



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5831

Introduced 2/16/2012, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act. Provides that names and information of people who have applied for or received certificates of handgun registration are exempt from public inspections and copying. Amends the State Finance Act. Creates the National Instant Criminal Background Check System Improvement Fund and the Illinois LEADS Information and Technology Improvement Fund. Amends the Firearm Owners Identification Act. Provides that the Act may now be cited to as the "Firearm Owners Identification Card and Certificate of Handgun Registration Act". Defines "certificate of handgun registration" and "handgun". Prohibits any person in the State from carrying or possessing a handgun without a certificate of handgun registration. Sets forth requirements concerning exemptions, applications for registration, registration fees, the distribution of moneys received from certain fees, and the denial of an application. Creates penalties for the possession of a handgun without a current certificate of registration, knowingly providing false or misleading information or evidence in connection with an application, and the failure to report to local law enforcement that a registered handgun is lost, stolen, missing, or destroyed. Sets forth procedures for the return of a certificate of registration for a handgun that is lost, stolen, or otherwise disposed of. Amends various Acts to make conforming changes.

LRB097 18967 RLC 64205 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

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

1 Illinois Sexually Transmissible Disease Control Act.

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

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

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

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

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

18 (j) Information and data concerning the distribution of
19 surcharge moneys collected and remitted by wireless carriers
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or
22 driver identification information compiled by a law
23 enforcement agency or the Department of Transportation under
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review
2 Team Act.

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

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

14 (o) Information that is prohibited from being disclosed
15 under Section 4 of the Illinois Health and Hazardous Substances
16 Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act or the St. Clair County
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the
24 Personnel Records Review Act.

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

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

3 (t) All identified or deidentified health information in
4 the form of health data or medical records contained in, stored
5 in, submitted to, transferred by, or released from the Illinois
6 Health Information Exchange, and identified or deidentified
7 health information in the form of health data and medical
8 records of the Illinois Health Information Exchange in the
9 possession of the Illinois Health Information Exchange
10 Authority due to its administration of the Illinois Health
11 Information Exchange. The terms "identified" and
12 "deidentified" shall be given the same meaning as in the Health
13 Insurance Accountability and Portability Act of 1996, Public
14 Law 104-191, or any subsequent amendments thereto, and any
15 regulations promulgated thereunder.

16 (u) Records and information provided to an independent team
17 of experts under Brian's Law.

18 (v) Names and information of people who have applied for or
19 received Firearm Owner's Identification Cards or certificates
20 of handgun registration under the Firearm Owners
21 Identification Card and Certificate of Handgun Registration
22 Act.

23 (w) ~~(v)~~ Personally identifiable information which is
24 exempted from disclosure under subsection (g) of Section 19.1
25 of the Toll Highway Act.

26 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;

1 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
2 8-12-11; 97-342, eff. 8-12-11; revised 9-2-11.)

3 Section 10. The Department of State Police Law of the Civil
4 Administrative Code of Illinois is amended by changing Sections
5 2605-45 and 2605-120 as follows:

6 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

7 Sec. 2605-45. Division of Administration. The Division of
8 Administration shall exercise the following functions:

9 (1) Exercise the rights, powers, and duties vested in
10 the Department by the Governor's Office of Management and
11 Budget Act.

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

14 (3) Exercise the rights, powers, and duties vested in
15 the Department by the Personnel Code.

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

19 (5) Exercise the rights, powers, and duties vested in
20 the former Division of State Troopers by Section 17 of the
21 State Police Act.

22 (6) Exercise the rights, powers, and duties vested in
23 the Department by "An Act relating to internal auditing in
24 State government", approved August 11, 1967 (repealed; now

1 the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

2 (6.5) Exercise the rights, powers, and duties vested in
3 the Department by the Firearm Owners Identification Card
4 and Certificate of Handgun Registration Act.

5 (7) Exercise other duties that may be assigned by the
6 Director to fulfill the responsibilities and achieve the
7 purposes of the Department.

8 (Source: P.A. 94-793, eff. 5-19-06.)

9 (20 ILCS 2605/2605-120) (was 20 ILCS 2605/55a in part)

10 Sec. 2605-120. Firearm Owners Identification Card and
11 Certificate of Handgun Registration Act. To exercise the
12 rights, powers, and duties that have been vested in the
13 Department of Public Safety by the Firearm Owners
14 Identification Card and Certificate of Handgun Registration
15 Act.

16 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
17 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
18 eff. 8-14-98; 91-239, eff. 1-1-00.)

19 Section 15. The State Finance Act is amended by adding
20 Sections 5.811, 5.812, 6z-93, and 6z-94 as follows:

21 (30 ILCS 105/5.811 new)

22 Sec. 5.811. The National Instant Criminal Background Check
23 System Improvement Fund.

1 (30 ILCS 105/5.812 new)

2 Sec. 5.812. The Illinois LEADS Information and Technology
3 Improvement Fund.

4 (30 ILCS 105/6z-93 new)

5 Sec. 6z-93. National Instant Criminal Background Check
6 System Improvement Fund.

7 (a) There is created in the State treasury a special fund
8 known as National Instant Criminal Background Check System
9 Improvement Fund. The Fund shall receive revenue pursuant to
10 Section 3.4 of the Firearm Owners Identification Card and
11 Certificate of Handgun Registration Act. The Fund may also
12 receive revenue from grants, donations, appropriations, and
13 any other legal source.

14 (b) The Department of State Police shall use moneys in the
15 Fund to perform its duties and responsibilities under
16 subsection (e) of Section 3.1 of the Firearm Owners
17 Identification Card and Certificate of Handgun Registration
18 Act.

19 (c) Expenditures may be made from the Fund only as
20 appropriated by the General Assembly by law.

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

24 (e) The Fund shall not be subject to administrative

1 chargebacks.

2 (30 ILCS 105/6z-94 new)

3 Sec. 6z-94. Illinois LEADS Information and Technology
4 Improvement Fund.

5 (a) There is created in the State treasury a special fund
6 known as the Illinois LEADS Information and Technology
7 Improvement Fund. The Fund shall receive revenue pursuant to
8 Section 3.4 of the Firearm Owners Identification Card and
9 Certificate of Handgun Registration Act. The Fund may also
10 receive revenue from grants, donations, appropriations, and
11 any other legal source.

12 (b) The Department of State Police shall use the moneys in
13 the Fund to update and improve the technology used for the Law
14 Enforcement Agencies Data System (LEADS) system. The Fund shall
15 also be used to support the Department's responsibilities in
16 managing background checks and public safety record-keeping.

17 (c) Moneys in the Fund shall also be used to fund grants
18 made available to local law enforcement to support their
19 technological infrastructure.

20 (d) Expenditures may be made from the Fund only as
21 appropriated by the General Assembly by law.

22 (e) Investment income that is attributable to the
23 investment of moneys in the Fund shall be retained in the Fund
24 for the uses specified in this Section.

25 (f) The Fund shall not be subject to administrative

1 chargebacks.

2 Section 20. The School Code is amended by changing Sections
3 10-22.6, 10-27.1A, and 34-8.05 as follows:

4 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

5 Sec. 10-22.6. Suspension or expulsion of pupils; school
6 searches.

7 (a) To expel pupils guilty of gross disobedience or
8 misconduct, including gross disobedience or misconduct
9 perpetuated by electronic means, and no action shall lie
10 against them for such expulsion. Expulsion shall take place
11 only after the parents have been requested to appear at a
12 meeting of the board, or with a hearing officer appointed by
13 it, to discuss their child's behavior. Such request shall be
14 made by registered or certified mail and shall state the time,
15 place and purpose of the meeting. The board, or a hearing
16 officer appointed by it, at such meeting shall state the
17 reasons for dismissal and the date on which the expulsion is to
18 become effective. If a hearing officer is appointed by the
19 board he shall report to the board a written summary of the
20 evidence heard at the meeting and the board may take such
21 action thereon as it finds appropriate. An expelled pupil may
22 be immediately transferred to an alternative program in the
23 manner provided in Article 13A or 13B of this Code. A pupil
24 must not be denied transfer because of the expulsion, except in

1 cases in which such transfer is deemed to cause a threat to the
2 safety of students or staff in the alternative program.

3 (b) To suspend or by policy to authorize the superintendent
4 of the district or the principal, assistant principal, or dean
5 of students of any school to suspend pupils guilty of gross
6 disobedience or misconduct, or to suspend pupils guilty of
7 gross disobedience or misconduct on the school bus from riding
8 the school bus, and no action shall lie against them for such
9 suspension. The board may by policy authorize the
10 superintendent of the district or the principal, assistant
11 principal, or dean of students of any school to suspend pupils
12 guilty of such acts for a period not to exceed 10 school days.
13 If a pupil is suspended due to gross disobedience or misconduct
14 on a school bus, the board may suspend the pupil in excess of
15 10 school days for safety reasons. Any suspension shall be
16 reported immediately to the parents or guardian of such pupil
17 along with a full statement of the reasons for such suspension
18 and a notice of their right to a review. The school board must
19 be given a summary of the notice, including the reason for the
20 suspension and the suspension length. Upon request of the
21 parents or guardian the school board or a hearing officer
22 appointed by it shall review such action of the superintendent
23 or principal, assistant principal, or dean of students. At such
24 review the parents or guardian of the pupil may appear and
25 discuss the suspension with the board or its hearing officer.
26 If a hearing officer is appointed by the board he shall report

1 to the board a written summary of the evidence heard at the
2 meeting. After its hearing or upon receipt of the written
3 report of its hearing officer, the board may take such action
4 as it finds appropriate. A pupil who is suspended in excess of
5 20 school days may be immediately transferred to an alternative
6 program in the manner provided in Article 13A or 13B of this
7 Code. A pupil must not be denied transfer because of the
8 suspension, except in cases in which such transfer is deemed to
9 cause a threat to the safety of students or staff in the
10 alternative program.

11 (c) The Department of Human Services shall be invited to
12 send a representative to consult with the board at such meeting
13 whenever there is evidence that mental illness may be the cause
14 for expulsion or suspension.

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

22 (1) A firearm. For the purposes of this Section,
23 "firearm" means any gun, rifle, shotgun, weapon as defined
24 by Section 921 of Title 18 of the United States Code,
25 firearm as defined in Section 1.1 of the Firearm Owners
26 Identification Card and Certificate of Handgun

1 Registration Act, or firearm as defined in Section 24-1 of
2 the Criminal Code of 1961. The expulsion period under this
3 subdivision (1) may be modified by the superintendent, and
4 the superintendent's determination may be modified by the
5 board on a case-by-case basis.

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

14 Expulsion or suspension shall be construed in a manner
15 consistent with the Federal Individuals with Disabilities
16 Education Act. A student who is subject to suspension or
17 expulsion as provided in this Section may be eligible for a
18 transfer to an alternative school program in accordance with
19 Article 13A of the School Code. The provisions of this
20 subsection (d) apply in all school districts, including special
21 charter districts and districts organized under Article 34.

22 (d-5) The board may suspend or by regulation authorize the
23 superintendent of the district or the principal, assistant
24 principal, or dean of students of any school to suspend a
25 student for a period not to exceed 10 school days or may expel
26 a student for a definite period of time not to exceed 2

1 calendar years, as determined on a case by case basis, if (i)
2 that student has been determined to have made an explicit
3 threat on an Internet website against a school employee, a
4 student, or any school-related personnel, (ii) the Internet
5 website through which the threat was made is a site that was
6 accessible within the school at the time the threat was made or
7 was available to third parties who worked or studied within the
8 school grounds at the time the threat was made, and (iii) the
9 threat could be reasonably interpreted as threatening to the
10 safety and security of the threatened individual because of his
11 or her duties or employment status or status as a student
12 inside the school. The provisions of this subsection (d-5)
13 apply in all school districts, including special charter
14 districts and districts organized under Article 34 of this
15 Code.

16 (e) To maintain order and security in the schools, school
17 authorities may inspect and search places and areas such as
18 lockers, desks, parking lots, and other school property and
19 equipment owned or controlled by the school, as well as
20 personal effects left in those places and areas by students,
21 without notice to or the consent of the student, and without a
22 search warrant. As a matter of public policy, the General
23 Assembly finds that students have no reasonable expectation of
24 privacy in these places and areas or in their personal effects
25 left in these places and areas. School authorities may request
26 the assistance of law enforcement officials for the purpose of

1 conducting inspections and searches of lockers, desks, parking
2 lots, and other school property and equipment owned or
3 controlled by the school for illegal drugs, weapons, or other
4 illegal or dangerous substances or materials, including
5 searches conducted through the use of specially trained dogs.
6 If a search conducted in accordance with this Section produces
7 evidence that the student has violated or is violating either
8 the law, local ordinance, or the school's policies or rules,
9 such evidence may be seized by school authorities, and
10 disciplinary action may be taken. School authorities may also
11 turn over such evidence to law enforcement authorities. The
12 provisions of this subsection (e) apply in all school
13 districts, including special charter districts and districts
14 organized under Article 34.

15 (f) Suspension or expulsion may include suspension or
16 expulsion from school and all school activities and a
17 prohibition from being present on school grounds.

18 (g) A school district may adopt a policy providing that if
19 a student is suspended or expelled for any reason from any
20 public or private school in this or any other state, the
21 student must complete the entire term of the suspension or
22 expulsion in an alternative school program under Article 13A of
23 this Code or an alternative learning opportunities program
24 under Article 13B of this Code before being admitted into the
25 school district if there is no threat to the safety of students
26 or staff in the alternative program. This subsection (g)

1 applies to all school districts, including special charter
2 districts and districts organized under Article 34 of this
3 Code.

4 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
5 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)

6 (105 ILCS 5/10-27.1A)

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

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

1 any civil or criminal liability that might otherwise be
2 incurred as a result of making the report. The identity of the
3 school official making such report shall not be disclosed
4 except as expressly and specifically authorized by law.
5 Knowingly and willfully failing to comply with this Section is
6 a petty offense. A second or subsequent offense is a Class C
7 misdemeanor.

8 (b) Upon receiving a report from any school official
9 pursuant to this Section, or from any other person, the
10 principal or his or her designee shall immediately notify a
11 local law enforcement agency. If the person found to be in
12 possession of a firearm on school grounds is a student, the
13 principal or his or her designee shall also immediately notify
14 that student's parent or guardian. Any principal or his or her
15 designee acting in good faith who makes such reports under this
16 Section shall have immunity from any civil or criminal
17 liability that might otherwise be incurred or imposed as a
18 result of making the reports. Knowingly and willfully failing
19 to comply with this Section is a petty offense. A second or
20 subsequent offense is a Class C misdemeanor. If the person
21 found to be in possession of the firearm on school grounds is a
22 minor, the law enforcement agency shall detain that minor until
23 such time as the agency makes a determination pursuant to
24 clause (a) of subsection (1) of Section 5-401 of the Juvenile
25 Court Act of 1987, as to whether the agency reasonably believes
26 that the minor is delinquent. If the law enforcement agency

1 determines that probable cause exists to believe that the minor
2 committed a violation of item (4) of subsection (a) of Section
3 24-1 of the Criminal Code of 1961 while on school grounds, the
4 agency shall detain the minor for processing pursuant to
5 Section 5-407 of the Juvenile Court Act of 1987.

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

17 The State Board of Education shall receive an annual
18 statistical compilation and related data associated with
19 incidents involving firearms in schools from the Department of
20 State Police. The State Board of Education shall compile this
21 information by school district and make it available to the
22 public.

23 (d) As used in this Section, the term "firearm" shall have
24 the meaning ascribed to it in Section 1.1 of the Firearm Owners
25 Identification Card and Certificate of Handgun Registration
26 Act.

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

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

8 (Source: P.A. 91-11, eff. 6-4-99; 91-491, eff. 8-13-99.)

9 (105 ILCS 5/34-8.05)

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

23 The State Board of Education shall receive an annual
24 statistical compilation and related data associated with
25 incidents involving firearms in schools from the Department of

1 State Police. As used in this Section, the term "firearm" shall
2 have the meaning ascribed to it in Section 1.1 of the Firearm
3 Owners Identification Card and Certificate of Handgun
4 Registration Act.

5 (Source: P.A. 89-498, eff. 6-27-96.)

6 Section 25. The Lead Poisoning Prevention Act is amended by
7 changing Section 2 as follows:

8 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

10 "Abatement" means the removal or encapsulation of all
11 leadbearing substances in a residential building or dwelling
12 unit.

13 "Child care facility" means any structure used by a child
14 care provider licensed by the Department of Children and Family
15 Services or public school structure frequented by children
16 through 6 years of age.

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

20 "Department" means the Department of Public Health of the
21 State of Illinois.

22 "Dwelling" means any structure all or part of which is
23 designed or used for human habitation.

24 "High risk area" means an area in the State determined by

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

12 "Exposed surface" means any interior or exterior surface of
13 a dwelling or residential building.

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

17 "Lead abatement worker" means any person employed by a lead
18 abatement contractor and licensed by the Department to perform
19 lead abatement and mitigation.

20 "Lead bearing substance" means any item containing or
21 coated with lead such that the lead content is more than
22 six-hundredths of one percent (0.06%) lead by total weight; or
23 any dust on surfaces or in furniture or other nonpermanent
24 elements of the dwelling; or any paint or other surface coating
25 material containing more than five-tenths of one percent (0.5%)
26 lead by total weight (calculated as lead metal) in the total

1 non-volatile content of liquid paint; or lead bearing
2 substances containing greater than one milligram per square
3 centimeter or any lower standard for lead content in
4 residential paint as may be established by federal law or
5 regulation; or more than 1 milligram per square centimeter in
6 the dried film of paint or previously applied substance; or
7 item or dust on item containing lead in excess of the amount
8 specified in the rules and regulations authorized by this Act
9 or a lower standard for lead content as may be established by
10 federal law or regulation. "Lead bearing substance" does not
11 include firearm ammunition or components as defined by the
12 Firearm Owners Identification Card and Certificate of Handgun
13 Registration Act.

14 "Lead hazard" means a lead bearing substance that poses an
15 immediate health hazard to humans.

16 "Lead poisoning" means the condition of having blood lead
17 levels in excess of those considered safe under State and
18 federal rules and regulations.

19 "Low risk area" means an area in the State determined by
20 the Department to be low risk for lead exposure for children
21 through 6 years of age. The Department shall consider the
22 factors named in "high risk area" to determine low risk areas.

23 "Mitigation" means the remediation, in a manner described
24 in Section 9, of a lead hazard so that the lead bearing
25 substance does not pose an immediate health hazard to humans.

26 "Owner" means any person, who alone, jointly, or severally

1 with others:

2 (a) Has legal title to any dwelling or residential
3 building, with or without accompanying actual possession
4 of the dwelling or residential building, or

5 (b) Has charge, care or control of the dwelling or
6 residential building as owner or agent of the owner, or as
7 executor, administrator, trustee, or guardian of the
8 estate of the owner.

9 "Person" means any one or more natural persons, legal
10 entities, governmental bodies, or any combination.

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

15 "Risk assessment" means a questionnaire to be developed by
16 the Department for use by physicians and other health care
17 providers to determine risk factors for children through 6
18 years of age residing in areas designated as low risk for lead
19 exposure.

20 (Source: P.A. 94-879, eff. 6-20-06.)

21 Section 30. The Firearm Owners Identification Card Act is
22 amended by changing Sections 0.01, 1, 1.1, 3, 3.1, 4, 6.1, and
23 14 and by adding Section 3.4 as follows:

24 (430 ILCS 65/0.01) (from Ch. 38, par. 83-0.1)

1 Sec. 0.01. Short title. This Act may be cited as the
2 Firearm Owners Identification Card and Certificate of Handgun
3 Registration Act.

4 (Source: P.A. 86-1324.)

5 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

6 Sec. 1. It is hereby declared as a matter of legislative
7 determination that in order to promote and protect the health,
8 safety and welfare of the public, it is necessary and in the
9 public interest to provide a system of identifying persons who
10 are not qualified to acquire or possess firearms, firearm
11 ammunition, stun guns, and tasers within the State of Illinois
12 by the establishment of a system of Firearm Owner's
13 Identification Cards and handgun registration, thereby
14 establishing a practical and workable system by which law
15 enforcement authorities will be afforded an opportunity to
16 identify those persons who are prohibited by Section 24-3.1 of
17 the "Criminal Code of 1961", as amended, from acquiring or
18 possessing firearms and firearm ammunition and who are
19 prohibited by this Act from acquiring stun guns and tasers, and
20 to identify the ownership of handguns that have been recovered
21 or seized as evidence.

22 (Source: P.A. 94-6, eff. 1-1-06.)

23 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

24 Sec. 1.1. For purposes of this Act:

1 "Has been adjudicated as a mental defective" means the
2 person is the subject of a determination by a court, board,
3 commission or other lawful authority that a person, as a result
4 of marked subnormal intelligence, or mental illness, mental
5 impairment, incompetency, condition, or disease:

6 (1) is a danger to himself, herself, or to others;

7 (2) lacks the mental capacity to manage his or her own
8 affairs;

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

11 (4) is incompetent to stand trial in a criminal case;

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

15 "Certificate of handgun registration" means a certificate
16 issued by the Illinois Department of State Police pursuant to
17 Section 3.4 of this Act.

