons prohibited from owning a firearm or handgun
22 ammunition, or is engaged in ensuring compliance with this
23 Article, the Firearm Owners Identification Card Act, the
24 Firearm Concealed Carry Act, or any other laws pertaining to
25 firearms.

26 (f) Any vendor or employee or agent of a vendor who

1 knowingly fails to comply with, or falsifies the records
2 required to be kept by subsection (e) is guilty of a Class A
3 misdemeanor.

4 (g) Proof that a vendor or his or her agent or employee
5 demanding, was shown, and acted in reliance upon, bona fide
6 evidence of identity shall be a defense to any criminal
7 prosecution under this Section if reliance upon the proof of
8 identity was reasonable.

9 (h) Any person who presents false identification to a
10 vendor with the intent to avoid the recording requirements of
11 this Section is guilty of a Class A misdemeanor.

12 (i) Any vendor who refuses to permit a person authorized
13 under subsection (e) to examine any record prepared in
14 accordance with this Section during any inspection conducted
15 under this Section is guilty of a Class A misdemeanor.

16 (j) Persons engaged in the noncommercial reloading of
17 ammunition may adopt voluntary personal serialization
18 protocols.

19 (720 ILCS 5/24-1.14 new)

20 Sec. 24-1.14. Unlawful commercial manufacture of
21 serialized handgun ammunition.

22 (a) Beginning January 1, 2024, a person commits unlawful
23 commercial manufacture of serialized handgun ammunition when
24 he or she knowingly engages in the commercial manufacture of
25 serialized handgun ammunition and sells, loans, or transfers

1 serialized handgun ammunition within this State, without being
2 a registered handgun ammunition manufacturer. A violation of
3 this subsection (a) is a Class A misdemeanor.

4 (b) Manufacturers shall:

5 (1) register with the Illinois State Police in a
6 manner prescribed by the Illinois State Police;

7 (2) maintain records on the business premises for a
8 period of 7 years concerning all sales, loans, and
9 transfers of handgun ammunition, to, from, or within this
10 State; and

11 (3) comply with all other rules concerning handgun
12 ammunition manufacture and sale adopted by the Illinois
13 State Police.

14 (c) Any manufacturer who knowingly fails to comply with
15 the provisions of this Section is liable for a civil fine
16 payable to the Illinois State Police of not more than \$1,000
17 for a first violation, not more than \$5,000 for a second
18 violation, and not more than \$10,000 for a third and
19 subsequent violation. A civil action to enforce this Section
20 may be brought by a municipal attorney, State's Attorney, or
21 the Attorney General. This subsection (c) does not preclude
22 any other remedy available under State law.

23 (d) The Illinois State Police may inspect handgun
24 ammunition manufacturers to ensure compliance with this
25 Section.

1 (720 ILCS 5/24-2)

2 Sec. 24-2. Exemptions.

3 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
4 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
5 the following:

6 (1) Peace officers, and any person summoned by a peace
7 officer to assist in making arrests or preserving the
8 peace, while actually engaged in assisting such officer.

9 (2) Wardens, superintendents and keepers of prisons,
10 penitentiaries, jails and other institutions for the
11 detention of persons accused or convicted of an offense,
12 while in the performance of their official duty, or while
13 commuting between their homes and places of employment.

14 (3) Members of the Armed Services or Reserve Forces of
15 the United States or the Illinois National Guard or the
16 Reserve Officers Training Corps, while in the performance
17 of their official duty.

18 (4) Special agents employed by a railroad or a public
19 utility to perform police functions, and guards of armored
20 car companies, while actually engaged in the performance
21 of the duties of their employment or commuting between
22 their homes and places of employment; and watchmen while
23 actually engaged in the performance of the duties of their
24 employment.