18 "Counterfeit" means to copy or imitate, without legal
19 authority, with intent to deceive.

20 "Federally licensed firearm dealer" means a person who is
21 licensed as a federal firearms dealer under Section 923 of the
22 federal Gun Control Act of 1968 (18 U.S.C. 923).

23 "Firearm" means any device, by whatever name known, which
24 is designed to expel a projectile or projectiles by the action
25 of an explosion, expansion of gas or escape of gas; excluding,
26 however:

1 (1) any pneumatic gun, spring gun, paint ball gun or
2 B-B gun which either expels a single globular projectile
3 not exceeding .18 inch in diameter and which has a maximum
4 muzzle velocity of less than 700 feet per second or
5 breakable paint balls containing washable marking colors;

6 (2) any device used exclusively for signalling or
7 safety and required or recommended by the United States
8 Coast Guard or the Interstate Commerce Commission;

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

12 (4) an antique firearm (other than a machine-gun)
13 which, although designed as a weapon, the Department of
14 State Police finds by reason of the date of its
15 manufacture, value, design, and other characteristics is
16 primarily a collector's item and is not likely to be used
17 as a weapon.

18 "Firearm ammunition" means any self-contained cartridge or
19 shotgun shell, by whatever name known, which is designed to be
20 used or adaptable to use in a firearm; excluding, however:

21 (1) any ammunition exclusively designed for use with a
22 device used exclusively for signalling or safety and
23 required or recommended by the United States Coast Guard or
24 the Interstate Commerce Commission; and

25 (2) any ammunition designed exclusively for use with a
26 stud or rivet driver or other similar industrial

1 ammunition.

2 "Gun show" means an event or function:

3 (1) at which the sale and transfer of firearms is the
4 regular and normal course of business and where 50 or more
5 firearms are displayed, offered, or exhibited for sale,
6 transfer, or exchange; or

7 (2) at which not less than 10 gun show vendors display,
8 offer, or exhibit for sale, sell, transfer, or exchange
9 firearms.

10 "Gun show" includes the entire premises provided for an
11 event or function, including parking areas for the event or
12 function, that is sponsored to facilitate the purchase, sale,
13 transfer, or exchange of firearms as described in this Section.

14 "Gun show" does not include training or safety classes,
15 competitive shooting events, such as rifle, shotgun, or handgun
16 matches, trap, skeet, or sporting clays shoots, dinners,
17 banquets, raffles, or any other event where the sale or
18 transfer of firearms is not the primary course of business.

19 "Gun show promoter" means a person who organizes or
20 operates a gun show.

21 "Gun show vendor" means a person who exhibits, sells,
22 offers for sale, transfers, or exchanges any firearms at a gun
23 show, regardless of whether the person arranges with a gun show
24 promoter for a fixed location from which to exhibit, sell,
25 offer for sale, transfer, or exchange any firearm.

26 "Handgun" means a firearm designed to be held and fired by

1 the use of a single hand, and includes a combination of parts
2 from which the firearm can be assembled.

3 "Sanctioned competitive shooting event" means a shooting
4 contest officially recognized by a national or state shooting
5 sport association, and includes any sight-in or practice
6 conducted in conjunction with the event.

7 "Stun gun or taser" has the meaning ascribed to it in
8 Section 24-1 of the Criminal Code of 1961.

9 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331,
10 eff. 8-21-07; 95-581, eff. 6-1-08.)

11 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

12 Sec. 3. (a) Except as provided in Section 3a, no person may
13 knowingly transfer, or cause to be transferred, any firearm,
14 firearm ammunition, stun gun, or taser to any person within
15 this State unless the transferee with whom he deals displays a
16 currently valid Firearm Owner's Identification Card which has
17 previously been issued in his name by the Department of State
18 Police under the provisions of this Act. In addition, all
19 firearm, stun gun, and taser transfers by federally licensed
20 firearm dealers are subject to Section 3.1. In addition, the
21 transferor and transferee of a handgun shall be subject to
22 Section 3.4 of this Act regardless of whether the transferor is
23 a federally licensed firearm dealer.

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 Department of State
3 Police to conduct a background check on the prospective
4 recipient of the firearm in accordance with Section 3.1.
5 Whenever a person who is exempt from Section 3.4 of this Act
6 transfers a handgun to a person who is not exempt, the
7 transferor shall notify the Department of State Police of the
8 transfer, on a form or in a manner prescribed by the
9 Department, within 10 days after the transfer.

10 (b) Any person within this State who transfers or causes to
11 be transferred any firearm, stun gun, or taser shall keep a
12 record of such transfer for a period of 10 years from the date
13 of transfer. Such record shall contain the date of the
14 transfer; the description, serial number or other information
15 identifying the firearm, stun gun, or taser if no serial number
16 is available; and, if the transfer was completed within this
17 State, the transferee's Firearm Owner's Identification Card
18 number. On or after January 1, 2006, the record shall contain
19 the date of application for transfer of the firearm. On demand
20 of a peace officer such transferor shall produce for inspection
21 such record of transfer. If the transfer or sale took place at
22 a gun show, the record shall include the unique identification
23 number. Failure to record the unique identification number is a
24 petty offense.

25 (b-5) Any resident may purchase ammunition from a person
26 outside of Illinois. Any resident purchasing ammunition

1 outside the State of Illinois must provide the seller with a
2 copy of his or her valid Firearm Owner's Identification Card
3 and either his or her Illinois driver's license or Illinois
4 State Identification Card prior to the shipment of the
5 ammunition. The ammunition may be shipped only to an address on
6 either of those 2 documents.

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

10 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,
11 eff. 7-29-05; 94-571, eff. 8-12-05; 95-331, eff. 8-21-07.)

12 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

13 Sec. 3.1. Dial up system.

14 (a) The Department of State Police shall provide a dial up
15 telephone system or utilize other existing technology which
16 shall be used by any federally licensed firearm dealer, gun
17 show promoter, or gun show vendor who is to transfer a firearm,
18 stun gun, or taser under the provisions of this Act. The
19 Department of State Police may utilize existing technology
20 which allows the caller to be charged a fee not to exceed \$2.
21 Fees collected by the Department of State Police shall be
22 deposited in the State Police Services Fund and used to provide
23 the service.

24 (b) Upon receiving a request from a federally licensed
25 firearm dealer, gun show promoter, or gun show vendor, the

1 Department of State Police shall immediately approve, or within
2 the time period established by Section 24-3 of the Criminal
3 Code of 1961 regarding the delivery of firearms, stun guns, and
4 tasers notify the inquiring dealer, gun show promoter, or gun
5 show vendor of any objection that would disqualify the
6 transferee from acquiring or possessing a firearm, stun gun, or
7 taser. In conducting the inquiry, the Department of State
8 Police shall initiate and complete an automated search of its
9 criminal history record information files and those of the
10 Federal Bureau of Investigation, including the National
11 Instant Criminal Background Check System, and of the files of
12 the Department of Human Services relating to mental health and
13 developmental disabilities to obtain any felony conviction or
14 patient hospitalization information which would disqualify a
15 person from obtaining or require revocation of a currently
16 valid Firearm Owner's Identification Card.

17 (c) If receipt of a firearm would not violate Section 24-3
18 of the Criminal Code of 1961, federal law, or this Act the
19 Department of State Police shall:

20 (1) assign a unique identification number to the
21 transfer; and

22 (2) provide the licensee, gun show promoter, or gun
23 show vendor with the number.

24 (d) Approvals issued by the Department of State Police for
25 the purchase of a firearm are valid for 30 days from the date
26 of issue.

1 (e) (1) The Department of State Police must act as the
2 Illinois Point of Contact for the National Instant Criminal
3 Background Check System.

4 (2) The Department of State Police and the Department of
5 Human Services shall, in accordance with State and federal law
6 regarding confidentiality, enter into a memorandum of
7 understanding with the Federal Bureau of Investigation for the
8 purpose of implementing the National Instant Criminal
9 Background Check System in the State. The Department of State
10 Police shall report the name, date of birth, and physical
11 description of any person prohibited from possessing a firearm
12 pursuant to the Firearm Owners Identification Card and
13 Certificate of Handgun Registration Act or 18 U.S.C. 922(g) and
14 (n) to the National Instant Criminal Background Check System
15 Index, Denied Persons Files. The Department of State Police
16 shall implement a program to distribute grant moneys, with
17 funds appropriated for that purpose, to units of local
18 government to facilitate participation in the National Instant
19 Criminal Background Check System by their enforcement
20 agencies.

21 (f) The Department of State Police shall promulgate rules
22 not inconsistent with this Section to implement this system.

23 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331,
24 eff. 8-21-07; 95-564, eff. 6-1-08.)

1 Sec. 3.4. Certificate of handgun registration.

2 (a) No person shall transport or possess a handgun in this
3 State without a certificate of handgun registration issued for
4 that handgun by the Department of State Police.

5 (b) The provisions of this Section requiring the issuance
6 of certificates of handgun registration do not apply to the
7 following persons:

8 (1) any person who is exempt from the Firearm Owner's
9 Identification Card requirements of this Act pursuant to
10 subsection (b) of Section 2 of this Act;

11 (2) any person who is exempt from the Firearm Owner's
12 Identification Card requirements of this Act pursuant to
13 subsection (c) of Section 2 of this Act; and

14 (3) a federally licensed firearm dealer holding a new
15 handgun for transfer or sale.

16 (c) An applicant for an original or transferred certificate
17 of handgun registration shall submit an application to the
18 Department, prepared and furnished at convenient locations
19 throughout the State or by electronic means. The application
20 shall request the following information from the applicant:

21 (1) the applicant's name, address, and telephone
22 number;

23 (2) a copy of the applicant's Illinois Firearm Owner's
24 Identification Card;

25 (3) the name of the manufacturer, the caliber or gauge,
26 the model, the type, and the serial number identification

1 of the handgun to be registered;

2 (4) the source from which the handgun was obtained,
3 including the name and address of the source;

4 (5) the date the handgun was acquired;

5 (6) any other information that the Department shall
6 find reasonably necessary or desirable to effectuate the
7 purposes of this Act and to arrive at a fair determination
8 as to whether the terms of this Act have been complied
9 with; and

10 (7) an affidavit signed by the applicant certifying
11 that the applicant:

12 (A) possesses a valid Firearm Owner's
13 Identification Card;

14 (B) as of the date of application, would still be
15 eligible to receive from the Department a Firearm
16 Owner's Identification Card.

17 (d) Any person who transports or possesses a handgun
18 without a current certificate of handgun registration is guilty
19 of a Class 2 felony. Any person who knowingly enters false or
20 misleading information or who submits false or misleading
21 evidence in connection with the application described in
22 subsection (c) of this Section is guilty of a Class 2 felony.
23 Any person who knows or should know that his or her registered
24 handgun is lost, stolen, missing, or destroyed but does not
25 report that occurrence to local law enforcement is guilty of a
26 Class A misdemeanor.

1 (e) The Department shall issue an original or transferred
2 certificate of registration or shall issue a written denial of
3 the application within 30 days after the application is
4 received.

5 (f) Except as provided in subsection (g) of this Section, a
6 nonrefundable application fee of \$65 shall be payable for each
7 original or transferred certificate of handgun registration.
8 All moneys received from this \$65 fee shall be deposited as
9 follows:

10 (1) \$25 to the Department for the administration of
11 handgun registration;

12 (2) \$20 to the Illinois LEADS Information and
13 Technology Improvement Fund; and

14 (3) \$20 to the National Instant Criminal Background
15 Check System Improvement Fund.

16 (g) A nonrefundable application fee of \$33 shall be payable
17 for each original or transferred certificate of handgun
18 registration submitted to the Department within 90 days after
19 the effective date of this amendatory Act of the 97th General
20 Assembly. All moneys received from this \$33 fee shall be
21 deposited as follows:

22 (1) \$11 to the Department for the administration of
23 handgun registration;

24 (2) \$11 to the Illinois LEADS Information and
25 Technology Improvement Fund; and

26 (3) \$11 to the National Instant Criminal Background

1 Check System Improvement Fund.

2 (h) A nonrefundable fee of \$10 shall be payable for each
3 duplicate or replacement certificate of handgun registration.
4 All moneys received this \$10 fee shall be deposited with the
5 Department for the administration of handgun registration.

6 (i) Certificates of handgun registration shall expire
7 every 5 years. The fee for renewal of a certificate of handgun
8 registration is \$25. All moneys received from this \$25 fee
9 shall be deposited with the Department for the administration
10 of handgun registration.

11 (j) Every person issued a certificate of handgun
12 registration shall notify local law enforcement within 72 hours
13 of any of the following events:

14 (1) the destruction of his or her handgun, or when the
15 person knows, or should have known, that his or her handgun
16 is lost, stolen, or otherwise missing;

17 (2) the loss, theft, or destruction of the certificate
18 of handgun registration within 72 hours of the discovery of
19 the loss, theft, or destruction.

20 (j-5) Every person issued a certificate of handgun
21 registration shall notify the Department in a manner prescribed
22 by the Department within 72 hours of any of the following
23 events:

24 (1) a change in any of the information appearing on the
25 certificate of handgun registration;

26 (2) the sale, transfer, inheritance, or other

1 disposition of the registered handgun not less than 48
2 hours prior to delivery.

3 (k) Every person issued a certificate of handgun
4 registration, in addition to any other requirements of this
5 Section, shall immediately return to the Department his or her
6 copy of the certificate of handgun registration for any handgun
7 which is lost, stolen, destroyed, or otherwise disposed of.

8 (l) If an owner transfers ownership of a handgun, he or she
9 shall execute to the transferee, at the time of the delivery of
10 the handgun, an assignment of registration in the space
11 provided on the certificate of handgun registration, and shall
12 cause the certificate and assignment to be delivered to the
13 transferee.

14 (l-5) In the case of a federally licensed firearm dealer
15 making a sale of a new handgun, the dealer shall submit the
16 application described in subsection (c) along with the required
17 fee to the Department on the purchaser's behalf within 20 days
18 from the date of sale. If the purchaser does not receive an
19 original certificate of handgun registration or a written
20 denial of the application submitted on his or her behalf by the
21 dealer within 50 days from the date of purchase, the purchaser
22 shall inquire to the Department regarding the status of his or
23 her application.

24 (m) Within 20 days after the delivery to a transferee of a
25 handgun or the delivery of the certificate and assignment,
26 whichever occurs sooner, the transferee shall execute the

1 application for a new certificate of handgun registration in
2 the space provided on the certificate and cause the certificate
3 and application to be mailed or delivered to the Department.

4 (n) No transferee shall knowingly accept ownership of a
5 handgun from a transferor who has failed to obtain a
6 certificate of handgun registration in violation of this
7 Section, or who fails to execute an assignment of registration
8 to the transferee as required by subsection (l) of this
9 Section.

10 (o) Any person who accepts delivery of a handgun that has
11 not been previously registered and assigned to the transferee
12 shall file an application for an original certificate of
13 handgun registration within 20 days after taking possession of
14 the handgun. Any person who owns a handgun on the effective
15 date of this amendatory Act of the 97th General Assembly shall
16 file an application for an original certificate of handgun
17 registration not later than 90 days after the effective date of
18 this amendatory Act of the 97th General Assembly.

19 (p) Transfer of ownership of a registered handgun shall not
20 be considered complete until the transferee has complied with
21 subsection (m) of this Section, provided that a transferor who
22 has complied with subsections (j) and (l) of this Section, and
23 has complied with the requirements of Section 3 and 3.1, if
24 applicable, shall not be liable as an owner by virtue of the
25 transferee's failure to comply with subsection (m) for damages
26 arising out of use of the handgun.

1 (q) The Department has authority to deny an application for
2 or to revoke and seize a certificate of handgun registration
3 previously issued under this Section if the Department finds
4 that:

5 (1) the person does not possess a valid Firearm Owner's
6 Identification Card;

7 (2) false or misleading information was submitted to
8 the Department in connection with the application; or

9 (3) the handgun is unlawful for the applicant to own.

10 (r) The Department of State Police and local law
11 enforcement may exchange any information that is necessary for
12 the proper administration of this Section unless the exchange
13 is specifically prohibited by State or federal law.

14 (s) Whenever an application for a Certificate of Handgun
15 Registration is denied, whenever the Department fails to act on
16 an application within 30 days of its receipt, or whenever such
17 a certificate is revoked or seized, the aggrieved party may
18 appeal to the Director of the Department of State Police for a
19 hearing upon such denial, revocation or seizure, unless the
20 denial, revocation, or seizure was based upon a forcible
21 felony, stalking, aggravated stalking, domestic battery, any
22 violation of the Illinois Controlled Substances Act, the
23 Methamphetamine Control and Community Protection Act, or the
24 Cannabis Control Act that is classified as a Class 2 or greater
25 felony, any felony violation of Article 24 of the Criminal Code
26 of 1961, or any adjudication as a delinquent minor for the

1 commission of an offense that if committed by an adult would be
2 a felony, in which case the aggrieved party may petition the
3 circuit court in writing in the county of his or her residence
4 for a hearing upon such denial, revocation, or seizure.

5 (1) At least 30 days before any hearing in the circuit
6 court, the petitioner shall serve the relevant State's
7 Attorney with a copy of the petition. The State's Attorney
8 may object to the petition and present evidence. At the
9 hearing the court shall determine whether substantial
10 justice has been done. Should the court determine that
11 substantial justice has not been done, the court shall
12 issue an order directing the Department of State Police to
13 issue a Certificate.

14 (2) Any person prohibited from possessing a firearm
15 under Sections 24-1.1 or 24-3.1 of the Criminal Code of
16 1961 or acquiring a Certificate of Handgun Registration
17 under Section 3.4 of the Act may apply to the Director of
18 the Department of State Police or petition the circuit
19 court in the county where the petitioner resides, whichever
20 is applicable in accordance with this subsection (s),
21 requesting relief from such prohibition and the Director or
22 court may grant such relief if it is established by the
23 applicant to the court's or Director's satisfaction that:

24 (A) when in the circuit court, the State's Attorney
25 has been served with a written copy of the petition at
26 least 30 days before any such hearing in the circuit

1 court and at the hearing the State's Attorney was
2 afforded an opportunity to present evidence and object
3 to the petition;

4 (B) the applicant has not been convicted of a
5 forcible felony under the laws of this State or any
6 other jurisdiction within 20 years of the applicant's
7 application for a Firearm Owner's Identification Card,
8 or at least 20 years have passed since the end of any
9 period of imprisonment imposed in relation to that
10 conviction;

11 (C) the circumstances regarding a criminal
12 conviction, where applicable, the applicant's criminal
13 history and his reputation are such that the applicant
14 will not be likely to act in a manner dangerous to
15 public safety; and

16 (D) granting relief would not be contrary to the
17 public interest.

18 (3) When a minor is adjudicated delinquent for an
19 offense which if committed by an adult would be a felony,
20 the court shall notify the Department of State Police.

21 (4) The court shall review the denial of an application
22 or the revocation of a Certificate of Handgun Registration
23 of a person who has been adjudicated delinquent for an
24 offense that if committed by an adult would be a felony if
25 an application for relief has been filed at least 10 years
26 after the adjudication of delinquency and the court

1 determines that the applicant should be granted relief from
2 disability to obtain a Certificate of Handgun
3 Registration. If the court grants relief, the court shall
4 notify the Department of State Police that the disability
5 has been removed and that the applicant is eligible to
6 obtain a Certificate of Handgun Registration.

7 (5) Any person who is prohibited from possessing a
8 firearm under 18 U.S.C. 922(d)(4) and 922(g)(4) of the
9 federal Gun Control Act of 1968 may apply to the Department
10 of State Police requesting relief from such prohibition and
11 the Director shall grant such relief if it is established
12 to the Director's satisfaction that the person will not be
13 likely to act in a manner dangerous to public safety and
14 granting relief would not be contrary to the public
15 interest.

16 (t) Notwithstanding any other provision of law, including
17 the Freedom of Information Act, it is the public policy of this
18 State that the names and information of people who have applied
19 for or received certificates of handgun registration under this
20 Section are considered private and shall not be disclosed. No
21 State or local law enforcement agency shall provide the names
22 and information of holders of or applicants for certificates of
23 handgun registration, except that the Department may provide
24 confirmation that an individual has or has not been issued,
25 applied for, or denied a certificate of handgun registration in
26 connection with a criminal investigation.

1 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

2 Sec. 4. (a) Each applicant for a Firearm Owner's
3 Identification Card must:

4 (1) Make application on blank forms prepared and
5 furnished at convenient locations throughout the State by
6 the Department of State Police, or by electronic means, if
7 and when made available by the Department of State Police;
8 and

9 (2) Submit evidence to the Department of State Police
10 that:

11 (i) He or she is 21 years of age or over, or if he
12 or she is under 21 years of age that he or she has the
13 written consent of his or her parent or legal guardian
14 to possess and acquire firearms and firearm ammunition
15 and that he or she has never been convicted of a
16 misdemeanor other than a traffic offense or adjudged
17 delinquent, provided, however, that such parent or
18 legal guardian is not an individual prohibited from
19 having a Firearm Owner's Identification Card and files
20 an affidavit with the Department as prescribed by the
21 Department stating that he or she is not an individual
22 prohibited from having a Card;

23 (ii) He or she has not been convicted of a felony
24 under the laws of this or any other jurisdiction;

25 (iii) He or she is not addicted to narcotics;

1 (iv) He or she has not been a patient in a mental
2 institution within the past 5 years and he or she has
3 not been adjudicated as a mental defective;

4 (v) He or she is not intellectually disabled;

5 (vi) He or she is not an alien who is unlawfully
6 present in the United States under the laws of the
7 United States;

8 (vii) He or she is not subject to an existing order
9 of protection prohibiting him or her from possessing a
10 firearm;

11 (viii) He or she has not been convicted within the
12 past 5 years of battery, assault, aggravated assault,
13 violation of an order of protection, or a substantially
14 similar offense in another jurisdiction, in which a
15 firearm was used or possessed;

16 (ix) He or she has not been convicted of domestic
17 battery, aggravated domestic battery, or a
18 substantially similar offense in another jurisdiction
19 committed before, on or after January 1, 2012 (the
20 effective date of Public Act 97-158) ~~this amendatory~~
21 ~~Act of the 97th General Assembly;~~

22 (x) (Blank);

23 (xi) He or she is not an alien who has been
24 admitted to the United States under a non-immigrant
25 visa (as that term is defined in Section 101(a)(26) of
26 the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(26)), or that he or she is an alien who has
2 been lawfully admitted to the United States under a
3 non-immigrant visa if that alien is:

4 (1) admitted to the United States for lawful
5 hunting or sporting purposes;

6 (2) an official representative of a foreign
7 government who is:

8 (A) accredited to the United States
9 Government or the Government's mission to an
10 international organization having its
11 headquarters in the United States; or

12 (B) en route to or from another country to
13 which that alien is accredited;

14 (3) an official of a foreign government or
15 distinguished foreign visitor who has been so
16 designated by the Department of State;

17 (4) a foreign law enforcement officer of a
18 friendly foreign government entering the United
19 States on official business; or

20 (5) one who has received a waiver from the
21 Attorney General of the United States pursuant to
22 18 U.S.C. 922(y)(3);

23 (xii) He or she is not a minor subject to a
24 petition filed under Section 5-520 of the Juvenile
25 Court Act of 1987 alleging that the minor is a
26 delinquent minor for the commission of an offense that

1 if committed by an adult would be a felony; and

2 (xiii) He or she is not an adult who had been
3 adjudicated a delinquent minor under the Juvenile
4 Court Act of 1987 for the commission of an offense that
5 if committed by an adult would be a felony; and

6 (3) Upon request by the Department of State Police,
7 sign a release on a form prescribed by the Department of
8 State Police waiving any right to confidentiality and
9 requesting the disclosure to the Department of State Police
10 of limited mental health institution admission information
11 from another state, the District of Columbia, any other
12 territory of the United States, or a foreign nation
13 concerning the applicant for the sole purpose of
14 determining whether the applicant is or was a patient in a
15 mental health institution and disqualified because of that
16 status from receiving a Firearm Owner's Identification
17 Card. No mental health care or treatment records may be
18 requested. The information received shall be destroyed
19 within one year of receipt.

20 (a-5) Each applicant for a Firearm Owner's Identification
21 Card who is over the age of 18 shall furnish to the Department
22 of State Police either his or her driver's license number or
23 Illinois Identification Card number.

24 (a-10) Each applicant for a Firearm Owner's Identification
25 Card, who is employed as an armed security officer at a nuclear
26 energy, storage, weapons, or development facility regulated by

1 the Nuclear Regulatory Commission and who is not an Illinois
2 resident, shall furnish to the Department of State Police his
3 or her driver's license number or state identification card
4 number from his or her state of residence. The Department of
5 State Police may promulgate rules to enforce the provisions of
6 this subsection (a-10).

7 (b) Each application form shall include the following
8 statement printed in bold type: "Warning: Entering false
9 information on an application for a Firearm Owner's
10 Identification Card is punishable as a Class 2 felony in
11 accordance with subsection (d-5) of Section 14 of the Firearm
12 Owners Identification Card and Certificate of Handgun
13 Registration Act.".

14 (c) Upon such written consent, pursuant to Section 4,
15 paragraph (a)(2)(i), the parent or legal guardian giving the
16 consent shall be liable for any damages resulting from the
17 applicant's use of firearms or firearm ammunition.

18 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised
19 10-4-11.)

20 (430 ILCS 65/6.1)

21 Sec. 6.1. Altered, forged or counterfeit Firearm Owner's
22 Identification Cards.

23 (a) Any person who forges or materially alters a Firearm
24 Owner's Identification Card or certificate of handgun
25 registration or who counterfeits a Firearm Owner's

1 Identification Card or certificate of handgun registration
2 commits a Class 2 felony.

3 (b) Any person who knowingly possesses a forged or
4 materially altered Firearm Owner's Identification Card or
5 certificate of handgun registration with the intent to use it
6 commits a Class 2 felony. A person who possesses a Firearm
7 Owner's Identification Card or certificate of handgun
8 registration with knowledge that it is counterfeit commits a
9 Class 2 felony.

10 (Source: P.A. 92-414, eff. 1-1-02.)

11 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

12 Sec. 14. Sentence.

13 (a) A violation of paragraph (1) of subsection (a) of
14 Section 2, when the person's Firearm Owner's Identification
15 Card is expired but the person is not otherwise disqualified
16 from renewing the card, is a Class A misdemeanor.

17 (b) Except as provided in subsection (a) with respect to an
18 expired card, a violation of paragraph (1) of subsection (a) of
19 Section 2 is a Class A misdemeanor when the person does not
20 possess a currently valid Firearm Owner's Identification Card,
21 but is otherwise eligible under this Act. A second or
22 subsequent violation is a Class 4 felony.

23 (c) A violation of paragraph (1) of subsection (a) of
24 Section 2 is a Class 3 felony when:

25 (1) the person's Firearm Owner's Identification Card

1 is revoked or subject to revocation under Section 8; or

2 (2) the person's Firearm Owner's Identification Card
3 is expired and not otherwise eligible for renewal under
4 this Act; or

5 (3) the person does not possess a currently valid
6 Firearm Owner's Identification Card, and the person is not
7 otherwise eligible under this Act.

8 (d) A violation of subsection (a) of Section 3 is a Class 4
9 felony. A third or subsequent conviction is a Class 1 felony.

10 (d-5) Any person who knowingly enters false information on
11 an application for a Firearm Owner's Identification Card or a
12 certificate of handgun registration, who knowingly gives a
13 false answer to any question on the application, or who
14 knowingly submits false evidence in connection with an
15 application is guilty of a Class 2 felony.

16 (e) Except as provided by Section 6.1 of this Act, any
17 other violation of this Act is a Class A misdemeanor.

18 (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;
19 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)

20 Section 35. The Clerks of Courts Act is amended by changing
21 Section 27.3a as follows:

22 (705 ILCS 105/27.3a)

23 (Text of Section after amendment by P.A. 97-46)

24 Sec. 27.3a. Fees for automated record keeping and State and

1 Conservation Police operations.

2 1. The expense of establishing and maintaining automated
3 record keeping systems in the offices of the clerks of the
4 circuit court shall be borne by the county. To defray such
5 expense in any county having established such an automated
6 system or which elects to establish such a system, the county
7 board may require the clerk of the circuit court in their
8 county to charge and collect a court automation fee of not less
9 than \$1 nor more than \$15 to be charged and collected by the
10 clerk of the court. Such fee shall be paid at the time of
11 filing the first pleading, paper or other appearance filed by
12 each party in all civil cases or by the defendant in any
13 felony, traffic, misdemeanor, municipal ordinance, or
14 conservation case upon a judgment of guilty or grant of
15 supervision, provided that the record keeping system which
16 processes the case category for which the fee is charged is
17 automated or has been approved for automation by the county
18 board, and provided further that no additional fee shall be
19 required if more than one party is presented in a single
20 pleading, paper or other appearance. Such fee shall be
21 collected in the manner in which all other fees or costs are
22 collected.

23 1.5. Starting on the effective date of this amendatory Act
24 of the 96th General Assembly, a clerk of the circuit court in
25 any county that imposes a fee pursuant to subsection 1 of this
26 Section, shall charge and collect an additional fee in an

1 amount equal to the amount of the fee imposed pursuant to
2 subsection 1 of this Section. This additional fee shall be paid
3 by the defendant in any felony, traffic, misdemeanor, or local
4 ordinance case upon a judgment of guilty or grant of
5 supervision. This fee shall not be paid by the defendant for
6 any conservation violation listed in subsection 1.6 of this
7 Section.

8 1.6. Starting on July 1, 2012 (the effective date of Public
9 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a
10 clerk of the circuit court in any county that imposes a fee
11 pursuant to subsection 1 of this Section shall charge and
12 collect an additional fee in an amount equal to the amount of
13 the fee imposed pursuant to subsection 1 of this Section. This
14 additional fee shall be paid by the defendant upon a judgment
15 of guilty or grant of supervision for a conservation violation
16 under the State Parks Act, the Recreational Trails of Illinois
17 Act, the Illinois Explosives Act, the Timber Buyers Licensing
18 Act, the Forest Products Transportation Act, the Firearm Owners
19 Identification Card and Certificate of Handgun Registration
20 Act, the Environmental Protection Act, the Fish and Aquatic
21 Life Code, the Wildlife Code, the Cave Protection Act, the
22 Illinois Exotic Weed Act, the Illinois Forestry Development
23 Act, the Ginseng Harvesting Act, the Illinois Lake Management
24 Program Act, the Illinois Natural Areas Preservation Act, the
25 Illinois Open Land Trust Act, the Open Space Lands Acquisition
26 and Development Act, the Illinois Prescribed Burning Act, the

1 State Forest Act, the Water Use Act of 1983, the Illinois Youth
2 and Young Adult Employment Act of 1986, the Snowmobile
3 Registration and Safety Act, the Boat Registration and Safety
4 Act, the Illinois Dangerous Animals Act, the Hunter and
5 Fishermen Interference Prohibition Act, the Wrongful Tree
6 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
7 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
8 the Illinois Vehicle Code.

9 2. With respect to the fee imposed under subsection 1 of
10 this Section, each clerk shall commence such charges and
11 collections upon receipt of written notice from the chairman of
12 the county board together with a certified copy of the board's
13 resolution, which the clerk shall file of record in his office.

14 3. With respect to the fee imposed under subsection 1 of
15 this Section, such fees shall be in addition to all other fees
16 and charges of such clerks, and assessable as costs, and may be
17 waived only if the judge specifically provides for the waiver
18 of the court automation fee. The fees shall be remitted monthly
19 by such clerk to the county treasurer, to be retained by him in
20 a special fund designated as the court automation fund. The
21 fund shall be audited by the county auditor, and the board
22 shall make expenditure from the fund in payment of any cost
23 related to the automation of court records, including hardware,
24 software, research and development costs and personnel related
25 thereto, provided that the expenditure is approved by the clerk
26 of the court and by the chief judge of the circuit court or his

1 designate.

2 4. With respect to the fee imposed under subsection 1 of
3 this Section, such fees shall not be charged in any matter
4 coming to any such clerk on change of venue, nor in any
5 proceeding to review the decision of any administrative
6 officer, agency or body.

7 5. With respect to the additional fee imposed under
8 subsection 1.5 of this Section, the fee shall be remitted by
9 the circuit clerk to the State Treasurer within one month after
10 receipt for deposit into the State Police Operations Assistance
11 Fund.

12 6. With respect to the additional fees imposed under
13 subsection 1.5 of this Section, the Director of State Police
14 may direct the use of these fees for homeland security purposes
15 by transferring these fees on a quarterly basis from the State
16 Police Operations Assistance Fund into the Illinois Law
17 Enforcement Alarm Systems (ILEAS) Fund for homeland security
18 initiatives programs. The transferred fees shall be allocated,
19 subject to the approval of the ILEAS Executive Board, as
20 follows: (i) 66.6% shall be used for homeland security
21 initiatives and (ii) 33.3% shall be used for airborne
22 operations. The ILEAS Executive Board shall annually supply the
23 Director of State Police with a report of the use of these
24 fees.

25 7. ~~6.~~ With respect to the additional fee imposed under
26 subsection 1.6 of this Section, the fee shall be remitted by

1 the circuit clerk to the State Treasurer within one month after
2 receipt for deposit into the Conservation Police Operations
3 Assistance Fund.

4 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
5 97-453, eff. 8-19-11; revised 10-4-11.)

6 Section 40. The Criminal Code of 1961 is amended by
7 changing Sections 2-7.1, 2-7.5, 11-20.1, 12-3.05, 17-30,
8 17B-0.05, 24-1.1, 24-1.6, 24-3, 24-3.2, 24-3.4, 24-3.5, and
9 24-9 as follows:

10 (720 ILCS 5/2-7.1)

11 Sec. 2-7.1. "Firearm" and "firearm ammunition". "Firearm"
12 and "firearm ammunition" have the meanings ascribed to them in
13 Section 1.1 of the Firearm Owners Identification Card and
14 Certificate of Handgun Registration Act.

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

16 (720 ILCS 5/2-7.5)

17 Sec. 2-7.5. "Firearm". Except as otherwise provided in a
18 specific Section, "firearm" has the meaning ascribed to it in
19 Section 1.1 of the Firearm Owners Identification Card and
20 Certificate of Handgun Registration Act.

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

22 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

1 Sec. 11-20.1. Child pornography.

2 (a) A person commits child pornography who:

3 (1) films, videotapes, photographs, or otherwise
4 depicts or portrays by means of any similar visual medium
5 or reproduction or depicts by computer any child whom he or
6 she knows or reasonably should know to be under the age of
7 18 and at least 13 years of age or any severely or
8 profoundly intellectually disabled person where such child
9 or severely or profoundly intellectually disabled person
10 is:

11 (i) actually or by simulation engaged in any act of
12 sexual penetration or sexual conduct with any person or
13 animal; or

14 (ii) actually or by simulation engaged in any act
15 of sexual penetration or sexual conduct involving the
16 sex organs of the child or severely or profoundly
17 intellectually disabled person and the mouth, anus, or
18 sex organs of another person or animal; or which
19 involves the mouth, anus or sex organs of the child or
20 severely or profoundly intellectually disabled person
21 and the sex organs of another person or animal; or

22 (iii) actually or by simulation engaged in any act
23 of masturbation; or

24 (iv) actually or by simulation portrayed as being
25 the object of, or otherwise engaged in, any act of lewd
26 fondling, touching, or caressing involving another

1 person or animal; or

2 (v) actually or by simulation engaged in any act of
3 excretion or urination within a sexual context; or

4 (vi) actually or by simulation portrayed or
5 depicted as bound, fettered, or subject to sadistic,
6 masochistic, or sadomasochistic abuse in any sexual
7 context; or

8 (vii) depicted or portrayed in any pose, posture or
9 setting involving a lewd exhibition of the unclothed or
10 transparently clothed genitals, pubic area, buttocks,
11 or, if such person is female, a fully or partially
12 developed breast of the child or other person; or

13 (2) with the knowledge of the nature or content
14 thereof, reproduces, disseminates, offers to disseminate,
15 exhibits or possesses with intent to disseminate any film,
16 videotape, photograph or other similar visual reproduction
17 or depiction by computer of any child or severely or
18 profoundly intellectually disabled person whom the person
19 knows or reasonably should know to be under the age of 18
20 and at least 13 years of age or to be a severely or
21 profoundly intellectually disabled person, engaged in any
22 activity described in subparagraphs (i) through (vii) of
23 paragraph (1) of this subsection; or

24 (3) with knowledge of the subject matter or theme
25 thereof, produces any stage play, live performance, film,
26 videotape or other similar visual portrayal or depiction by

1 computer which includes a child whom the person knows or
2 reasonably should know to be under the age of 18 and at
3 least 13 years of age or a severely or profoundly
4 intellectually disabled person engaged in any activity
5 described in subparagraphs (i) through (vii) of paragraph
6 (1) of this subsection; or

7 (4) solicits, uses, persuades, induces, entices, or
8 coerces any child whom he or she knows or reasonably should
9 know to be under the age of 18 and at least 13 years of age
10 or a severely or profoundly intellectually disabled person
11 to appear in any stage play, live presentation, film,
12 videotape, photograph or other similar visual reproduction
13 or depiction by computer in which the child or severely or
14 profoundly intellectually disabled person is or will be
15 depicted, actually or by simulation, in any act, pose or
16 setting described in subparagraphs (i) through (vii) of
17 paragraph (1) of this subsection; or

18 (5) is a parent, step-parent, legal guardian or other
19 person having care or custody of a child whom the person
20 knows or reasonably should know to be under the age of 18
21 and at least 13 years of age or a severely or profoundly
22 intellectually disabled person and who knowingly permits,
23 induces, promotes, or arranges for such child or severely
24 or profoundly intellectually disabled person to appear in
25 any stage play, live performance, film, videotape,
26 photograph or other similar visual presentation, portrayal

1 or simulation or depiction by computer of any act or
2 activity described in subparagraphs (i) through (vii) of
3 paragraph (1) of this subsection; or

4 (6) with knowledge of the nature or content thereof,
5 possesses any film, videotape, photograph or other similar
6 visual reproduction or depiction by computer of any child
7 or severely or profoundly intellectually disabled person
8 whom the person knows or reasonably should know to be under
9 the age of 18 and at least 13 years of age or to be a
10 severely or profoundly intellectually disabled person,
11 engaged in any activity described in subparagraphs (i)
12 through (vii) of paragraph (1) of this subsection; or

13 (7) solicits, or knowingly uses, persuades, induces,
14 entices, or coerces, a person to provide a child under the
15 age of 18 and at least 13 years of age or a severely or
16 profoundly intellectually disabled person to appear in any
17 videotape, photograph, film, stage play, live
18 presentation, or other similar visual reproduction or
19 depiction by computer in which the child or severely or
20 profoundly intellectually disabled person will be
21 depicted, actually or by simulation, in any act, pose, or
22 setting described in subparagraphs (i) through (vii) of
23 paragraph (1) of this subsection.

24 (b) (1) It shall be an affirmative defense to a charge of
25 child pornography that the defendant reasonably believed,
26 under all of the circumstances, that the child was 18 years

1 of age or older or that the person was not a severely or
2 profoundly intellectually disabled person but only where,
3 prior to the act or acts giving rise to a prosecution under
4 this Section, he or she took some affirmative action or
5 made a bonafide inquiry designed to ascertain whether the
6 child was 18 years of age or older or that the person was
7 not a severely or profoundly intellectually disabled
8 person and his or her reliance upon the information so
9 obtained was clearly reasonable.

10 (1.5) Telecommunications carriers, commercial mobile
11 service providers, and providers of information services,
12 including, but not limited to, Internet service providers
13 and hosting service providers, are not liable under this
14 Section by virtue of the transmission, storage, or caching
15 of electronic communications or messages of others or by
16 virtue of the provision of other related
17 telecommunications, commercial mobile services, or
18 information services used by others in violation of this
19 Section.

20 (2) (Blank).

21 (3) The charge of child pornography shall not apply to
22 the performance of official duties by law enforcement or
23 prosecuting officers or persons employed by law
24 enforcement or prosecuting agencies, court personnel or
25 attorneys, nor to bonafide treatment or professional
26 education programs conducted by licensed physicians,

1 psychologists or social workers.

2 (4) If the defendant possessed more than one of the
3 same film, videotape or visual reproduction or depiction by
4 computer in which child pornography is depicted, then the
5 trier of fact may infer that the defendant possessed such
6 materials with the intent to disseminate them.

7 (5) The charge of child pornography does not apply to a
8 person who does not voluntarily possess a film, videotape,
9 or visual reproduction or depiction by computer in which
10 child pornography is depicted. Possession is voluntary if
11 the defendant knowingly procures or receives a film,
12 videotape, or visual reproduction or depiction for a
13 sufficient time to be able to terminate his or her
14 possession.

15 (6) Any violation of paragraph (1), (2), (3), (4), (5),
16 or (7) of subsection (a) that includes a child engaged in,
17 solicited for, depicted in, or posed in any act of sexual
18 penetration or bound, fettered, or subject to sadistic,
19 masochistic, or sadomasochistic abuse in a sexual context
20 shall be deemed a crime of violence.