25 (5) Persons licensed as private security contractors,
26 private detectives, or private alarm contractors, or

1 employed by a private security contractor, private
2 detective, or private alarm contractor agency licensed by
3 the Department of Financial and Professional Regulation,
4 if their duties include the carrying of a weapon under the
5 provisions of the Private Detective, Private Alarm,
6 Private Security, Fingerprint Vendor, and Locksmith Act of
7 2004, while actually engaged in the performance of the
8 duties of their employment or commuting between their
9 homes and places of employment. A person shall be
10 considered eligible for this exemption if he or she has
11 completed the required 20 hours of training for a private
12 security contractor, private detective, or private alarm
13 contractor, or employee of a licensed private security
14 contractor, private detective, or private alarm contractor
15 agency and 28 hours of required firearm training, and has
16 been issued a firearm control card by the Department of
17 Financial and Professional Regulation. Conditions for the
18 renewal of firearm control cards issued under the
19 provisions of this Section shall be the same as for those
20 cards issued under the provisions of the Private
21 Detective, Private Alarm, Private Security, Fingerprint
22 Vendor, and Locksmith Act of 2004. The firearm control
23 card shall be carried by the private security contractor,
24 private detective, or private alarm contractor, or
25 employee of the licensed private security contractor,
26 private detective, or private alarm contractor agency at

1 all times when he or she is in possession of a concealable
2 weapon permitted by his or her firearm control card.

3 (6) Any person regularly employed in a commercial or
4 industrial operation as a security guard for the
5 protection of persons employed and private property
6 related to such commercial or industrial operation, while
7 actually engaged in the performance of his or her duty or
8 traveling between sites or properties belonging to the
9 employer, and who, as a security guard, is a member of a
10 security force registered with the Department of Financial
11 and Professional Regulation; provided that such security
12 guard has successfully completed a course of study,
13 approved by and supervised by the Department of Financial
14 and Professional Regulation, consisting of not less than
15 48 hours of training that includes the theory of law
16 enforcement, liability for acts, and the handling of
17 weapons. A person shall be considered eligible for this
18 exemption if he or she has completed the required 20 hours
19 of training for a security officer and 28 hours of
20 required firearm training, and has been issued a firearm
21 control card by the Department of Financial and
22 Professional Regulation. Conditions for the renewal of
23 firearm control cards issued under the provisions of this
24 Section shall be the same as for those cards issued under
25 the provisions of the Private Detective, Private Alarm,
26 Private Security, Fingerprint Vendor, and Locksmith Act of

1 2004. The firearm control card shall be carried by the
2 security guard at all times when he or she is in possession
3 of a concealable weapon permitted by his or her firearm
4 control card.

5 (7) Agents and investigators of the Illinois
6 Legislative Investigating Commission authorized by the
7 Commission to carry the weapons specified in subsections
8 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
9 any investigation for the Commission.

10 (8) Persons employed by a financial institution as a
11 security guard for the protection of other employees and
12 property related to such financial institution, while
13 actually engaged in the performance of their duties,
14 commuting between their homes and places of employment, or
15 traveling between sites or properties owned or operated by
16 such financial institution, and who, as a security guard,
17 is a member of a security force registered with the
18 Department; provided that any person so employed has
19 successfully completed a course of study, approved by and
20 supervised by the Department of Financial and Professional
21 Regulation, consisting of not less than 48 hours of
22 training which includes theory of law enforcement,
23 liability for acts, and the handling of weapons. A person
24 shall be considered to be eligible for this exemption if
25 he or she has completed the required 20 hours of training
26 for a security officer and 28 hours of required firearm

1 training, and has been issued a firearm control card by
2 the Department of Financial and Professional Regulation.
3 Conditions for renewal of firearm control cards issued
4 under the provisions of this Section shall be the same as
5 for those issued under the provisions of the Private
6 Detective, Private Alarm, Private Security, Fingerprint
7 Vendor, and Locksmith Act of 2004. The firearm control
8 card shall be carried by the security guard at all times
9 when he or she is in possession of a concealable weapon
10 permitted by his or her firearm control card. For purposes
11 of this subsection, "financial institution" means a bank,
12 savings and loan association, credit union or company
13 providing armored car services.

14 (9) Any person employed by an armored car company to
15 drive an armored car, while actually engaged in the
16 performance of his duties.

17 (10) Persons who have been classified as peace
18 officers pursuant to the Peace Officer Fire Investigation
19 Act.