21 (c) If the violation does not involve a film, videotape, or
22 other moving depiction, a violation of paragraph (1), (4), (5),
23 or (7) of subsection (a) is a Class 1 felony with a mandatory
24 minimum fine of \$2,000 and a maximum fine of \$100,000. If the
25 violation involves a film, videotape, or other moving
26 depiction, a violation of paragraph (1), (4), (5), or (7) of

1 subsection (a) is a Class X felony with a mandatory minimum
2 fine of \$2,000 and a maximum fine of \$100,000. If the violation
3 does not involve a film, videotape, or other moving depiction,
4 a violation of paragraph (3) of subsection (a) is a Class 1
5 felony with a mandatory minimum fine of \$1500 and a maximum
6 fine of \$100,000. If the violation involves a film, videotape,
7 or other moving depiction, a violation of paragraph (3) of
8 subsection (a) is a Class X felony with a mandatory minimum
9 fine of \$1500 and a maximum fine of \$100,000. If the violation
10 does not involve a film, videotape, or other moving depiction,
11 a violation of paragraph (2) of subsection (a) is a Class 1
12 felony with a mandatory minimum fine of \$1000 and a maximum
13 fine of \$100,000. If the violation involves a film, videotape,
14 or other moving depiction, a violation of paragraph (2) of
15 subsection (a) is a Class X felony with a mandatory minimum
16 fine of \$1000 and a maximum fine of \$100,000. If the violation
17 does not involve a film, videotape, or other moving depiction,
18 a violation of paragraph (6) of subsection (a) is a Class 3
19 felony with a mandatory minimum fine of \$1000 and a maximum
20 fine of \$100,000. If the violation involves a film, videotape,
21 or other moving depiction, a violation of paragraph (6) of
22 subsection (a) is a Class 2 felony with a mandatory minimum
23 fine of \$1000 and a maximum fine of \$100,000.

24 (d) If a person is convicted of a second or subsequent
25 violation of this Section within 10 years of a prior
26 conviction, the court shall order a presentence psychiatric

1 examination of the person. The examiner shall report to the
2 court whether treatment of the person is necessary.

3 (e) Any film, videotape, photograph or other similar visual
4 reproduction or depiction by computer which includes a child
5 under the age of 18 and at least 13 years of age or a severely
6 or profoundly intellectually disabled person engaged in any
7 activity described in subparagraphs (i) through (vii) or
8 paragraph 1 of subsection (a), and any material or equipment
9 used or intended for use in photographing, filming, printing,
10 producing, reproducing, manufacturing, projecting, exhibiting,
11 depiction by computer, or disseminating such material shall be
12 seized and forfeited in the manner, method and procedure
13 provided by Section 36-1 of this Code for the seizure and
14 forfeiture of vessels, vehicles and aircraft.

15 In addition, any person convicted under this Section is
16 subject to the property forfeiture provisions set forth in
17 Article 124B of the Code of Criminal Procedure of 1963.

18 (e-5) Upon the conclusion of a case brought under this
19 Section, the court shall seal all evidence depicting a victim
20 or witness that is sexually explicit. The evidence may be
21 unsealed and viewed, on a motion of the party seeking to unseal
22 and view the evidence, only for good cause shown and in the
23 discretion of the court. The motion must expressly set forth
24 the purpose for viewing the material. The State's attorney and
25 the victim, if possible, shall be provided reasonable notice of
26 the hearing on the motion to unseal the evidence. Any person

1 entitled to notice of a hearing under this subsection (e-5) may
2 object to the motion.

3 (f) Definitions. For the purposes of this Section:

4 (1) "Disseminate" means (i) to sell, distribute,
5 exchange or transfer possession, whether with or without
6 consideration or (ii) to make a depiction by computer
7 available for distribution or downloading through the
8 facilities of any telecommunications network or through
9 any other means of transferring computer programs or data
10 to a computer.

11 (2) "Produce" means to direct, promote, advertise,
12 publish, manufacture, issue, present or show.

13 (3) "Reproduce" means to make a duplication or copy.

14 (4) "Depict by computer" means to generate or create,
15 or cause to be created or generated, a computer program or
16 data that, after being processed by a computer either alone
17 or in conjunction with one or more computer programs,
18 results in a visual depiction on a computer monitor,
19 screen, or display.

20 (5) "Depiction by computer" means a computer program or
21 data that, after being processed by a computer either alone
22 or in conjunction with one or more computer programs,
23 results in a visual depiction on a computer monitor,
24 screen, or display.

25 (6) "Computer", "computer program", and "data" have
26 the meanings ascribed to them in Section 16D-2 of this

1 Code.

2 (7) For the purposes of this Section, "child
3 pornography" includes a film, videotape, photograph, or
4 other similar visual medium or reproduction or depiction by
5 computer that is, or appears to be, that of a person,
6 either in part, or in total, under the age of 18 and at
7 least 13 years of age or a severely or profoundly
8 intellectually disabled ~~mentally-retarded~~ person,
9 regardless of the method by which the film, videotape,
10 photograph, or other similar visual medium or reproduction
11 or depiction by computer is created, adopted, or modified
12 to appear as such. "Child pornography" also includes a
13 film, videotape, photograph, or other similar visual
14 medium or reproduction or depiction by computer that is
15 advertised, promoted, presented, described, or distributed
16 in such a manner that conveys the impression that the film,
17 videotape, photograph, or other similar visual medium or
18 reproduction or depiction by computer is of a person under
19 the age of 18 and at least 13 years of age or a severely or
20 profoundly intellectually disabled ~~mentally-retarded~~
21 person.

22 (g) Re-enactment; findings; purposes.

23 (1) The General Assembly finds and declares that:

24 (i) Section 50-5 of Public Act 88-680, effective
25 January 1, 1995, contained provisions amending the
26 child pornography statute, Section 11-20.1 of the

1 Criminal Code of 1961. Section 50-5 also contained
2 other provisions.

3 (ii) In addition, Public Act 88-680 was entitled
4 "AN ACT to create a Safe Neighborhoods Law". (A)
5 Article 5 was entitled JUVENILE JUSTICE and amended the
6 Juvenile Court Act of 1987. (B) Article 15 was entitled
7 GANGS and amended various provisions of the Criminal
8 Code of 1961 and the Unified Code of Corrections. (C)
9 Article 20 was entitled ALCOHOL ABUSE and amended
10 various provisions of the Illinois Vehicle Code. (D)
11 Article 25 was entitled DRUG ABUSE and amended the
12 Cannabis Control Act and the Illinois Controlled
13 Substances Act. (E) Article 30 was entitled FIREARMS
14 and amended the Criminal Code of 1961 and the Code of
15 Criminal Procedure of 1963. (F) Article 35 amended the
16 Criminal Code of 1961, the Rights of Crime Victims and
17 Witnesses Act, and the Unified Code of Corrections. (G)
18 Article 40 amended the Criminal Code of 1961 to
19 increase the penalty for compelling organization
20 membership of persons. (H) Article 45 created the
21 Secure Residential Youth Care Facility Licensing Act
22 and amended the State Finance Act, the Juvenile Court
23 Act of 1987, the Unified Code of Corrections, and the
24 Private Correctional Facility Moratorium Act. (I)
25 Article 50 amended the WIC Vendor Management Act, the
26 Firearm Owners Identification Card and Certificate of

1 Handgun Registration Act, the Juvenile Court Act of
2 1987, the Criminal Code of 1961, the Wrongs to Children
3 Act, and the Unified Code of Corrections.

4 (iii) On September 22, 1998, the Third District
5 Appellate Court in People v. Dainty, 701 N.E. 2d 118,
6 ruled that Public Act 88-680 violates the single
7 subject clause of the Illinois Constitution (Article
8 IV, Section 8 (d)) and was unconstitutional in its
9 entirety. As of the time this amendatory Act of 1999
10 was prepared, People v. Dainty was still subject to
11 appeal.

12 (iv) Child pornography is a vital concern to the
13 people of this State and the validity of future
14 prosecutions under the child pornography statute of
15 the Criminal Code of 1961 is in grave doubt.

16 (2) It is the purpose of this amendatory Act of 1999 to
17 prevent or minimize any problems relating to prosecutions
18 for child pornography that may result from challenges to
19 the constitutional validity of Public Act 88-680 by
20 re-enacting the Section relating to child pornography that
21 was included in Public Act 88-680.

22 (3) This amendatory Act of 1999 re-enacts Section
23 11-20.1 of the Criminal Code of 1961, as it has been
24 amended. This re-enactment is intended to remove any
25 question as to the validity or content of that Section; it
26 is not intended to supersede any other Public Act that

1 amends the text of the Section as set forth in this
2 amendatory Act of 1999. The material is shown as existing
3 text (i.e., without underscoring) because, as of the time
4 this amendatory Act of 1999 was prepared, People v. Dainty
5 was subject to appeal to the Illinois Supreme Court.

6 (4) The re-enactment by this amendatory Act of 1999 of
7 Section 11-20.1 of the Criminal Code of 1961 relating to
8 child pornography that was amended by Public Act 88-680 is
9 not intended, and shall not be construed, to imply that
10 Public Act 88-680 is invalid or to limit or impair any
11 legal argument concerning whether those provisions were
12 substantially re-enacted by other Public Acts.

13 (Source: P.A. 96-292, eff. 1-1-10; 96-712, eff. 1-1-10;
14 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-157, eff.
15 1-1-12; 97-227, eff. 1-1-12; revised 9-12-11.)

16 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

17 Sec. 12-3.05. Aggravated battery.

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

22 (1) Causes great bodily harm or permanent disability or
23 disfigurement.

24 (2) Causes severe and permanent disability, great
25 bodily harm, or disfigurement by means of a caustic or

1 flammable substance, a poisonous gas, a deadly biological
2 or chemical contaminant or agent, a radioactive substance,
3 or a bomb or explosive compound.

4 (3) Causes great bodily harm or permanent disability or
5 disfigurement to an individual whom the person knows to be
6 a peace officer, community policing volunteer, fireman,
7 private security officer, correctional institution
8 employee, or Department of Human Services employee
9 supervising or controlling sexually dangerous persons or
10 sexually violent persons:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

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

18 (5) Strangles another individual.

19 (b) Offense based on injury to a child or intellectually
20 disabled ~~mentally retarded~~ person. A person who is at least 18
21 years of age commits aggravated battery when, in committing a
22 battery, he or she knowingly and without legal justification by
23 any means:

24 (1) causes great bodily harm or permanent disability or
25 disfigurement to any child under the age of 13 years, or to
26 any severely or profoundly intellectually disabled

1 ~~mentally retarded~~ person; or

2 (2) causes bodily harm or disability or disfigurement
3 to any child under the age of 13 years or to any severely
4 or profoundly intellectually disabled ~~mentally retarded~~
5 person.

6 (c) Offense based on location of conduct. A person commits
7 aggravated battery when, in committing a battery, other than by
8 the discharge of a firearm, he or she is or the person battered
9 is on or about a public way, public property, a public place of
10 accommodation or amusement, a sports venue, or a domestic
11 violence shelter.

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

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

17 (2) A person who is pregnant or physically handicapped.

18 (3) A teacher or school employee upon school grounds or
19 grounds adjacent to a school or in any part of a building
20 used for school purposes.

21 (4) A peace officer, community policing volunteer,
22 fireman, private security officer, correctional
23 institution employee, or Department of Human Services
24 employee supervising or controlling sexually dangerous
25 persons or sexually violent persons:

26 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

3 (iii) battered in retaliation for performing his
4 or her official duties.

5 (5) A judge, emergency management worker, emergency
6 medical technician, or utility worker:

7 (i) performing his or her official duties;

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

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

12 (6) An officer or employee of the State of Illinois, a
13 unit of local government, or a school district, while
14 performing his or her official duties.

15 (7) A transit employee performing his or her official
16 duties, or a transit passenger.

17 (8) A taxi driver on duty.

18 (9) A merchant who detains the person for an alleged
19 commission of retail theft under Section 16-26 of this Code
20 and the person without legal justification by any means
21 causes bodily harm to the merchant.

22 (10) A person authorized to serve process under Section
23 2-202 of the Code of Civil Procedure or a special process
24 server appointed by the circuit court while that individual
25 is in the performance of his or her duties as a process
26 server.

1 (e) Offense based on use of a firearm. A person commits
2 aggravated battery when, in committing a battery, he or she
3 knowingly does any of the following:

4 (1) Discharges a firearm, other than a machine gun or a
5 firearm equipped with a silencer, and causes any injury to
6 another person.

7 (2) Discharges a firearm, other than a machine gun or a
8 firearm equipped with a silencer, and causes any injury to
9 a person he or she knows to be a peace officer, community
10 policing volunteer, person summoned by a police officer,
11 fireman, private security officer, correctional
12 institution employee, or emergency management worker:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

18 (3) Discharges a firearm, other than a machine gun or a
19 firearm equipped with a silencer, and causes any injury to
20 a person he or she knows to be an emergency medical
21 technician employed by a municipality or other
22 governmental unit:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (4) Discharges a firearm and causes any injury to a
3 person he or she knows to be a teacher, a student in a
4 school, or a school employee, and the teacher, student, or
5 employee is upon school grounds or grounds adjacent to a
6 school or in any part of a building used for school
7 purposes.

8 (5) Discharges a machine gun or a firearm equipped with
9 a silencer, and causes any injury to another person.

10 (6) Discharges a machine gun or a firearm equipped with
11 a silencer, and causes any injury to a person he or she
12 knows to be a peace officer, community policing volunteer,
13 person summoned by a police officer, fireman, private
14 security officer, correctional institution employee or
15 emergency management worker:

16 (i) performing his or her official duties;

17 (ii) battered to prevent performance of his or her
18 official duties; or

19 (iii) battered in retaliation for performing his
20 or her official duties.

21 (7) Discharges a machine gun or a firearm equipped with
22 a silencer, and causes any injury to a person he or she
23 knows to be an emergency medical technician employed by a
24 municipality or other governmental unit:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

2 (iii) battered in retaliation for performing his
3 or her official duties.

4 (8) Discharges a machine gun or a firearm equipped with
5 a silencer, and causes any injury to a person he or she
6 knows to be a teacher, or a student in a school, or a
7 school employee, and the teacher, student, or employee is
8 upon school grounds or grounds adjacent to a school or in
9 any part of a building used for school purposes.

10 (f) Offense based on use of a weapon or device. A person
11 commits aggravated battery when, in committing a battery, he or
12 she does any of the following:

13 (1) Uses a deadly weapon other than by discharge of a
14 firearm, or uses an air rifle as defined in the Air Rifle
15 Act.

16 (2) Wears a hood, robe, or mask to conceal his or her
17 identity.

18 (3) Knowingly and without lawful justification shines
19 or flashes a laser gunsight or other laser device attached
20 to a firearm, or used in concert with a firearm, so that
21 the laser beam strikes upon or against the person of
22 another.

23 (g) Offense based on certain conduct. A person commits
24 aggravated battery when, other than by discharge of a firearm,
25 he or she does any of the following:

26 (1) Violates Section 401 of the Illinois Controlled

1 Substances Act by unlawfully delivering a controlled
2 substance to another and any user experiences great bodily
3 harm or permanent disability as a result of the injection,
4 inhalation, or ingestion of any amount of the controlled
5 substance.

6 (2) Knowingly administers to an individual or causes
7 him or her to take, without his or her consent or by threat
8 or deception, and for other than medical purposes, any
9 intoxicating, poisonous, stupefying, narcotic, anesthetic,
10 or controlled substance, or gives to another person any
11 food containing any substance or object intended to cause
12 physical injury if eaten.

13 (3) Knowingly causes or attempts to cause a
14 correctional institution employee or Department of Human
15 Services employee to come into contact with blood, seminal
16 fluid, urine, or feces by throwing, tossing, or expelling
17 the fluid or material, and the person is an inmate of a
18 penal institution or is a sexually dangerous person or
19 sexually violent person in the custody of the Department of
20 Human Services.

21 (h) Sentence. Unless otherwise provided, aggravated
22 battery is a Class 3 felony.

23 Aggravated battery as defined in subdivision (a)(4),
24 (d)(4), or (g)(3) is a Class 2 felony.

25 Aggravated battery as defined in subdivision (a)(3) or
26 (g)(1) is a Class 1 felony.

1 Aggravated battery as defined in subdivision (a)(1) is a
2 Class 1 felony when the aggravated battery was intentional and
3 involved the infliction of torture, as defined in paragraph
4 (14) of subsection (b) of Section 9-1 of this Code, as the
5 infliction of or subjection to extreme physical pain, motivated
6 by an intent to increase or prolong the pain, suffering, or
7 agony of the victim.

8 Aggravated battery under subdivision (a)(5) is a Class 1
9 felony if:

10 (A) the person used or attempted to use a dangerous
11 instrument while committing the offense; or

12 (B) the person caused great bodily harm or permanent
13 disability or disfigurement to the other person while
14 committing the offense; or

15 (C) the person has been previously convicted of a
16 violation of subdivision (a)(5) under the laws of this
17 State or laws similar to subdivision (a)(5) of any other
18 state.

19 Aggravated battery as defined in subdivision (e)(1) is a
20 Class X felony.

21 Aggravated battery as defined in subdivision (a)(2) is a
22 Class X felony for which a person shall be sentenced to a term
23 of imprisonment of a minimum of 6 years and a maximum of 45
24 years.

25 Aggravated battery as defined in subdivision (e)(5) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 12 years and a maximum of 45
2 years.

3 Aggravated battery as defined in subdivision (e)(2),
4 (e)(3), or (e)(4) is a Class X felony for which a person shall
5 be sentenced to a term of imprisonment of a minimum of 15 years
6 and a maximum of 60 years.

7 Aggravated battery as defined in subdivision (e)(6),
8 (e)(7), or (e)(8) is a Class X felony for which a person shall
9 be sentenced to a term of imprisonment of a minimum of 20 years
10 and a maximum of 60 years.

11 Aggravated battery as defined in subdivision (b)(1) is a
12 Class X felony, except that:

13 (1) if the person committed the offense while armed
14 with a firearm, 15 years shall be added to the term of
15 imprisonment imposed by the court;

16 (2) if, during the commission of the offense, the
17 person personally discharged a firearm, 20 years shall be
18 added to the term of imprisonment imposed by the court;

19 (3) if, during the commission of the offense, the
20 person personally discharged a firearm that proximately
21 caused great bodily harm, permanent disability, permanent
22 disfigurement, or death to another person, 25 years or up
23 to a term of natural life shall be added to the term of
24 imprisonment imposed by the court.

25 (i) Definitions. For the purposes of this Section:

26 "Building or other structure used to provide shelter" has

1 the meaning ascribed to "shelter" in Section 1 of the Domestic
2 Violence Shelters Act.

3 "Domestic violence" has the meaning ascribed to it in
4 Section 103 of the Illinois Domestic Violence Act of 1986.

5 "Domestic violence shelter" means any building or other
6 structure used to provide shelter or other services to victims
7 or to the dependent children of victims of domestic violence
8 pursuant to the Illinois Domestic Violence Act of 1986 or the
9 Domestic Violence Shelters Act, or any place within 500 feet of
10 such a building or other structure in the case of a person who
11 is going to or from such a building or other structure.

12 "Firearm" has the meaning provided under Section 1.1 of the
13 Firearm Owners Identification Card and Certificate of Handgun
14 Registration Act, and does not include an air rifle as defined
15 by Section 1 of the Air Rifle Act.

16 "Machine gun" has the meaning ascribed to it in Section
17 24-1 of this Code.

18 "Merchant" has the meaning ascribed to it in Section 16-0.1
19 of this Code.

20 "Strangle" means intentionally impeding the normal
21 breathing or circulation of the blood of an individual by
22 applying pressure on the throat or neck of that individual or
23 by blocking the nose or mouth of that individual.

24 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
25 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
26 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,

1 and 97-467, eff. 1-1-12; revised 10-12-11.)

2 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

3 Sec. 17-30. Defaced, altered, or removed manufacturer or
4 owner identification number.

5 (a) Unlawful sale of household appliances. A person commits
6 unlawful sale of household appliances when he or she knowingly,
7 with the intent to defraud or deceive another, keeps for sale,
8 within any commercial context, any household appliance with a
9 missing, defaced, obliterated, or otherwise altered
10 manufacturer's identification number.

11 (b) Construction equipment identification defacement. A
12 person commits construction equipment identification
13 defacement when he or she knowingly changes, alters, removes,
14 mutilates, or obliterates a permanently affixed serial number,
15 product identification number, part number, component
16 identification number, owner-applied identification, or other
17 mark of identification attached to or stamped, inscribed,
18 molded, or etched into a machine or other equipment, whether
19 stationary or mobile or self-propelled, or a part of such
20 machine or equipment, used in the construction, maintenance, or
21 demolition of buildings, structures, bridges, tunnels, sewers,
22 utility pipes or lines, ditches or open cuts, roads, highways,
23 dams, airports, or waterways or in material handling for such
24 projects.