20 (11) Investigators of the Office of the State's
21 Attorneys Appellate Prosecutor authorized by the board of
22 governors of the Office of the State's Attorneys Appellate
23 Prosecutor to carry weapons pursuant to Section 7.06 of
24 the State's Attorneys Appellate Prosecutor's Act.

25 (12) Special investigators appointed by a State's
26 Attorney under Section 3-9005 of the Counties Code.

1 (12.5) Probation officers while in the performance of
2 their duties, or while commuting between their homes,
3 places of employment or specific locations that are part
4 of their assigned duties, with the consent of the chief
5 judge of the circuit for which they are employed, if they
6 have received weapons training according to requirements
7 of the Peace Officer and Probation Officer Firearm
8 Training Act.

9 (13) Court Security Officers while in the performance
10 of their official duties, or while commuting between their
11 homes and places of employment, with the consent of the
12 Sheriff.

13 (13.5) A person employed as an armed security guard at
14 a nuclear energy, storage, weapons or development site or
15 facility regulated by the Nuclear Regulatory Commission
16 who has completed the background screening and training
17 mandated by the rules and regulations of the Nuclear
18 Regulatory Commission.

19 (14) Manufacture, transportation, or sale of weapons
20 to persons authorized under subdivisions (1) through
21 (13.5) of this subsection to possess those weapons.

22 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
23 to or affect any person carrying a concealed pistol, revolver,
24 or handgun and the person has been issued a currently valid
25 license under the Firearm Concealed Carry Act at the time of
26 the commission of the offense.

1 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
2 to or affect a qualified current or retired law enforcement
3 officer or a current or retired deputy, county correctional
4 officer, or correctional officer of the Department of
5 Corrections qualified under the laws of this State or under
6 the federal Law Enforcement Officers Safety Act.

7 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
8 24-1.6 do not apply to or affect any of the following:

9 (1) Members of any club or organization organized for
10 the purpose of practicing shooting at targets upon
11 established target ranges, whether public or private, and
12 patrons of such ranges, while such members or patrons are
13 using their firearms on those target ranges.

14 (2) Duly authorized military or civil organizations
15 while parading, with the special permission of the
16 Governor.

17 (3) Hunters, trappers, or fishermen while engaged in
18 lawful hunting, trapping, or fishing under the provisions
19 of the Wildlife Code or the Fish and Aquatic Life Code.

20 (4) Transportation of weapons that are broken down in
21 a non-functioning state or are not immediately accessible.

22 (5) Carrying or possessing any pistol, revolver, stun
23 gun or taser or other firearm on the land or in the legal
24 dwelling of another person as an invitee with that
25 person's permission.

26 (c) Subsection 24-1(a)(7) does not apply to or affect any

1 of the following:

2 (1) Peace officers while in performance of their
3 official duties.

4 (2) Wardens, superintendents and keepers of prisons,
5 penitentiaries, jails and other institutions for the
6 detention of persons accused or convicted of an offense.

7 (3) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard, while in
9 the performance of their official duty.

10 (4) Manufacture, transportation, or sale of machine
11 guns to persons authorized under subdivisions (1) through
12 (3) of this subsection to possess machine guns, if the
13 machine guns are broken down in a non-functioning state or
14 are not immediately accessible.

15 (5) Persons licensed under federal law to manufacture
16 any weapon from which 8 or more shots or bullets can be
17 discharged by a single function of the firing device, or
18 ammunition for such weapons, and actually engaged in the
19 business of manufacturing such weapons or ammunition, but
20 only with respect to activities which are within the
21 lawful scope of such business, such as the manufacture,
22 transportation, or testing of such weapons or ammunition.
23 This exemption does not authorize the general private
24 possession of any weapon from which 8 or more shots or
25 bullets can be discharged by a single function of the
26 firing device, but only such possession and activities as

1 are within the lawful scope of a licensed manufacturing
2 business described in this paragraph.