25 The trier of fact may infer that the defendant has

1 knowingly changed, altered, removed, or obliterated the serial
2 number, product identification number, part number, component
3 identification number, owner-applied identification number, or
4 other mark of identification, if the defendant was in
5 possession of any machine or other equipment or a part of such
6 machine or equipment used in the construction, maintenance, or
7 demolition of buildings, structures, bridges, tunnels, sewers,
8 utility pipes or lines, ditches or open cuts, roads, highways,
9 dams, airports, or waterways or in material handling for such
10 projects upon which any such serial number, product
11 identification number, part number, component identification
12 number, owner-applied identification number, or other mark of
13 identification has been changed, altered, removed, or
14 obliterated.

15 (c) Defacement of manufacturer's serial number or
16 identification mark. A person commits defacement of a
17 manufacturer's serial number or identification mark when he or
18 she knowingly removes, alters, defaces, covers, or destroys the
19 manufacturer's serial number or any other manufacturer's
20 number or distinguishing identification mark upon any machine
21 or other article of merchandise, other than a motor vehicle as
22 defined in Section 1-146 of the Illinois Vehicle Code or a
23 firearm as defined in the Firearm Owners Identification Card
24 and Certificate of Handgun Registration Act, with the intent of
25 concealing or destroying the identity of such machine or other
26 article of merchandise.

1 (d) Sentence.

2 (1) A violation of subsection (a) of this Section is a
3 Class 4 felony if the value of the appliance or appliances
4 exceeds \$1,000 and a Class B misdemeanor if the value of
5 the appliance or appliances is \$1,000 or less.

6 (2) A violation of subsection (b) of this Section is a
7 Class A misdemeanor.

8 (3) A violation of subsection (c) of this Section is a
9 Class B misdemeanor.

10 (e) No liability shall be imposed upon any person for the
11 unintentional failure to comply with subsection (a).

12 (f) Definitions. In this Section:

13 "Commercial context" means a continuing business
14 enterprise conducted for profit by any person whose primary
15 business is the wholesale or retail marketing of household
16 appliances, or a significant portion of whose business or
17 inventory consists of household appliances kept or sold on a
18 wholesale or retail basis.

19 "Household appliance" means any gas or electric device or
20 machine marketed for use as home entertainment or for
21 facilitating or expediting household tasks or chores. The term
22 shall include but not necessarily be limited to refrigerators,
23 freezers, ranges, radios, television sets, vacuum cleaners,
24 toasters, dishwashers, and other similar household items.

25 "Manufacturer's identification number" means any serial
26 number or other similar numerical or alphabetical designation

1 imprinted upon or attached to or placed, stamped, or otherwise
2 imprinted upon or attached to a household appliance or item by
3 the manufacturer for purposes of identifying a particular
4 appliance or item individually or by lot number.

5 (Source: P.A. 96-1551, eff. 7-1-11.)

6 (720 ILCS 5/17B-0.05)

7 Sec. 17B-0.05. Re-enactment; findings; purposes.

8 (a) The General Assembly finds and declares that:

9 (1) Section 50-5 of Public Act 88-680, effective
10 January 1, 1995, contained provisions adding the WIC Fraud
11 Article to the Criminal Code of 1961. Section 50-5 also
12 contained other provisions.

13 (2) In addition, Public Act 88-680 was entitled "An Act
14 to create a Safe Neighborhoods Law". (i) Article 5 was
15 entitled JUVENILE JUSTICE and amended the Juvenile Court
16 Act of 1987. (ii) Article 15 was entitled GANGS and amended
17 various provisions of the Criminal Code of 1961 and the
18 Unified Code of Corrections. (iii) Article 20 was entitled
19 ALCOHOL ABUSE and amended various provisions of the
20 Illinois Vehicle Code. (iv) Article 25 was entitled DRUG
21 ABUSE and amended the Cannabis Control Act and the Illinois
22 Controlled Substances Act. (v) Article 30 was entitled
23 FIREARMS and amended the Criminal Code of 1961 and the Code
24 of Criminal Procedure of 1963. (vi) Article 35 amended the
25 Criminal Code of 1961, the Rights of Crime Victims and

1 Witnesses Act, and the Unified Code of Corrections. (vii)
2 Article 40 amended the Criminal Code of 1961 to increase
3 the penalty for compelling organization membership of
4 persons. (viii) Article 45 created the Secure Residential
5 Youth Care Facility Licensing Act and amended the State
6 Finance Act, the Juvenile Court Act of 1987, the Unified
7 Code of Corrections, and the Private Correctional Facility
8 Moratorium Act. (ix) Article 50 amended the WIC Vendor
9 Management Act, the Firearm Owners Identification Card and
10 Certificate of Handgun Registration Act, the Juvenile
11 Court Act of 1987, the Criminal Code of 1961, the Wrongs to
12 Children Act, and the Unified Code of Corrections.

13 (3) On September 22, 1998, the Third District Appellate
14 Court in *People v. Dainty*, 701 N.E. 2d 118, ruled that
15 Public Act 88-680 violates the single subject clause of the
16 Illinois Constitution (Article IV, Section 8 (d)) and was
17 unconstitutional in its entirety. As of the time this
18 amendatory Act of 1999 was prepared, *People v. Dainty* was
19 still subject to appeal.

20 (4) WIC fraud is a vital concern to the people of this
21 State and the validity of future prosecutions under the WIC
22 fraud provisions of the Criminal Code of 1961 is in grave
23 doubt.

24 (b) It is the purpose of this amendatory Act of 1999 to
25 prevent or minimize any problems relating to prosecutions for
26 WIC fraud that may result from challenges to the constitutional

1 validity of Public Act 88-680 by re-enacting the Sections
2 relating to WIC fraud that were included in Public Act 88-680.

3 (c) This amendatory Act of 1999 re-enacts Article 17B of
4 the Criminal Code of 1961, as it has been amended. This
5 re-enactment is intended to remove any question as to the
6 validity or content of that Article; it is not intended to
7 supersede any other Public Act that amends the text of a
8 Section as set forth in this amendatory Act of 1999. Except for
9 a grammatical correction in Section 17B-10 and a correction of
10 the Section number to Section 17B-30, the material is shown as
11 existing text (i.e., without underscoring) because, as of the
12 time this amendatory Act of 1999 was prepared, *People v. Dainty*
13 was subject to appeal to the Illinois Supreme Court.

14 (d) The re-enactment by this amendatory Act of 1999 of
15 certain Sections relating to WIC fraud that were enacted by
16 Public Act 88-680 is not intended, and shall not be construed,
17 to imply that Public Act 88-680 is invalid or to limit or
18 impair any legal argument concerning whether those provisions
19 were substantially re-enacted by other Public Acts.

20 (Source: P.A. 91-155, eff. 7-16-99.)

21 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

22 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
23 Felons or Persons in the Custody of the Department of
24 Corrections Facilities.

25 (a) It is unlawful for a person to knowingly possess on or

1 about his person or on his land or in his own abode or fixed
2 place of business any weapon prohibited under Section 24-1 of
3 this Act or any firearm or any firearm ammunition if the person
4 has been convicted of a felony under the laws of this State or
5 any other jurisdiction. This Section shall not apply if the
6 person has been granted relief by the Director of the
7 Department of State Police under Section 10 of the Firearm
8 Owners Identification Card and Certificate of Handgun
9 Registration Act.

10 (b) It is unlawful for any person confined in a penal
11 institution, which is a facility of the Illinois Department of
12 Corrections, to possess any weapon prohibited under Section
13 24-1 of this Code or any firearm or firearm ammunition,
14 regardless of the intent with which he possesses it.

15 (c) It shall be an affirmative defense to a violation of
16 subsection (b), that such possession was specifically
17 authorized by rule, regulation, or directive of the Illinois
18 Department of Corrections or order issued pursuant thereto.

19 (d) The defense of necessity is not available to a person
20 who is charged with a violation of subsection (b) of this
21 Section.

22 (e) Sentence. Violation of this Section by a person not
23 confined in a penal institution shall be a Class 3 felony for
24 which the person shall be sentenced to no less than 2 years and
25 no more than 10 years and any second or subsequent violation
26 shall be a Class 2 felony for which the person shall be

1 sentenced to a term of imprisonment of not less than 3 years
2 and not more than 14 years. Violation of this Section by a
3 person not confined in a penal institution who has been
4 convicted of a forcible felony, a felony violation of Article
5 24 of this Code or of the Firearm Owners Identification Card
6 and Certificate of Handgun Registration Act, stalking or
7 aggravated stalking, or a Class 2 or greater felony under the
8 Illinois Controlled Substances Act, the Cannabis Control Act,
9 or the Methamphetamine Control and Community Protection Act is
10 a Class 2 felony for which the person shall be sentenced to not
11 less than 3 years and not more than 14 years. Violation of this
12 Section by a person who is on parole or mandatory supervised
13 release is a Class 2 felony for which the person shall be
14 sentenced to not less than 3 years and not more than 14 years.
15 Violation of this Section by a person not confined in a penal
16 institution is a Class X felony when the firearm possessed is a
17 machine gun. Any person who violates this Section while
18 confined in a penal institution, which is a facility of the
19 Illinois Department of Corrections, is guilty of a Class 1
20 felony, if he possesses any weapon prohibited under Section
21 24-1 of this Code regardless of the intent with which he
22 possesses it, a Class X felony if he possesses any firearm,
23 firearm ammunition or explosive, and a Class X felony for which
24 the offender shall be sentenced to not less than 12 years and
25 not more than 50 years when the firearm possessed is a machine
26 gun. A violation of this Section while wearing or in possession

1 of body armor as defined in Section 33F-1 is a Class X felony
2 punishable by a term of imprisonment of not less than 10 years
3 and not more than 40 years. The possession of each firearm or
4 firearm ammunition in violation of this Section constitutes a
5 single and separate violation.

6 (Source: P.A. 97-237, eff. 1-1-12.)

7 (720 ILCS 5/24-1.6)

8 Sec. 24-1.6. Aggravated unlawful use of a weapon.

9 (a) A person commits the offense of aggravated unlawful use
10 of a weapon when he or she knowingly:

11 (1) Carries on or about his or her person or in any
12 vehicle or concealed on or about his or her person except
13 when on his or her land or in his or her abode, legal
14 dwelling, or fixed place of business, or on the land or in
15 the legal dwelling of another person as an invitee with
16 that person's permission, any pistol, revolver, stun gun or
17 taser or other firearm; or

18 (2) Carries or possesses on or about his or her person,
19 upon any public street, alley, or other public lands within
20 the corporate limits of a city, village or incorporated
21 town, except when an invitee thereon or therein, for the
22 purpose of the display of such weapon or the lawful
23 commerce in weapons, or except when on his or her own land
24 or in his or her own abode, legal dwelling, or fixed place
25 of business, or on the land or in the legal dwelling of

1 another person as an invitee with that person's permission,
2 any pistol, revolver, stun gun or taser or other firearm;
3 and

4 (3) One of the following factors is present:

5 (A) the firearm possessed was uncased, loaded and
6 immediately accessible at the time of the offense; or

7 (B) the firearm possessed was uncased, unloaded
8 and the ammunition for the weapon was immediately
9 accessible at the time of the offense; or

10 (C) the person possessing the firearm has not been
11 issued a currently valid Firearm Owner's
12 Identification Card; or

13 (D) the person possessing the weapon was
14 previously adjudicated a delinquent minor under the
15 Juvenile Court Act of 1987 for an act that if committed
16 by an adult would be a felony; or

17 (E) the person possessing the weapon was engaged in
18 a misdemeanor violation of the Cannabis Control Act, in
19 a misdemeanor violation of the Illinois Controlled
20 Substances Act, or in a misdemeanor violation of the
21 Methamphetamine Control and Community Protection Act;
22 or

23 (F) (blank); or

24 (G) the person possessing the weapon had a order of
25 protection issued against him or her within the
26 previous 2 years; or

1 (H) the person possessing the weapon was engaged in
2 the commission or attempted commission of a
3 misdemeanor involving the use or threat of violence
4 against the person or property of another; or

5 (I) the person possessing the weapon was under 21
6 years of age and in possession of a handgun as defined
7 in Section 24-3, unless the person under 21 is engaged
8 in lawful activities under the Wildlife Code or
9 described in subsection 24-2(b)(1), (b)(3), or
10 24-2(f).

11 (b) "Stun gun or taser" as used in this Section has the
12 same definition given to it in Section 24-1 of this Code.

13 (c) This Section does not apply to or affect the
14 transportation or possession of weapons that:

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

16 (ii) are not immediately accessible; or

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

21 (d) Sentence.

22 (1) Aggravated unlawful use of a weapon is a Class 4
23 felony; a second or subsequent offense is a Class 2 felony
24 for which the person shall be sentenced to a term of
25 imprisonment of not less than 3 years and not more than 7
26 years.

1 (2) Except as otherwise provided in paragraphs (3) and
2 (4) of this subsection (d), a first offense of aggravated
3 unlawful use of a weapon committed with a firearm by a
4 person 18 years of age or older where the factors listed in
5 both items (A) and (C) of paragraph (3) of subsection (a)
6 are present is a Class 4 felony, for which the person shall
7 be sentenced to a term of imprisonment of not less than one
8 year and not more than 3 years.

9 (3) Aggravated unlawful use of a weapon by a person who
10 has been previously convicted of a felony in this State or
11 another jurisdiction is a Class 2 felony for which the
12 person shall be sentenced to a term of imprisonment of not
13 less than 3 years and not more than 7 years.

14 (4) Aggravated unlawful use of a weapon while wearing
15 or in possession of body armor as defined in Section 33F-1
16 by a person who has not been issued a valid Firearms
17 Owner's Identification Card in accordance with Section 5 of
18 the Firearm Owners Identification Card and Certificate of
19 Handgun Registration Act is a Class X felony.

20 (e) The possession of each firearm in violation of this
21 Section constitutes a single and separate violation.

22 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
23 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

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

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

1 (A) A person commits the offense of unlawful sale or
2 delivery of firearms when he or she knowingly does any of the
3 following:

4 (a) Sells or gives any firearm of a size which may be
5 concealed upon the person to any person under 18 years of
6 age.

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

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

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

14 (e) Sells or gives any firearm to any person who has
15 been a patient in a mental hospital within the past 5
16 years.

17 (f) Sells or gives any firearms to any person who is
18 intellectually disabled.

19 (g) Delivers any firearm of a size which may be
20 concealed upon the person, incidental to a sale, without
21 withholding delivery of such firearm for at least 72 hours
22 after application for its purchase has been made, or
23 delivers any rifle, shotgun or other long gun, or a stun
24 gun or taser, incidental to a sale, without withholding
25 delivery of such rifle, shotgun or other long gun, or a
26 stun gun or taser for at least 24 hours after application

1 for its purchase has been made. However, this paragraph (g)
2 does not apply to: (1) the sale of a firearm to a law
3 enforcement officer if the seller of the firearm knows that
4 the person to whom he or she is selling the firearm is a
5 law enforcement officer or the sale of a firearm to a
6 person who desires to purchase a firearm for use in
7 promoting the public interest incident to his or her
8 employment as a bank guard, armed truck guard, or other
9 similar employment; (2) a mail order sale of a firearm to a
10 nonresident of Illinois under which the firearm is mailed
11 to a point outside the boundaries of Illinois; (3) the sale
12 of a firearm to a nonresident of Illinois while at a
13 firearm showing or display recognized by the Illinois
14 Department of State Police; or (4) the sale of a firearm to
15 a dealer licensed as a federal firearms dealer under
16 Section 923 of the federal Gun Control Act of 1968 (18
17 U.S.C. 923). For purposes of this paragraph (g),
18 "application" means when the buyer and seller reach an
19 agreement to purchase a firearm.

20 (h) While holding any license as a dealer, importer,
21 manufacturer or pawnbroker under the federal Gun Control
22 Act of 1968, manufactures, sells or delivers to any
23 unlicensed person a handgun having a barrel, slide, frame
24 or receiver which is a die casting of zinc alloy or any
25 other nonhomogeneous metal which will melt or deform at a
26 temperature of less than 800 degrees Fahrenheit. For

1 purposes of this paragraph, (1) "firearm" is defined as in
2 the Firearm Owners Identification Card and Certificate of
3 Handgun Registration Act; and (2) "handgun" is defined as a
4 firearm designed to be held and fired by the use of a
5 single hand, and includes a combination of parts from which
6 such a firearm can be assembled.

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

10 (j) Sells or gives a firearm while engaged in the
11 business of selling firearms at wholesale or retail without
12 being licensed as a federal firearms dealer under Section
13 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
14 In this paragraph (j):

15 A person "engaged in the business" means a person who
16 devotes time, attention, and labor to engaging in the
17 activity as a regular course of trade or business with the
18 principal objective of livelihood and profit, but does not
19 include a person who makes occasional repairs of firearms
20 or who occasionally fits special barrels, stocks, or
21 trigger mechanisms to firearms.

22 "With the principal objective of livelihood and
23 profit" means that the intent underlying the sale or
24 disposition of firearms is predominantly one of obtaining
25 livelihood and pecuniary gain, as opposed to other intents,
26 such as improving or liquidating a personal firearms

1 collection; however, proof of profit shall not be required
2 as to a person who engages in the regular and repetitive
3 purchase and disposition of firearms for criminal purposes
4 or terrorism.

5 (k) Sells or transfers ownership of a firearm to a
6 person who does not display to the seller or transferor of
7 the firearm a currently valid Firearm Owner's
8 Identification Card that has previously been issued in the
9 transferee's name by the Department of State Police under
10 the provisions of the Firearm Owners Identification Card
11 and Certificate of Handgun Registration Act. This
12 paragraph (k) does not apply to the transfer of a firearm
13 to a person who is exempt from the requirement of
14 possessing a Firearm Owner's Identification Card under
15 Section 2 of the Firearm Owners Identification Card and
16 Certificate of Handgun Registration Act. For the purposes
17 of this Section, a currently valid Firearm Owner's
18 Identification Card means (i) a Firearm Owner's
19 Identification Card that has not expired or (ii) if the
20 transferor is licensed as a federal firearms dealer under
21 Section 923 of the federal Gun Control Act of 1968 (18
22 U.S.C. 923), an approval number issued in accordance with
23 Section 3.1 of the Firearm Owners Identification Card and
24 Certificate of Handgun Registration Act shall be proof that
25 the Firearm Owner's Identification Card was valid.

26 (1) Not being entitled to the possession of a firearm,

1 delivers the firearm, knowing it to have been stolen or
2 converted. It may be inferred that a person who possesses a
3 firearm with knowledge that its serial number has been
4 removed or altered has knowledge that the firearm is stolen
5 or converted.

6 (B) Paragraph (h) of subsection (A) does not include
7 firearms sold within 6 months after enactment of Public Act
8 78-355 (approved August 21, 1973, effective October 1, 1973),
9 nor is any firearm legally owned or possessed by any citizen or
10 purchased by any citizen within 6 months after the enactment of
11 Public Act 78-355 subject to confiscation or seizure under the
12 provisions of that Public Act. Nothing in Public Act 78-355
13 shall be construed to prohibit the gift or trade of any firearm
14 if that firearm was legally held or acquired within 6 months
15 after the enactment of that Public Act.

16 (C) Sentence.

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

20 (2) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (b) or (i) of
22 subsection (A) commits a Class 3 felony.

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

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

1 of firearms in violation of paragraph (a), (b), or (i) of
2 subsection (A) in any school, on the real property
3 comprising a school, within 1,000 feet of the real property
4 comprising a school, at a school related activity, or on or
5 within 1,000 feet of any conveyance owned, leased, or
6 contracted by a school or school district to transport
7 students to or from school or a school related activity,
8 regardless of the time of day or time of year at which the
9 offense was committed, commits a Class 1 felony. Any person
10 convicted of a second or subsequent violation of unlawful
11 sale or delivery of firearms in violation of paragraph (a),
12 (b), or (i) of subsection (A) in any school, on the real
13 property comprising a school, within 1,000 feet of the real
14 property comprising a school, at a school related activity,
15 or on or within 1,000 feet of any conveyance owned, leased,
16 or contracted by a school or school district to transport
17 students to or from school or a school related activity,
18 regardless of the time of day or time of year at which the
19 offense was committed, commits a Class 1 felony for which
20 the sentence shall be a term of imprisonment of no less
21 than 5 years and no more than 15 years.

22 (5) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (a) or (i) of
24 subsection (A) in residential property owned, operated, or
25 managed by a public housing agency or leased by a public
26 housing agency as part of a scattered site or mixed-income

1 development, in a public park, in a courthouse, on
2 residential property owned, operated, or managed by a
3 public housing agency or leased by a public housing agency
4 as part of a scattered site or mixed-income development, on
5 the real property comprising any public park, on the real
6 property comprising any courthouse, or on any public way
7 within 1,000 feet of the real property comprising any
8 public park, courthouse, or residential property owned,
9 operated, or managed by a public housing agency or leased
10 by a public housing agency as part of a scattered site or
11 mixed-income development commits a Class 2 felony.

12 (6) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (j) of subsection (A)
14 commits a Class A misdemeanor. A second or subsequent
15 violation is a Class 4 felony.

16 (7) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (k) of subsection (A)
18 commits a Class 4 felony. A third or subsequent conviction
19 for a violation of paragraph (k) of subsection (A) is a
20 Class 1 felony.

21 (8) A person 18 years of age or older convicted of
22 unlawful sale or delivery of firearms in violation of
23 paragraph (a) or (i) of subsection (A), when the firearm
24 that was sold or given to another person under 18 years of
25 age was used in the commission of or attempt to commit a
26 forcible felony, shall be fined or imprisoned, or both, not

1 to exceed the maximum provided for the most serious
2 forcible felony so committed or attempted by the person
3 under 18 years of age who was sold or given the firearm.

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

7 (10) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (l) of subsection (A)
9 commits a Class 2 felony if the delivery is of one firearm.

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

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

14 (D) For purposes of this Section:

15 "School" means a public or private elementary or secondary
16 school, community college, college, or university.

17 "School related activity" means any sporting, social,
18 academic, or other activity for which students' attendance or
19 participation is sponsored, organized, or funded in whole or in
20 part by a school or school district.

21 (E) A prosecution for a violation of paragraph (k) of
22 subsection (A) of this Section may be commenced within 6 years
23 after the commission of the offense. A prosecution for a
24 violation of this Section other than paragraph (g) of
25 subsection (A) of this Section may be commenced within 5 years
26 after the commission of the offense defined in the particular

1 paragraph.

2 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
3 eff. 1-1-12; revised 9-14-11.)

4 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

5 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

6 (a) A person commits the offense of unlawful discharge of
7 firearm projectiles when he or she knowingly or recklessly uses
8 an armor piercing bullet, dragon's breath shotgun shell, bolo
9 shell, or flechette shell in violation of this Section.

10 For purposes of this Section:

11 "Armor piercing bullet" means any handgun bullet or handgun
12 ammunition with projectiles or projectile cores constructed
13 entirely (excluding the presence of traces of other substances)
14 from tungsten alloys, steel, iron, brass, bronze, beryllium
15 copper or depleted uranium, or fully jacketed bullets larger
16 than 22 caliber whose jacket has a weight of more than 25% of
17 the total weight of the projectile, and excluding those handgun
18 projectiles whose cores are composed of soft materials such as
19 lead or lead alloys, zinc or zinc alloys, frangible projectiles
20 designed primarily for sporting purposes, and any other
21 projectiles or projectile cores that the U. S. Secretary of the
22 Treasury finds to be primarily intended to be used for sporting
23 purposes or industrial purposes or that otherwise does not
24 constitute "armor piercing ammunition" as that term is defined
25 by federal law.

1 "Dragon's breath shotgun shell" means any shotgun shell
2 that contains exothermic pyrophoric mesh metal as the
3 projectile and is designed for the purpose of throwing or
4 spewing a flame or fireball to simulate a flame-thrower.

5 "Bolo shell" means any shell that can be fired in a firearm
6 and expels as projectiles 2 or more metal balls connected by
7 solid metal wire.

8 "Flechette shell" means any shell that can be fired in a
9 firearm and expels 2 or more pieces of fin-stabilized solid
10 metal wire or 2 or more solid dart-type projectiles.

11 (b) A person commits a Class X felony when he or she,
12 knowing that a firearm, as defined in Section 1.1 of the
13 Firearm Owners Identification Card and Certificate of Handgun
14 Registration Act, is loaded with an armor piercing bullet,
15 dragon's breath shotgun shell, bolo shell, or flechette shell,
16 intentionally or recklessly discharges such firearm and such
17 bullet or shell strikes any other person.

18 (c) Any person who possesses, concealed on or about his or
19 her person, an armor piercing bullet, dragon's breath shotgun
20 shell, bolo shell, or flechette shell and a firearm suitable
21 for the discharge thereof is guilty of a Class 2 felony.

22 (d) This Section does not apply to or affect any of the
23 following:

24 (1) Peace officers;

25 (2) Wardens, superintendents and keepers of prisons,
26 penitentiaries, jails and other institutions for the

1 detention of persons accused or convicted of an offense;

2 (3) Members of the Armed Services or Reserve Forces of
3 the United States or the Illinois National Guard while in
4 the performance of their official duties;

5 (4) Federal officials required to carry firearms,
6 while engaged in the performance of their official duties;

7 (5) United States Marshals, while engaged in the
8 performance of their official duties.

9 (Source: P.A. 92-423, eff. 1-1-02.)

10 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

11 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

12 (a) It shall be unlawful for any person who holds a license
13 to sell at retail any alcoholic liquor issued by the Illinois
14 Liquor Control Commission or local liquor control commissioner
15 under the Liquor Control Act of 1934 or an agent or employee of
16 the licensee to sell or deliver to any other person a firearm
17 in or on the real property of the establishment where the
18 licensee is licensed to sell alcoholic liquors unless the sale
19 or delivery of the firearm is otherwise lawful under this
20 Article and under the Firearm Owners Identification Card and
21 Certificate of Handgun Registration Act.

22 (b) Sentence. A violation of subsection (a) of this Section
23 is a Class 4 felony.

24 (Source: P.A. 87-591.)

1 (720 ILCS 5/24-3.5)

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

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

5 (1) executed by a transferee of a firearm stating: (i)
6 the transferee's name and address (including county or
7 similar political subdivision); (ii) whether the
8 transferee is a citizen of the United States; (iii) the
9 transferee's State of residence; and (iv) the date and
10 place of birth, height, weight, and race of the transferee;
11 and

12 (2) on which the transferee certifies that he or she is
13 not prohibited by federal law from transporting or shipping
14 a firearm in interstate or foreign commerce or receiving a
15 firearm that has been shipped or transported in interstate
16 or foreign commerce or possessing a firearm in or affecting
17 commerce.

18 (b) A person commits the offense of unlawful purchase of a
19 firearm who knowingly purchases or attempts to purchase a
20 firearm with the intent to deliver that firearm to another
21 person who is prohibited by federal or State law from
22 possessing a firearm.

23 (c) A person commits the offense of unlawful purchase of a
24 firearm when he or she, in purchasing or attempting to purchase
25 a firearm, intentionally provides false or misleading
26 information on a United States Department of the Treasury,

1 Bureau of Alcohol, Tobacco and Firearms firearms transaction
2 record form.

3 (d) Exemption. It is not a violation of subsection (b) of
4 this Section for a person to make a gift or loan of a firearm to
5 a person who is not prohibited by federal or State law from
6 possessing a firearm if the transfer of the firearm is made in
7 accordance with Section 3 of the Firearm Owners Identification
8 Card and Certificate of Handgun Registration Act.

9 (e) Sentence.

10 (1) A person who commits the offense of unlawful
11 purchase of a firearm:

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

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

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

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 be
3 commenced within 6 years after the commission of the offense.

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

5 (720 ILCS 5/24-9)

6 Sec. 24-9. Firearms; Child Protection.

7 (a) Except as provided in subsection (c), it is unlawful
8 for any person to store or leave, within premises under his or
9 her control, a firearm if the person knows or has reason to
10 believe that a minor under the age of 14 years who does not
11 have a Firearm Owners Identification Card is likely to gain
12 access to the firearm without the lawful permission of the
13 minor's parent, guardian, or person having charge of the minor,
14 and the minor causes death or great bodily harm with the
15 firearm, unless the firearm is:

16 (1) secured by a device or mechanism, other than the
17 firearm safety, designed to render a firearm temporarily
18 inoperable; or

19 (2) placed in a securely locked box or container; or

20 (3) placed in some other location that a reasonable
21 person would believe to be secure from a minor under the
22 age of 14 years.

23 (b) Sentence. A person who violates this Section is guilty
24 of a Class C misdemeanor and shall be fined not less than
25 \$1,000. A second or subsequent violation of this Section is a

1 Class A misdemeanor.

2 (c) Subsection (a) does not apply:

3 (1) if the minor under 14 years of age gains access to
4 a firearm and uses it in a lawful act of self-defense or
5 defense of another; or

6 (2) to any firearm obtained by a minor under the age of
7 14 because of an unlawful entry of the premises by the
8 minor or another person.

9 (d) For the purposes of this Section, "firearm" has the
10 meaning ascribed to it in Section 1.1 of the Firearm Owners
11 Identification Card and Certificate of Handgun Registration
12 Act.

13 (Source: P.A. 91-18, eff. 1-1-00.)

14 Section 45. The Methamphetamine Control and Community
15 Protection Act is amended by changing Section 10 as follows:

16 (720 ILCS 646/10)

17 Sec. 10. Definitions. As used in this Act:

18 "Anhydrous ammonia" has the meaning provided in subsection
19 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

20 "Anhydrous ammonia equipment" means all items used to
21 store, hold, contain, handle, transfer, transport, or apply
22 anhydrous ammonia for lawful purposes.

23 "Booby trap" means any device designed to cause physical
24 injury when triggered by an act of a person approaching,

1 entering, or moving through a structure, a vehicle, or any
2 location where methamphetamine has been manufactured, is being
3 manufactured, or is intended to be manufactured.

4 "Deliver" or "delivery" has the meaning provided in
5 subsection (h) of Section 102 of the Illinois Controlled
6 Substances Act.

7 "Director" means the Director of State Police or the
8 Director's designated agents.

9 "Dispose" or "disposal" means to abandon, discharge,
10 release, deposit, inject, dump, spill, leak, or place
11 methamphetamine waste onto or into any land, water, or well of
12 any type so that the waste has the potential to enter the
13 environment, be emitted into the air, or be discharged into the
14 soil or any waters, including groundwater.

15 "Emergency response" means the act of collecting evidence
16 from or securing a methamphetamine laboratory site,
17 methamphetamine waste site or other methamphetamine-related
18 site and cleaning up the site, whether these actions are
19 performed by public entities or private contractors paid by
20 public entities.

21 "Emergency service provider" means a local, State, or
22 federal peace officer, firefighter, emergency medical
23 technician-ambulance, emergency medical
24 technician-intermediate, emergency medical
25 technician-paramedic, ambulance driver, or other medical or
26 first aid personnel rendering aid, or any agent or designee of

1 the foregoing.

2 "Finished methamphetamine" means methamphetamine in a form
3 commonly used for personal consumption.

4 "Firearm" has the meaning provided in Section 1.1 of the
5 Firearm Owners Identification Card and Certificate of Handgun
6 Registration Act.

7 "Manufacture" means to produce, prepare, compound,
8 convert, process, synthesize, concentrate, purify, separate,
9 extract, or package any methamphetamine, methamphetamine
10 precursor, methamphetamine manufacturing catalyst,
11 methamphetamine manufacturing reagent, methamphetamine
12 manufacturing solvent, or any substance containing any of the
13 foregoing.

14 "Methamphetamine" means the chemical methamphetamine (a
15 Schedule II controlled substance under the Illinois Controlled
16 Substances Act) or any salt, optical isomer, salt of optical
17 isomer, or analog thereof, with the exception of
18 3,4-Methylenedioxymethamphetamine (MDMA) or any other
19 scheduled substance with a separate listing under the Illinois
20 Controlled Substances Act.

21 "Methamphetamine manufacturing catalyst" means any
22 substance that has been used, is being used, or is intended to
23 be used to activate, accelerate, extend, or improve a chemical
24 reaction involved in the manufacture of methamphetamine.

25 "Methamphetamine manufacturing environment" means a
26 structure or vehicle in which:

1 (1) methamphetamine is being or has been manufactured;

2 (2) chemicals that are being used, have been used, or
3 are intended to be used to manufacture methamphetamine are
4 stored;

5 (3) methamphetamine manufacturing materials that have
6 been used to manufacture methamphetamine are stored; or

7 (4) methamphetamine manufacturing waste is stored.

8 "Methamphetamine manufacturing material" means any
9 methamphetamine precursor, substance containing any
10 methamphetamine precursor, methamphetamine manufacturing
11 catalyst, substance containing any methamphetamine
12 manufacturing catalyst, methamphetamine manufacturing reagent,
13 substance containing any methamphetamine manufacturing
14 reagent, methamphetamine manufacturing solvent, substance
15 containing any methamphetamine manufacturing solvent, or any
16 other chemical, substance, ingredient, equipment, apparatus,
17 or item that is being used, has been used, or is intended to be
18 used in the manufacture of methamphetamine.

19 "Methamphetamine manufacturing reagent" means any
20 substance other than a methamphetamine manufacturing catalyst
21 that has been used, is being used, or is intended to be used to
22 react with and chemically alter any methamphetamine precursor.

23 "Methamphetamine manufacturing solvent" means any
24 substance that has been used, is being used, or is intended to
25 be used as a medium in which any methamphetamine precursor,
26 methamphetamine manufacturing catalyst, methamphetamine

1 manufacturing reagent, or any substance containing any of the
2 foregoing is dissolved, diluted, or washed during any part of
3 the methamphetamine manufacturing process.

4 "Methamphetamine manufacturing waste" means any chemical,
5 substance, ingredient, equipment, apparatus, or item that is
6 left over from, results from, or is produced by the process of
7 manufacturing methamphetamine, other than finished
8 methamphetamine.

9 "Methamphetamine precursor" means ephedrine,
10 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
11 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
12 isomer, or salt of an optical isomer of any of these chemicals.

13 "Multi-unit dwelling" means a unified structure used or
14 intended for use as a habitation, home, or residence that
15 contains 2 or more condominiums, apartments, hotel rooms, motel
16 rooms, or other living units.

17 "Package" means an item marked for retail sale that is not
18 designed to be further broken down or subdivided for the
19 purpose of retail sale.

20 "Participate" or "participation" in the manufacture of
21 methamphetamine means to produce, prepare, compound, convert,
22 process, synthesize, concentrate, purify, separate, extract,
23 or package any methamphetamine, methamphetamine precursor,
24 methamphetamine manufacturing catalyst, methamphetamine
25 manufacturing reagent, methamphetamine manufacturing solvent,
26 or any substance containing any of the foregoing, or to assist

1 in any of these actions, or to attempt to take any of these
2 actions, regardless of whether this action or these actions
3 result in the production of finished methamphetamine.

4 "Person with a disability" means a person who suffers from
5 a permanent physical or mental impairment resulting from
6 disease, injury, functional disorder, or congenital condition
7 which renders the person incapable of adequately providing for
8 his or her own health and personal care.

9 "Procure" means to purchase, steal, gather, or otherwise
10 obtain, by legal or illegal means, or to cause another to take
11 such action.

12 "Second or subsequent offense" means an offense under this
13 Act committed by an offender who previously committed an
14 offense under this Act, the Illinois Controlled Substances Act,
15 the Cannabis Control Act, or another Act of this State, another
16 state, or the United States relating to methamphetamine,
17 cannabis, or any other controlled substance.

18 "Standard dosage form", as used in relation to any
19 methamphetamine precursor, means that the methamphetamine
20 precursor is contained in a pill, tablet, capsule, caplet, gel
21 cap, or liquid cap that has been manufactured by a lawful
22 entity and contains a standard quantity of methamphetamine
23 precursor.

24 "Unauthorized container", as used in relation to anhydrous
25 ammonia, means any container that is not designed for the
26 specific and sole purpose of holding, storing, transporting, or

1 applying anhydrous ammonia. "Unauthorized container" includes,
2 but is not limited to, any propane tank, fire extinguisher,
3 oxygen cylinder, gasoline can, food or beverage cooler, or
4 compressed gas cylinder used in dispensing fountain drinks.
5 "Unauthorized container" does not encompass anhydrous ammonia
6 manufacturing plants, refrigeration systems where anhydrous
7 ammonia is used solely as a refrigerant, anhydrous ammonia
8 transportation pipelines, anhydrous ammonia tankers, or
9 anhydrous ammonia barges.

10 (Source: P.A. 97-434, eff. 1-1-12.)

11 Section 50. The Unified Code of Corrections is amended by
12 changing Sections 5-5-3 and 5-5-3.2 as follows:

13 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

14 Sec. 5-5-3. Disposition.

15 (a) (Blank).

16 (b) (Blank).

17 (c) (1) (Blank).

18 (2) A period of probation, a term of periodic
19 imprisonment or conditional discharge shall not be imposed
20 for the following offenses. The court shall sentence the
21 offender to not less than the minimum term of imprisonment
22 set forth in this Code for the following offenses, and may
23 order a fine or restitution or both in conjunction with
24 such term of imprisonment:

1 (A) First degree murder where the death penalty is
2 not imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

5 (D) A violation of Section 401.1 or 407 of the
6 Illinois Controlled Substances Act, or a violation of
7 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
8 of that Act which relates to more than 5 grams of a
9 substance containing heroin, cocaine, fentanyl, or an
10 analog thereof.

11 (E) A violation of Section 5.1 or 9 of the Cannabis
12 Control Act.

13 (F) A Class 2 or greater felony if the offender had
14 been convicted of a Class 2 or greater felony,
15 including any state or federal conviction for an
16 offense that contained, at the time it was committed,
17 the same elements as an offense now (the date of the
18 offense committed after the prior Class 2 or greater
19 felony) classified as a Class 2 or greater felony,
20 within 10 years of the date on which the offender
21 committed the offense for which he or she is being
22 sentenced, except as otherwise provided in Section
23 40-10 of the Alcoholism and Other Drug Abuse and
24 Dependency Act.

25 (F-5) A violation of Section 24-1, 24-1.1, or
26 24-1.6 of the Criminal Code of 1961 for which

1 imprisonment is prescribed in those Sections.

2 (G) Residential burglary, except as otherwise
3 provided in Section 40-10 of the Alcoholism and Other
4 Drug Abuse and Dependency Act.

5 (H) Criminal sexual assault.

6 (I) Aggravated battery of a senior citizen as
7 described in Section 12-4.6 or subdivision (a)(4) of
8 Section 12-3.05.

9 (J) A forcible felony if the offense was related to
10 the activities of an organized gang.

11 Before July 1, 1994, for the purposes of this
12 paragraph, "organized gang" means an association of 5
13 or more persons, with an established hierarchy, that
14 encourages members of the association to perpetrate
15 crimes or provides support to the members of the
16 association who do commit crimes.

17 Beginning July 1, 1994, for the purposes of this
18 paragraph, "organized gang" has the meaning ascribed
19 to it in Section 10 of the Illinois Streetgang
20 Terrorism Omnibus Prevention Act.

21 (K) Vehicular hijacking.

22 (L) A second or subsequent conviction for the
23 offense of hate crime when the underlying offense upon
24 which the hate crime is based is felony aggravated
25 assault or felony mob action.

26 (M) A second or subsequent conviction for the

1 offense of institutional vandalism if the damage to the
2 property exceeds \$300.

3 (N) A Class 3 felony violation of paragraph (1) of
4 subsection (a) of Section 2 of the Firearm Owners
5 Identification Card and Certificate of Handgun
6 Registration Act.

7 (O) A violation of Section 12-6.1 or 12-6.5 of the
8 Criminal Code of 1961.

9 (P) A violation of paragraph (1), (2), (3), (4),
10 (5), or (7) of subsection (a) of Section 11-20.1 of the
11 Criminal Code of 1961.

12 (Q) A violation of Section 20-1.2 or 20-1.3 of the
13 Criminal Code of 1961.

14 (R) A violation of Section 24-3A of the Criminal
15 Code of 1961.

16 (S) (Blank).

17 (T) A second or subsequent violation of the
18 Methamphetamine Control and Community Protection Act.

19 (U) A second or subsequent violation of Section
20 6-303 of the Illinois Vehicle Code committed while his
21 or her driver's license, permit, or privilege was
22 revoked because of a violation of Section 9-3 of the
23 Criminal Code of 1961, relating to the offense of
24 reckless homicide, or a similar provision of a law of
25 another state.

26 (V) A violation of paragraph (4) of subsection (c)

1 of Section 11-20.1B or paragraph (4) of subsection (c)
2 of Section 11-20.3 of the Criminal Code of 1961.

3 (W) A violation of Section 24-3.5 of the Criminal
4 Code of 1961.

5 (X) A violation of subsection (a) of Section 31-1a
6 of the Criminal Code of 1961.

7 (Y) A conviction for unlawful possession of a
8 firearm by a street gang member when the firearm was
9 loaded or contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was
11 serving a term of probation or conditional discharge
12 for a felony.

13 (AA) Theft of property exceeding \$500,000 and not
14 exceeding \$1,000,000 in value.

15 (BB) Laundering of criminally derived property of
16 a value exceeding \$500,000.

17 (CC) Knowingly selling, offering for sale, holding
18 for sale, or using 2,000 or more counterfeit items or
19 counterfeit items having a retail value in the
20 aggregate of \$500,000 or more.