3 During transportation, such weapons shall be broken
4 down in a non-functioning state or not immediately
5 accessible.

6 (6) The manufacture, transport, testing, delivery,
7 transfer or sale, and all lawful commercial or
8 experimental activities necessary thereto, of rifles,
9 shotguns, and weapons made from rifles or shotguns, or
10 ammunition for such rifles, shotguns or weapons, where
11 engaged in by a person operating as a contractor or
12 subcontractor pursuant to a contract or subcontract for
13 the development and supply of such rifles, shotguns,
14 weapons or ammunition to the United States government or
15 any branch of the Armed Forces of the United States, when
16 such activities are necessary and incident to fulfilling
17 the terms of such contract.

18 The exemption granted under this subdivision (c)(6)
19 shall also apply to any authorized agent of any such
20 contractor or subcontractor who is operating within the
21 scope of his employment, where such activities involving
22 such weapon, weapons or ammunition are necessary and
23 incident to fulfilling the terms of such contract.

24 (7) A person possessing a rifle with a barrel or
25 barrels less than 16 inches in length if: (A) the person
26 has been issued a Curios and Relics license from the U.S.

1 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
2 (B) the person is an active member of a bona fide,
3 nationally recognized military re-enacting group and the
4 modification is required and necessary to accurately
5 portray the weapon for historical re-enactment purposes;
6 the re-enactor is in possession of a valid and current
7 re-enacting group membership credential; and the overall
8 length of the weapon as modified is not less than 26
9 inches.

10 (d) Subsection 24-1(a)(1) does not apply to the purchase,
11 possession or carrying of a black-jack or slung-shot by a
12 peace officer.

13 (e) Subsection 24-1(a)(8) does not apply to any owner,
14 manager or authorized employee of any place specified in that
15 subsection nor to any law enforcement officer.

16 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
17 Section 24-1.6 do not apply to members of any club or
18 organization organized for the purpose of practicing shooting
19 at targets upon established target ranges, whether public or
20 private, while using their firearms on those target ranges.

21 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
22 to:

23 (1) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard, while in
25 the performance of their official duty.

26 (2) Bonafide collectors of antique or surplus military

1 ordnance.

2 (3) Laboratories having a department of forensic
3 ballistics, or specializing in the development of
4 ammunition or explosive ordnance.

5 (4) Commerce, preparation, assembly or possession of
6 explosive bullets by manufacturers of ammunition licensed
7 by the federal government, in connection with the supply
8 of those organizations and persons exempted by subdivision
9 (g)(1) of this Section, or like organizations and persons
10 outside this State, or the transportation of explosive
11 bullets to any organization or person exempted in this
12 Section by a common carrier or by a vehicle owned or leased
13 by an exempted manufacturer.

14 (g-5) Subsection 24-1(a)(6) does not apply to or affect
15 persons licensed under federal law to manufacture any device
16 or attachment of any kind designed, used, or intended for use
17 in silencing the report of any firearm, firearms, or
18 ammunition for those firearms equipped with those devices, and
19 actually engaged in the business of manufacturing those
20 devices, firearms, or ammunition, but only with respect to
21 activities that are within the lawful scope of that business,
22 such as the manufacture, transportation, or testing of those
23 devices, firearms, or ammunition. This exemption does not
24 authorize the general private possession of any device or
25 attachment of any kind designed, used, or intended for use in
26 silencing the report of any firearm, but only such possession

1 and activities as are within the lawful scope of a licensed
2 manufacturing business described in this subsection (g-5).
3 During transportation, these devices shall be detached from
4 any weapon or not immediately accessible.

5 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
6 24-1.6 do not apply to or affect any parole agent or parole
7 supervisor who meets the qualifications and conditions
8 prescribed in Section 3-14-1.5 of the Unified Code of
9 Corrections.

10 (g-7) Subsection 24-1(a)(6) does not apply to a peace
11 officer while serving as a member of a tactical response team
12 or special operations team. A peace officer may not personally
13 own or apply for ownership of a device or attachment of any
14 kind designed, used, or intended for use in silencing the
15 report of any firearm. These devices shall be owned and
16 maintained by lawfully recognized units of government whose
17 duties include the investigation of criminal acts.

18 (g-10) (Blank).

19 (g-15) Subsections 24-1.12(a) and 24-1.12(b) do not apply
20 to or affect any of the following:

21 (1) Possession, for purposes of investigation or
22 disposition of any non-serialized handgun ammunition, by a
23 forensic laboratory or any authorized agent or employee of
24 that laboratory in the course and scope of his or her
25 authorized activities.

26 (2) Possession, for purposes of investigation,

1 evidence, or disposition, of any non-serialized handgun
2 ammunition by any State or unit of local government agency
3 charged with law enforcement or by the Illinois State
4 Police or by any authorized agent or employee of the
5 agency, within the course and scope of his or her official
6 duties.

7 (3) Possession, for purposes of disposal, or the
8 disposal, of non-serialized handgun ammunition by an
9 executor or administrator of an estate if all of the
10 following are met:

11 (A) the non-serialized handgun ammunition was
12 lawfully possessed, included within the estate, and
13 the executor or administrator possesses or disposes of
14 the non-serialized handgun ammunition in a manner
15 consistent with this Article.

16 (B) the disposition is to a person or entity that
17 may possess the non-serialized handgun ammunition in a
18 manner consistent with this Article and possession is
19 otherwise lawful; and

20 (C) the disposition transfers the non-serialized
21 handgun ammunition out of this State or to a law
22 enforcement agency for disposition.

23 (4) Possession of non-serialized handgun ammunition
24 for purposes of transporting it to a law enforcement
25 agency for disposition, if possession is otherwise lawful,
26 and if the law enforcement agency has been notified prior

1 to delivery of the handgun ammunition.

2 (5) Possession of non-serialized handgun ammunition by
3 peace officers from other states during the discharge of
4 their official duties in this State.

5 (6) Possession of non-serialized handgun ammunition by
6 members of the Armed Services or Reserve Forces of the
7 United States or the Illinois National Guard or the
8 Reserve Officers Training Corps, while in the performance
9 of their official duties.

10 (7) Possession or exhibition of non-serialized handgun
11 ammunition by a museum or collector, in a fixed or mobile
12 exhibit or for educational purposes.

13 (8) Transportation of non-serialized handgun
14 ammunition by those permitted to be in possession of that
15 ammunition and firearms for that ammunition from their
16 residence to public and private shooting events and ranges
17 for a period of 10 years after the effective date of this
18 amendatory act of the 103rd General Assembly.

19 (9) Transfer of non-serialized handgun ammunition from
20 a retail mercantile establishment in this state to another
21 retail mercantile establishment outside this State.

22 (10) Possession of non-serialized handgun ammunition
23 inventory by a retail mercantile establishment
24 manufactured before January 1, 2024 and possessed by the
25 retail mercantile establishment until that inventory is
26 sold or exhausted in compliance with this Article.

1 (11) Possession of non-serialized handgun ammunition
2 by a person issued a concealed carry license by the
3 Illinois State Police under the Firearm Concealed Carry
4 Act or issued a Firearm Owner's Identification Card by the
5 Illinois State Police under the Firearm Owners
6 Identification Card Act on his or her person, in a
7 firearm, or in a vehicle for 15 years after the effective
8 date of this amendatory Act of the 103rd General Assembly.

9 (12) Possession of non-serialized handgun ammunition
10 by persons engaged in the development of new calibers, new
11 rifles, new handguns, and ammunition that is used in those
12 rifles and handguns or modifications to existing rifles or
13 handguns. Possession of non-serialized handgun ammunition
14 under this paragraph (12) must be in compliance with this
15 Article, the number of rounds must not exceed 15,000, must
16 be used solely for development purposes, and must be
17 transported with the firearms for which they are used.

18 (13) Possession of non-serialized handgun ammunition
19 by persons engaged in the non-commercial reloading of
20 ammunition.

21 (14) Possession and storage of non-serialized handgun
22 ammunition in the owner's dwelling, farm, or farm
23 outbuilding, or while at a public or private firearm
24 range.