21 (DD) A conviction for aggravated assault under
22 paragraph (6) of subsection (c) of Section 12-2 of the
23 Criminal Code of 1961 if the firearm is aimed toward
24 the person against whom the firearm is being used.

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be
2 imposed for a violation of paragraph (c) of Section 6-303
3 of the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8)
6 of this subsection (c), a minimum of 100 hours of community
7 service shall be imposed for a second violation of Section
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300
10 hours of community service, as determined by the court,
11 shall be imposed for a second violation of subsection (c)
12 of Section 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraphs (4.5), (4.6),
14 and (4.9) of this subsection (c), a minimum term of
15 imprisonment of 30 days or 300 hours of community service,
16 as determined by the court, shall be imposed for a third or
17 subsequent violation of Section 6-303 of the Illinois
18 Vehicle Code.

19 (4.5) A minimum term of imprisonment of 30 days shall
20 be imposed for a third violation of subsection (c) of
21 Section 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this
23 subsection (c), a minimum term of imprisonment of 180 days
24 shall be imposed for a fourth or subsequent violation of
25 subsection (c) of Section 6-303 of the Illinois Vehicle
26 Code.

1 (4.7) A minimum term of imprisonment of not less than
2 30 consecutive days, or 300 hours of community service,
3 shall be imposed for a violation of subsection (a-5) of
4 Section 6-303 of the Illinois Vehicle Code, as provided in
5 subsection (b-5) of that Section.

6 (4.8) A mandatory prison sentence shall be imposed for
7 a second violation of subsection (a-5) of Section 6-303 of
8 the Illinois Vehicle Code, as provided in subsection (c-5)
9 of that Section. The person's driving privileges shall be
10 revoked for a period of not less than 5 years from the date
11 of his or her release from prison.

12 (4.9) A mandatory prison sentence of not less than 4
13 and not more than 15 years shall be imposed for a third
14 violation of subsection (a-5) of Section 6-303 of the
15 Illinois Vehicle Code, as provided in subsection (d-2.5) of
16 that Section. The person's driving privileges shall be
17 revoked for the remainder of his or her life.

18 (4.10) A mandatory prison sentence for a Class 1 felony
19 shall be imposed, and the person shall be eligible for an
20 extended term sentence, for a fourth or subsequent
21 violation of subsection (a-5) of Section 6-303 of the
22 Illinois Vehicle Code, as provided in subsection (d-3.5) of
23 that Section. The person's driving privileges shall be
24 revoked for the remainder of his or her life.

25 (5) The court may sentence a corporation or
26 unincorporated association convicted of any offense to:

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section
- 4 5-5-6 of this Code.

5 (5.1) In addition to any other penalties imposed, and

6 except as provided in paragraph (5.2) or (5.3), a person

7 convicted of violating subsection (c) of Section 11-907 of

8 the Illinois Vehicle Code shall have his or her driver's

9 license, permit, or privileges suspended for at least 90

10 days but not more than one year, if the violation resulted

11 in damage to the property of another person.

12 (5.2) In addition to any other penalties imposed, and

13 except as provided in paragraph (5.3), a person convicted

14 of violating subsection (c) of Section 11-907 of the

15 Illinois Vehicle Code shall have his or her driver's

16 license, permit, or privileges suspended for at least 180

17 days but not more than 2 years, if the violation resulted

18 in injury to another person.

19 (5.3) In addition to any other penalties imposed, a

20 person convicted of violating subsection (c) of Section

21 11-907 of the Illinois Vehicle Code shall have his or her

22 driver's license, permit, or privileges suspended for 2

23 years, if the violation resulted in the death of another

24 person.

25 (5.4) In addition to any other penalties imposed, a

26 person convicted of violating Section 3-707 of the Illinois

1 Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for 3 months and until he
3 or she has paid a reinstatement fee of \$100.

4 (5.5) In addition to any other penalties imposed, a
5 person convicted of violating Section 3-707 of the Illinois
6 Vehicle Code during a period in which his or her driver's
7 license, permit, or privileges were suspended for a
8 previous violation of that Section shall have his or her
9 driver's license, permit, or privileges suspended for an
10 additional 6 months after the expiration of the original
11 3-month suspension and until he or she has paid a
12 reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

16 (9) A defendant convicted of a second or subsequent
17 offense of ritualized abuse of a child may be sentenced to
18 a term of natural life imprisonment.

19 (10) (Blank).

20 (11) The court shall impose a minimum fine of \$1,000
21 for a first offense and \$2,000 for a second or subsequent
22 offense upon a person convicted of or placed on supervision
23 for battery when the individual harmed was a sports
24 official or coach at any level of competition and the act
25 causing harm to the sports official or coach occurred
26 within an athletic facility or within the immediate

1 vicinity of the athletic facility at which the sports
2 official or coach was an active participant of the athletic
3 contest held at the athletic facility. For the purposes of
4 this paragraph (11), "sports official" means a person at an
5 athletic contest who enforces the rules of the contest,
6 such as an umpire or referee; "athletic facility" means an
7 indoor or outdoor playing field or recreational area where
8 sports activities are conducted; and "coach" means a person
9 recognized as a coach by the sanctioning authority that
10 conducted the sporting event.

11 (12) A person may not receive a disposition of court
12 supervision for a violation of Section 5-16 of the Boat
13 Registration and Safety Act if that person has previously
14 received a disposition of court supervision for a violation
15 of that Section.

16 (13) A person convicted of or placed on court
17 supervision for an assault or aggravated assault when the
18 victim and the offender are family or household members as
19 defined in Section 103 of the Illinois Domestic Violence
20 Act of 1986 or convicted of domestic battery or aggravated
21 domestic battery may be required to attend a Partner Abuse
22 Intervention Program under protocols set forth by the
23 Illinois Department of Human Services under such terms and
24 conditions imposed by the court. The costs of such classes
25 shall be paid by the offender.

26 (d) In any case in which a sentence originally imposed is

1 vacated, the case shall be remanded to the trial court. The
2 trial court shall hold a hearing under Section 5-4-1 of the
3 Unified Code of Corrections which may include evidence of the
4 defendant's life, moral character and occupation during the
5 time since the original sentence was passed. The trial court
6 shall then impose sentence upon the defendant. The trial court
7 may impose any sentence which could have been imposed at the
8 original trial subject to Section 5-5-4 of the Unified Code of
9 Corrections. If a sentence is vacated on appeal or on
10 collateral attack due to the failure of the trier of fact at
11 trial to determine beyond a reasonable doubt the existence of a
12 fact (other than a prior conviction) necessary to increase the
13 punishment for the offense beyond the statutory maximum
14 otherwise applicable, either the defendant may be re-sentenced
15 to a term within the range otherwise provided or, if the State
16 files notice of its intention to again seek the extended
17 sentence, the defendant shall be afforded a new trial.

18 (e) In cases where prosecution for aggravated criminal
19 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
20 Code of 1961 results in conviction of a defendant who was a
21 family member of the victim at the time of the commission of
22 the offense, the court shall consider the safety and welfare of
23 the victim and may impose a sentence of probation only where:

24 (1) the court finds (A) or (B) or both are appropriate:

25 (A) the defendant is willing to undergo a court
26 approved counseling program for a minimum duration of 2

1 years; or

2 (B) the defendant is willing to participate in a
3 court approved plan including but not limited to the
4 defendant's:

5 (i) removal from the household;

6 (ii) restricted contact with the victim;

7 (iii) continued financial support of the
8 family;

9 (iv) restitution for harm done to the victim;

10 and

11 (v) compliance with any other measures that
12 the court may deem appropriate; and

13 (2) the court orders the defendant to pay for the
14 victim's counseling services, to the extent that the court
15 finds, after considering the defendant's income and
16 assets, that the defendant is financially capable of paying
17 for such services, if the victim was under 18 years of age
18 at the time the offense was committed and requires
19 counseling as a result of the offense.

20 Probation may be revoked or modified pursuant to Section
21 5-6-4; except where the court determines at the hearing that
22 the defendant violated a condition of his or her probation
23 restricting contact with the victim or other family members or
24 commits another offense with the victim or other family
25 members, the court shall revoke the defendant's probation and
26 impose a term of imprisonment.

1 For the purposes of this Section, "family member" and
2 "victim" shall have the meanings ascribed to them in Section
3 11-0.1 of the Criminal Code of 1961.

4 (f) (Blank).

5 (g) Whenever a defendant is convicted of an offense under
6 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
7 11-14.3, 11-14.4 except for an offense that involves keeping a
8 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
9 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
10 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
11 defendant shall undergo medical testing to determine whether
12 the defendant has any sexually transmissible disease,
13 including a test for infection with human immunodeficiency
14 virus (HIV) or any other identified causative agent of acquired
15 immunodeficiency syndrome (AIDS). Any such medical test shall
16 be performed only by appropriately licensed medical
17 practitioners and may include an analysis of any bodily fluids
18 as well as an examination of the defendant's person. Except as
19 otherwise provided by law, the results of such test shall be
20 kept strictly confidential by all medical personnel involved in
21 the testing and must be personally delivered in a sealed
22 envelope to the judge of the court in which the conviction was
23 entered for the judge's inspection in camera. Acting in
24 accordance with the best interests of the victim and the
25 public, the judge shall have the discretion to determine to
26 whom, if anyone, the results of the testing may be revealed.

1 The court shall notify the defendant of the test results. The
2 court shall also notify the victim if requested by the victim,
3 and if the victim is under the age of 15 and if requested by the
4 victim's parents or legal guardian, the court shall notify the
5 victim's parents or legal guardian of the test results. The
6 court shall provide information on the availability of HIV
7 testing and counseling at Department of Public Health
8 facilities to all parties to whom the results of the testing
9 are revealed and shall direct the State's Attorney to provide
10 the information to the victim when possible. A State's Attorney
11 may petition the court to obtain the results of any HIV test
12 administered under this Section, and the court shall grant the
13 disclosure if the State's Attorney shows it is relevant in
14 order to prosecute a charge of criminal transmission of HIV
15 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
16 against the defendant. The court shall order that the cost of
17 any such test shall be paid by the county and may be taxed as
18 costs against the convicted defendant.

19 (g-5) When an inmate is tested for an airborne communicable
20 disease, as determined by the Illinois Department of Public
21 Health including but not limited to tuberculosis, the results
22 of the test shall be personally delivered by the warden or his
23 or her designee in a sealed envelope to the judge of the court
24 in which the inmate must appear for the judge's inspection in
25 camera if requested by the judge. Acting in accordance with the
26 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
5 defendant shall undergo medical testing to determine whether
6 the defendant has been exposed to human immunodeficiency virus
7 (HIV) or any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Except as otherwise provided
9 by law, the results of such test shall be kept strictly
10 confidential by all medical personnel involved in the testing
11 and must be personally delivered in a sealed envelope to the
12 judge of the court in which the conviction was entered for the
13 judge's inspection in camera. Acting in accordance with the
14 best interests of the public, the judge shall have the
15 discretion to determine to whom, if anyone, the results of the
16 testing may be revealed. The court shall notify the defendant
17 of a positive test showing an infection with the human
18 immunodeficiency virus (HIV). The court shall provide
19 information on the availability of HIV testing and counseling
20 at Department of Public Health facilities to all parties to
21 whom the results of the testing are revealed and shall direct
22 the State's Attorney to provide the information to the victim
23 when possible. A State's Attorney may petition the court to
24 obtain the results of any HIV test administered under this
25 Section, and the court shall grant the disclosure if the
26 State's Attorney shows it is relevant in order to prosecute a

1 charge of criminal transmission of HIV under Section 12-5.01 or
2 12-16.2 of the Criminal Code of 1961 against the defendant. The
3 court shall order that the cost of any such test shall be paid
4 by the county and may be taxed as costs against the convicted
5 defendant.

6 (i) All fines and penalties imposed under this Section for
7 any violation of Chapters 3, 4, 6, and 11 of the Illinois
8 Vehicle Code, or a similar provision of a local ordinance, and
9 any violation of the Child Passenger Protection Act, or a
10 similar provision of a local ordinance, shall be collected and
11 disbursed by the circuit clerk as provided under Section 27.5
12 of the Clerks of Courts Act.

13 (j) In cases when prosecution for any violation of Section
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
15 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
17 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
18 12-15, or 12-16 of the Criminal Code of 1961, any violation of
19 the Illinois Controlled Substances Act, any violation of the
20 Cannabis Control Act, or any violation of the Methamphetamine
21 Control and Community Protection Act results in conviction, a
22 disposition of court supervision, or an order of probation
23 granted under Section 10 of the Cannabis Control Act, Section
24 410 of the Illinois Controlled Substance Act, or Section 70 of
25 the Methamphetamine Control and Community Protection Act of a
26 defendant, the court shall determine whether the defendant is

1 employed by a facility or center as defined under the Child
2 Care Act of 1969, a public or private elementary or secondary
3 school, or otherwise works with children under 18 years of age
4 on a daily basis. When a defendant is so employed, the court
5 shall order the Clerk of the Court to send a copy of the
6 judgment of conviction or order of supervision or probation to
7 the defendant's employer by certified mail. If the employer of
8 the defendant is a school, the Clerk of the Court shall direct
9 the mailing of a copy of the judgment of conviction or order of
10 supervision or probation to the appropriate regional
11 superintendent of schools. The regional superintendent of
12 schools shall notify the State Board of Education of any
13 notification under this subsection.

14 (j-5) A defendant at least 17 years of age who is convicted
15 of a felony and who has not been previously convicted of a
16 misdemeanor or felony and who is sentenced to a term of
17 imprisonment in the Illinois Department of Corrections shall as
18 a condition of his or her sentence be required by the court to
19 attend educational courses designed to prepare the defendant
20 for a high school diploma and to work toward a high school
21 diploma or to work toward passing the high school level Test of
22 General Educational Development (GED) or to work toward
23 completing a vocational training program offered by the
24 Department of Corrections. If a defendant fails to complete the
25 educational training required by his or her sentence during the
26 term of incarceration, the Prisoner Review Board shall, as a

1 condition of mandatory supervised release, require the
2 defendant, at his or her own expense, to pursue a course of
3 study toward a high school diploma or passage of the GED test.
4 The Prisoner Review Board shall revoke the mandatory supervised
5 release of a defendant who wilfully fails to comply with this
6 subsection (j-5) upon his or her release from confinement in a
7 penal institution while serving a mandatory supervised release
8 term; however, the inability of the defendant after making a
9 good faith effort to obtain financial aid or pay for the
10 educational training shall not be deemed a wilful failure to
11 comply. The Prisoner Review Board shall recommit the defendant
12 whose mandatory supervised release term has been revoked under
13 this subsection (j-5) as provided in Section 3-3-9. This
14 subsection (j-5) does not apply to a defendant who has a high
15 school diploma or has successfully passed the GED test. This
16 subsection (j-5) does not apply to a defendant who is
17 determined by the court to be developmentally disabled or
18 otherwise mentally incapable of completing the educational or
19 vocational program.

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is an alien as defined by
23 the Immigration and Nationality Act, is convicted of any
24 felony or misdemeanor offense, the court after sentencing
25 the defendant may, upon motion of the State's Attorney,
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his
2 or her designated agent to be deported when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under
5 the Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct
8 and would not be inconsistent with the ends of justice.

9 Otherwise, the defendant shall be sentenced as
10 provided in this Chapter V.

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on
13 probation under Section 10 of the Cannabis Control Act,
14 Section 410 of the Illinois Controlled Substances Act, or
15 Section 70 of the Methamphetamine Control and Community
16 Protection Act, the court may, upon motion of the State's
17 Attorney to suspend the sentence imposed, commit the
18 defendant to the custody of the Attorney General of the
19 United States or his or her designated agent when:

20 (1) a final order of deportation has been issued
21 against the defendant pursuant to proceedings under
22 the Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not
24 deprecate the seriousness of the defendant's conduct
25 and would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who

1 are subject to the provisions of paragraph (2) of
2 subsection (a) of Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant
4 sentenced under this Section returns to the jurisdiction of
5 the United States, the defendant shall be recommitted to
6 the custody of the county from which he or she was
7 sentenced. Thereafter, the defendant shall be brought
8 before the sentencing court, which may impose any sentence
9 that was available under Section 5-5-3 at the time of
10 initial sentencing. In addition, the defendant shall not be
11 eligible for additional good conduct credit for
12 meritorious service as provided under Section 3-6-6.

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961, in which the
15 property damage exceeds \$300 and the property damaged is a
16 school building, shall be ordered to perform community service
17 that may include cleanup, removal, or painting over the
18 defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
21 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
22 of 1961 (i) to an impact incarceration program if the person is
23 otherwise eligible for that program under Section 5-8-1.1, (ii)
24 to community service, or (iii) if the person is an addict or
25 alcoholic, as defined in the Alcoholism and Other Drug Abuse
26 and Dependency Act, to a substance or alcohol abuse program

1 licensed under that Act.

2 (o) Whenever a person is convicted of a sex offense as
3 defined in Section 2 of the Sex Offender Registration Act, the
4 defendant's driver's license or permit shall be subject to
5 renewal on an annual basis in accordance with the provisions of
6 license renewal established by the Secretary of State.

7 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
8 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
9 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
10 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
11 97-159, eff. 7-21-11; revised 9-14-11.)

12 (730 ILCS 5/5-5-3.2)

13 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
14 Sentencing.

15 (a) The following factors shall be accorded weight in favor
16 of imposing a term of imprisonment or may be considered by the
17 court as reasons to impose a more severe sentence under Section
18 5-8-1 or Article 4.5 of Chapter V:

19 (1) the defendant's conduct caused or threatened
20 serious harm;

21 (2) the defendant received compensation for committing
22 the offense;

23 (3) the defendant has a history of prior delinquency or
24 criminal activity;

25 (4) the defendant, by the duties of his office or by

1 his position, was obliged to prevent the particular offense
2 committed or to bring the offenders committing it to
3 justice;

4 (5) the defendant held public office at the time of the
5 offense, and the offense related to the conduct of that
6 office;

7 (6) the defendant utilized his professional reputation
8 or position in the community to commit the offense, or to
9 afford him an easier means of committing it;

10 (7) the sentence is necessary to deter others from
11 committing the same crime;

12 (8) the defendant committed the offense against a
13 person 60 years of age or older or such person's property;

14 (9) the defendant committed the offense against a
15 person who is physically handicapped or such person's
16 property;

17 (10) by reason of another individual's actual or
18 perceived race, color, creed, religion, ancestry, gender,
19 sexual orientation, physical or mental disability, or
20 national origin, the defendant committed the offense
21 against (i) the person or property of that individual; (ii)
22 the person or property of a person who has an association
23 with, is married to, or has a friendship with the other
24 individual; or (iii) the person or property of a relative
25 (by blood or marriage) of a person described in clause (i)
26 or (ii). For the purposes of this Section, "sexual

1 orientation" means heterosexuality, homosexuality, or
2 bisexuality;

3 (11) the offense took place in a place of worship or on
4 the grounds of a place of worship, immediately prior to,
5 during or immediately following worship services. For
6 purposes of this subparagraph, "place of worship" shall
7 mean any church, synagogue or other building, structure or
8 place used primarily for religious worship;

9 (12) the defendant was convicted of a felony committed
10 while he was released on bail or his own recognizance
11 pending trial for a prior felony and was convicted of such
12 prior felony, or the defendant was convicted of a felony
13 committed while he was serving a period of probation,
14 conditional discharge, or mandatory supervised release
15 under subsection (d) of Section 5-8-1 for a prior felony;

16 (13) the defendant committed or attempted to commit a
17 felony while he was wearing a bulletproof vest. For the
18 purposes of this paragraph (13), a bulletproof vest is any
19 device which is designed for the purpose of protecting the
20 wearer from bullets, shot or other lethal projectiles;

21 (14) the defendant held a position of trust or
22 supervision such as, but not limited to, family member as
23 defined in Section 11-0.1 of the Criminal Code of 1961,
24 teacher, scout leader, baby sitter, or day care worker, in
25 relation to a victim under 18 years of age, and the
26 defendant committed an offense in violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
2 11-14.4 except for an offense that involves keeping a place
3 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
4 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
5 or 12-16 of the Criminal Code of 1961 against that victim;

6 (15) the defendant committed an offense related to the
7 activities of an organized gang. For the purposes of this
8 factor, "organized gang" has the meaning ascribed to it in
9 Section 10 of the Streetgang Terrorism Omnibus Prevention
10 Act;

11 (16) the defendant committed an offense in violation of
12 one of the following Sections while in a school, regardless
13 of the time of day or time of year; on any conveyance
14 owned, leased, or contracted by a school to transport
15 students to or from school or a school related activity; on
16 the real property of a school; or on a public way within
17 1,000 feet of the real property comprising any school:
18 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
19 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
20 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
21 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
22 18-2, or 33A-2, or Section 12-3.05 except for subdivision
23 (a) (4) or (g) (1), of the Criminal Code of 1961;