25 (15) Possession of non-serialized handgun ammunition
26 by persons involved in the protection of dignitaries from

1 domestic or foreign governments under the direction and
2 authorization of the Illinois State Police, which may
3 charge a fee for use of that ammunition which shall not
4 exceed the cost of that ammunition to the Illinois State
5 Police.

6 (16) Ammunition used in black powder firearms
7 regardless of the date of manufacture of the firearms.

8 (17) Projectiles that are determined by the Illinois
9 State Police to be less than lethal that may be fired from
10 devices that are in possession of persons lawfully able to
11 possess those devices.

12 (g-16) The Illinois State Police shall annually review the
13 exemptions contained in subsection (g-15) of this Section and
14 make recommendations to the Governor and General Assembly for
15 changes in exemptions permitted by subsection (g-15).

16 (h) An information or indictment based upon a violation of
17 any subsection of this Article need not negative any
18 exemptions contained in this Article. The defendant shall have
19 the burden of proving such an exemption.

20 (i) Nothing in this Article shall prohibit, apply to, or
21 affect the transportation, carrying, or possession, of any
22 pistol or revolver, stun gun, taser, or other firearm
23 consigned to a common carrier operating under license of the
24 State of Illinois or the federal government, where such
25 transportation, carrying, or possession is incident to the
26 lawful transportation in which such common carrier is engaged;

1 and nothing in this Article shall prohibit, apply to, or
2 affect the transportation, carrying, or possession of any
3 pistol, revolver, stun gun, taser, or other firearm, not the
4 subject of and regulated by subsection 24-1(a)(7) or
5 subsection 24-2(c) of this Article, which is unloaded and
6 enclosed in a case, firearm carrying box, shipping box, or
7 other container, by the possessor of a valid Firearm Owners
8 Identification Card.

9 (Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22;
10 102-779, eff. 1-1-23; 102-837, eff. 5-13-22; revised
11 12-14-22.)

12 (720 ILCS 5/24-4) (from Ch. 38, par. 24-4)

13 Sec. 24-4. Register of sales by dealer.

14 (a) Any seller of firearms of a size which may be concealed
15 upon the person, other than a manufacturer selling to a bona
16 fide wholesaler or retailer or a wholesaler selling to a bona
17 fide retailer, shall keep a register of all firearms sold or
18 given away.

19 (b) Such register shall contain the date of the sale or
20 gift, the name, address, age and occupation of the person to
21 whom the weapon is sold or given, the price of the weapon, the
22 kind, description and number of the weapon, and the purpose
23 for which it is purchased and obtained.

24 (c) Such seller on demand of a peace officer shall produce
25 for inspection the register and allow such peace officer to

1 inspect such register and all stock on hand.

2 (c-5) Beginning January 1, 2024, the Illinois State Police
3 shall maintain a centralized registry of all reports of
4 handgun ammunition transactions reported to the Illinois State
5 Police under Section 24-1.13, in a manner prescribed by the
6 Illinois State Police. Information in the registry, upon
7 proper application for that information, shall be furnished to
8 the officers listed in Section 24-1.13, or to the person
9 listed in the registry as the owner of the particular handgun
10 ammunition.

11 (d) Sentence.

12 Violation of this Section is a Class B misdemeanor.

13 (Source: P.A. 77-2638.)

14 Article 99.

15 Section 99-95. No acceleration or delay. Where this Act
16 makes changes in a statute that is represented in this Act by
17 text that is not yet or no longer in effect (for example, a
18 Section represented by multiple versions), the use of that
19 text does not accelerate or delay the taking effect of (i) the
20 changes made by this Act or (ii) provisions derived from any
21 other Public Act.

22 Section 99-97. Severability. The provisions of this Act
23 are severable under Section 1.31 of the Statute on Statutes.

1 Section 99-99. Effective date. This Act takes effect upon
2 becoming law.

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25	750 ILCS 60/214	from Ch. 40, par. 2312-14

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- 7 720 ILCS 5/24-1.14 new
- 8 720 ILCS 5/24-2
- 9 720 ILCS 5/24-4 from Ch. 38, par. 24-4