24 (16.5) the defendant committed an offense in violation
25 of one of the following Sections while in a day care
26 center, regardless of the time of day or time of year; on

1 the real property of a day care center, regardless of the
2 time of day or time of year; or on a public way within
3 1,000 feet of the real property comprising any day care
4 center, regardless of the time of day or time of year:
5 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
6 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
7 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
8 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
9 18-2, or 33A-2, or Section 12-3.05 except for subdivision
10 (a) (4) or (g) (1), of the Criminal Code of 1961;

11 (17) the defendant committed the offense by reason of
12 any person's activity as a community policing volunteer or
13 to prevent any person from engaging in activity as a
14 community policing volunteer. For the purpose of this
15 Section, "community policing volunteer" has the meaning
16 ascribed to it in Section 2-3.5 of the Criminal Code of
17 1961;

18 (18) the defendant committed the offense in a nursing
19 home or on the real property comprising a nursing home. For
20 the purposes of this paragraph (18), "nursing home" means a
21 skilled nursing or intermediate long term care facility
22 that is subject to license by the Illinois Department of
23 Public Health under the Nursing Home Care Act, the
24 Specialized Mental Health Rehabilitation Act, or the ID/DD
25 Community Care Act;

26 (19) the defendant was a federally licensed firearm

1 dealer and was previously convicted of a violation of
2 subsection (a) of Section 3 of the Firearm Owners
3 Identification Card and Certificate of Handgun
4 Registration Act and has now committed either a felony
5 violation of the Firearm Owners Identification Card and
6 Certificate of Handgun Registration Act or an act of armed
7 violence while armed with a firearm;

8 (20) the defendant (i) committed the offense of
9 reckless homicide under Section 9-3 of the Criminal Code of
10 1961 or the offense of driving under the influence of
11 alcohol, other drug or drugs, intoxicating compound or
12 compounds or any combination thereof under Section 11-501
13 of the Illinois Vehicle Code or a similar provision of a
14 local ordinance and (ii) was operating a motor vehicle in
15 excess of 20 miles per hour over the posted speed limit as
16 provided in Article VI of Chapter 11 of the Illinois
17 Vehicle Code;

18 (21) the defendant (i) committed the offense of
19 reckless driving or aggravated reckless driving under
20 Section 11-503 of the Illinois Vehicle Code and (ii) was
21 operating a motor vehicle in excess of 20 miles per hour
22 over the posted speed limit as provided in Article VI of
23 Chapter 11 of the Illinois Vehicle Code;

24 (22) the defendant committed the offense against a
25 person that the defendant knew, or reasonably should have
26 known, was a member of the Armed Forces of the United

1 States serving on active duty. For purposes of this clause
2 (22), the term "Armed Forces" means any of the Armed Forces
3 of the United States, including a member of any reserve
4 component thereof or National Guard unit called to active
5 duty;

6 (23) the defendant committed the offense against a
7 person who was elderly, disabled, or infirm by taking
8 advantage of a family or fiduciary relationship with the
9 elderly, disabled, or infirm person;

10 (24) the defendant committed any offense under Section
11 11-20.1 of the Criminal Code of 1961 and possessed 100 or
12 more images;

13 (25) the defendant committed the offense while the
14 defendant or the victim was in a train, bus, or other
15 vehicle used for public transportation;

16 (26) the defendant committed the offense of child
17 pornography or aggravated child pornography, specifically
18 including paragraph (1), (2), (3), (4), (5), or (7) of
19 subsection (a) of Section 11-20.1 of the Criminal Code of
20 1961 where a child engaged in, solicited for, depicted in,
21 or posed in any act of sexual penetration or bound,
22 fettered, or subject to sadistic, masochistic, or
23 sadomasochistic abuse in a sexual context and specifically
24 including paragraph (1), (2), (3), (4), (5), or (7) of
25 subsection (a) of Section 11-20.3 of the Criminal Code of
26 1961 where a child engaged in, solicited for, depicted in,

1 or posed in any act of sexual penetration or bound,
2 fettered, or subject to sadistic, masochistic, or
3 sadomasochistic abuse in a sexual context; or

4 (27) the defendant committed the offense of first
5 degree murder, assault, aggravated assault, battery,
6 aggravated battery, robbery, armed robbery, or aggravated
7 robbery against a person who was a veteran and the
8 defendant knew, or reasonably should have known, that the
9 person was a veteran performing duties as a representative
10 of a veterans' organization. For the purposes of this
11 paragraph (27), "veteran" means an Illinois resident who
12 has served as a member of the United States Armed Forces, a
13 member of the Illinois National Guard, or a member of the
14 United States Reserve Forces; and "veterans' organization"
15 means an organization comprised of members of which
16 substantially all are individuals who are veterans or
17 spouses, widows, or widowers of veterans, the primary
18 purpose of which is to promote the welfare of its members
19 and to provide assistance to the general public in such a
20 way as to confer a public benefit.

21 For the purposes of this Section:

22 "School" is defined as a public or private elementary or
23 secondary school, community college, college, or university.

24 "Day care center" means a public or private State certified
25 and licensed day care center as defined in Section 2.09 of the
26 Child Care Act of 1969 that displays a sign in plain view

1 stating that the property is a day care center.

2 "Public transportation" means the transportation or
3 conveyance of persons by means available to the general public,
4 and includes paratransit services.

5 (b) The following factors, related to all felonies, may be
6 considered by the court as reasons to impose an extended term
7 sentence under Section 5-8-2 upon any offender:

8 (1) When a defendant is convicted of any felony, after
9 having been previously convicted in Illinois or any other
10 jurisdiction of the same or similar class felony or greater
11 class felony, when such conviction has occurred within 10
12 years after the previous conviction, excluding time spent
13 in custody, and such charges are separately brought and
14 tried and arise out of different series of acts; or

15 (2) When a defendant is convicted of any felony and the
16 court finds that the offense was accompanied by
17 exceptionally brutal or heinous behavior indicative of
18 wanton cruelty; or

19 (3) When a defendant is convicted of any felony
20 committed against:

21 (i) a person under 12 years of age at the time of
22 the offense or such person's property;

23 (ii) a person 60 years of age or older at the time
24 of the offense or such person's property; or

25 (iii) a person physically handicapped at the time
26 of the offense or such person's property; or

1 (4) When a defendant is convicted of any felony and the
2 offense involved any of the following types of specific
3 misconduct committed as part of a ceremony, rite,
4 initiation, observance, performance, practice or activity
5 of any actual or ostensible religious, fraternal, or social
6 group:

7 (i) the brutalizing or torturing of humans or
8 animals;

9 (ii) the theft of human corpses;

10 (iii) the kidnapping of humans;

11 (iv) the desecration of any cemetery, religious,
12 fraternal, business, governmental, educational, or
13 other building or property; or

14 (v) ritualized abuse of a child; or

15 (5) When a defendant is convicted of a felony other
16 than conspiracy and the court finds that the felony was
17 committed under an agreement with 2 or more other persons
18 to commit that offense and the defendant, with respect to
19 the other individuals, occupied a position of organizer,
20 supervisor, financier, or any other position of management
21 or leadership, and the court further finds that the felony
22 committed was related to or in furtherance of the criminal
23 activities of an organized gang or was motivated by the
24 defendant's leadership in an organized gang; or

25 (6) When a defendant is convicted of an offense
26 committed while using a firearm with a laser sight attached

1 to it. For purposes of this paragraph, "laser sight" has
2 the meaning ascribed to it in Section 24.6-5 of the
3 Criminal Code of 1961; or

4 (7) When a defendant who was at least 17 years of age
5 at the time of the commission of the offense is convicted
6 of a felony and has been previously adjudicated a
7 delinquent minor under the Juvenile Court Act of 1987 for
8 an act that if committed by an adult would be a Class X or
9 Class 1 felony when the conviction has occurred within 10
10 years after the previous adjudication, excluding time
11 spent in custody; or

12 (8) When a defendant commits any felony and the
13 defendant used, possessed, exercised control over, or
14 otherwise directed an animal to assault a law enforcement
15 officer engaged in the execution of his or her official
16 duties or in furtherance of the criminal activities of an
17 organized gang in which the defendant is engaged.

18 (c) The following factors may be considered by the court as
19 reasons to impose an extended term sentence under Section 5-8-2
20 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

21 (1) When a defendant is convicted of first degree
22 murder, after having been previously convicted in Illinois
23 of any offense listed under paragraph (c)(2) of Section
24 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
25 within 10 years after the previous conviction, excluding
26 time spent in custody, and the charges are separately

1 brought and tried and arise out of different series of
2 acts.

3 (1.5) When a defendant is convicted of first degree
4 murder, after having been previously convicted of domestic
5 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
6 (720 ILCS 5/12-3.3) committed on the same victim or after
7 having been previously convicted of violation of an order
8 of protection (720 ILCS 5/12-30) in which the same victim
9 was the protected person.

10 (2) When a defendant is convicted of voluntary
11 manslaughter, second degree murder, involuntary
12 manslaughter, or reckless homicide in which the defendant
13 has been convicted of causing the death of more than one
14 individual.

15 (3) When a defendant is convicted of aggravated
16 criminal sexual assault or criminal sexual assault, when
17 there is a finding that aggravated criminal sexual assault
18 or criminal sexual assault was also committed on the same
19 victim by one or more other individuals, and the defendant
20 voluntarily participated in the crime with the knowledge of
21 the participation of the others in the crime, and the
22 commission of the crime was part of a single course of
23 conduct during which there was no substantial change in the
24 nature of the criminal objective.

25 (4) If the victim was under 18 years of age at the time
26 of the commission of the offense, when a defendant is

1 convicted of aggravated criminal sexual assault or
2 predatory criminal sexual assault of a child under
3 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
4 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS
5 5/11-1.40 or 5/12-14.1).

6 (5) When a defendant is convicted of a felony violation
7 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
8 5/24-1) and there is a finding that the defendant is a
9 member of an organized gang.

10 (6) When a defendant was convicted of unlawful use of
11 weapons under Section 24-1 of the Criminal Code of 1961
12 (720 ILCS 5/24-1) for possessing a weapon that is not
13 readily distinguishable as one of the weapons enumerated in
14 Section 24-1 of the Criminal Code of 1961 (720 ILCS
15 5/24-1).

16 (7) When a defendant is convicted of an offense
17 involving the illegal manufacture of a controlled
18 substance under Section 401 of the Illinois Controlled
19 Substances Act (720 ILCS 570/401), the illegal manufacture
20 of methamphetamine under Section 25 of the Methamphetamine
21 Control and Community Protection Act (720 ILCS 646/25), or
22 the illegal possession of explosives and an emergency
23 response officer in the performance of his or her duties is
24 killed or injured at the scene of the offense while
25 responding to the emergency caused by the commission of the
26 offense. In this paragraph, "emergency" means a situation

1 in which a person's life, health, or safety is in jeopardy;
2 and "emergency response officer" means a peace officer,
3 community policing volunteer, fireman, emergency medical
4 technician-ambulance, emergency medical
5 technician-intermediate, emergency medical
6 technician-paramedic, ambulance driver, other medical
7 assistance or first aid personnel, or hospital emergency
8 room personnel.

9 (d) For the purposes of this Section, "organized gang" has
10 the meaning ascribed to it in Section 10 of the Illinois
11 Streetgang Terrorism Omnibus Prevention Act.

12 (e) The court may impose an extended term sentence under
13 Article 4.5 of Chapter V upon an offender who has been
14 convicted of a felony violation of Section 12-13, 12-14,
15 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the
16 victim of the offense is under 18 years of age at the time of
17 the commission of the offense and, during the commission of the
18 offense, the victim was under the influence of alcohol,
19 regardless of whether or not the alcohol was supplied by the
20 offender; and the offender, at the time of the commission of
21 the offense, knew or should have known that the victim had
22 consumed alcohol.

23 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
24 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
25 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
26 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,

1 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
2 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

3 Section 55. The Mental Health and Developmental
4 Disabilities Confidentiality Act is amended by changing
5 Section 12 as follows:

6 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

7 Sec. 12. (a) If the United States Secret Service or the
8 Department of State Police requests information from a mental
9 health or developmental disability facility, as defined in
10 Section 1-107 and 1-114 of the Mental Health and Developmental
11 Disabilities Code, relating to a specific recipient and the
12 facility director determines that disclosure of such
13 information may be necessary to protect the life of, or to
14 prevent the infliction of great bodily harm to, a public
15 official, or a person under the protection of the United States
16 Secret Service, only the following information may be
17 disclosed: the recipient's name, address, and age and the date
18 of any admission to or discharge from a facility; and any
19 information which would indicate whether or not the recipient
20 has a history of violence or presents a danger of violence to
21 the person under protection. Any information so disclosed shall
22 be used for investigative purposes only and shall not be
23 publicly disseminated. Any person participating in good faith
24 in the disclosure of such information in accordance with this

1 provision shall have immunity from any liability, civil,
2 criminal or otherwise, if such information is disclosed relying
3 upon the representation of an officer of the United States
4 Secret Service or the Department of State Police that a person
5 is under the protection of the United States Secret Service or
6 is a public official.

7 For the purpose of this subsection (a), the term "public
8 official" means the Governor, Lieutenant Governor, Attorney
9 General, Secretary of State, State Comptroller, State
10 Treasurer, member of the General Assembly, member of the United
11 States Congress, Judge of the United States as defined in 28
12 U.S.C. 451, Justice of the United States as defined in 28
13 U.S.C. 451, United States Magistrate Judge as defined in 28
14 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
15 Supreme, Appellate, Circuit, or Associate Judge of the State of
16 Illinois. The term shall also include the spouse, child or
17 children of a public official.

18 (b) The Department of Human Services (acting as successor
19 to the Department of Mental Health and Developmental
20 Disabilities) and all public or private hospitals and mental
21 health facilities are required, as hereafter described in this
22 subsection, to furnish the Department of State Police only such
23 information as may be required for the sole purpose of
24 determining whether an individual who may be or may have been a
25 patient is disqualified because of that status from receiving
26 or retaining a Firearm Owner's Identification Card under

1 subsection (e) or (f) of Section 8 of the Firearm Owners
2 Identification Card and Certificate of Handgun Registration
3 Act or 18 U.S.C. 922(g) and (n). All public or private
4 hospitals and mental health facilities shall, in the form and
5 manner required by the Department, provide such information as
6 shall be necessary for the Department to comply with the
7 reporting requirements to the Department of State Police. Such
8 information shall be furnished within 7 days after admission to
9 a public or private hospital or mental health facility or the
10 provision of services to a patient described in clause (2) of
11 this subsection (b). Any such information disclosed under this
12 subsection shall remain privileged and confidential, and shall
13 not be redisclosed, except as required by clause (e)(2) of
14 Section 3.1 of the Firearm Owners Identification Card and
15 Certificate of Handgun Registration Act, nor utilized for any
16 other purpose. The method of requiring the providing of such
17 information shall guarantee that no information is released
18 beyond what is necessary for this purpose. In addition, the
19 information disclosed shall be provided by the Department
20 within the time period established by Section 24-3 of the
21 Criminal Code of 1961 regarding the delivery of firearms. The
22 method used shall be sufficient to provide the necessary
23 information within the prescribed time period, which may
24 include periodically providing lists to the Department of Human
25 Services or any public or private hospital or mental health
26 facility of Firearm Owner's Identification Card applicants on

1 which the Department or hospital shall indicate the identities
2 of those individuals who are to its knowledge disqualified from
3 having a Firearm Owner's Identification Card for reasons
4 described herein. The Department may provide for a centralized
5 source of information for the State on this subject under its
6 jurisdiction.

7 Any person, institution, or agency, under this Act,
8 participating in good faith in the reporting or disclosure of
9 records and communications otherwise in accordance with this
10 provision or with rules, regulations or guidelines issued by
11 the Department shall have immunity from any liability, civil,
12 criminal or otherwise, that might result by reason of the
13 action. For the purpose of any proceeding, civil or criminal,
14 arising out of a report or disclosure in accordance with this
15 provision, the good faith of any person, institution, or agency
16 so reporting or disclosing shall be presumed. The full extent
17 of the immunity provided in this subsection (b) shall apply to
18 any person, institution or agency that fails to make a report
19 or disclosure in the good faith belief that the report or
20 disclosure would violate federal regulations governing the
21 confidentiality of alcohol and drug abuse patient records
22 implementing 42 U.S.C. 290dd-3 and 290ee-3.

23 For purposes of this subsection (b) only, the following
24 terms shall have the meaning prescribed:

25 (1) "Hospital" means only that type of institution
26 which is providing full-time residential facilities and

1 treatment.

2 (2) "Patient" shall include only: (i) a person who is
3 an in-patient or resident of any public or private hospital
4 or mental health facility or (ii) a person who is an
5 out-patient or provided services by a public or private
6 hospital or mental health facility whose mental condition
7 is of such a nature that it is manifested by violent,
8 suicidal, threatening, or assaultive behavior or reported
9 behavior, for which there is a reasonable belief by a
10 physician, clinical psychologist, or qualified examiner
11 that the condition poses a clear and present or imminent
12 danger to the patient, any other person or the community
13 meaning the patient's condition poses a clear and present
14 danger in accordance with subsection (f) of Section 8 of
15 the Firearm Owners Identification Card and Certificate of
16 Handgun Registration Act. The terms physician, clinical
17 psychologist, and qualified examiner are defined in
18 Sections 1-120, 1-103, and 1-122 of the Mental Health and
19 Developmental Disabilities Code.

20 (3) "Mental health facility" is defined by Section
21 1-114 of the Mental Health and Developmental Disabilities
22 Code.

23 (c) Upon the request of a peace officer who takes a person
24 into custody and transports such person to a mental health or
25 developmental disability facility pursuant to Section 3-606 or
26 4-404 of the Mental Health and Developmental Disabilities Code

1 or who transports a person from such facility, a facility
2 director shall furnish said peace officer the name, address,
3 age and name of the nearest relative of the person transported
4 to or from the mental health or developmental disability
5 facility. In no case shall the facility director disclose to
6 the peace officer any information relating to the diagnosis,
7 treatment or evaluation of the person's mental or physical
8 health.

9 For the purposes of this subsection (c), the terms "mental
10 health or developmental disability facility", "peace officer"
11 and "facility director" shall have the meanings ascribed to
12 them in the Mental Health and Developmental Disabilities Code.

13 (d) Upon the request of a peace officer or prosecuting
14 authority who is conducting a bona fide investigation of a
15 criminal offense, or attempting to apprehend a fugitive from
16 justice, a facility director may disclose whether a person is
17 present at the facility. Upon request of a peace officer or
18 prosecuting authority who has a valid forcible felony warrant
19 issued, a facility director shall disclose: (1) whether the
20 person who is the subject of the warrant is present at the
21 facility and (2) the date of that person's discharge or future
22 discharge from the facility. The requesting peace officer or
23 prosecuting authority must furnish a case number and the
24 purpose of the investigation or an outstanding arrest warrant
25 at the time of the request. Any person, institution, or agency
26 participating in good faith in disclosing such information in

1 accordance with this subsection (d) is immune from any
2 liability, civil, criminal or otherwise, that might result by
3 reason of the action.

4 (Source: P.A. 95-564, eff. 6-1-08; 96-193, eff. 8-10-09.)

5 Section 60. The Uniform Disposition of Unclaimed Property
6 Act is amended by changing Section 1 as follows:

7 (765 ILCS 1025/1) (from Ch. 141, par. 101)

8 Sec. 1. As used in this Act, unless the context otherwise
9 requires:

10 (a) "Banking organization" means any bank, trust company,
11 savings bank, industrial bank, land bank, safe deposit company,
12 or a private banker.

13 (b) "Business association" means any corporation, joint
14 stock company, business trust, partnership, or any
15 association, limited liability company, or other business
16 entity consisting of one or more persons, whether or not for
17 profit.

18 (c) "Financial organization" means any savings and loan
19 association, building and loan association, credit union,
20 currency exchange, co-operative bank, mutual funds, or
21 investment company.

22 (d) "Holder" means any person in possession of property
23 subject to this Act belonging to another, or who is trustee in
24 case of a trust, or is indebted to another on an obligation

1 subject to this Act.

2 (e) "Life insurance corporation" means any association or
3 corporation transacting the business of insurance on the lives
4 of persons or insurance appertaining thereto, including, but
5 not by way of limitation, endowments and annuities.

6 (f) "Owner" means a depositor in case of a deposit, a
7 beneficiary in case of a trust, a creditor, claimant, or payee
8 in case of other property, or any person having a legal or
9 equitable interest in property subject to this Act, or his
10 legal representative.

11 (g) "Person" means any individual, business association,
12 financial organization, government or political subdivision or
13 agency, public authority, estate, trust, or any other legal or
14 commercial entity.

15 (h) "Utility" means any person who owns or operates, for
16 public use, any plant, equipment, property, franchise, or
17 license for the transmission of communications or the
18 production, storage, transmission, sale, delivery, or
19 furnishing of electricity, water, steam, oil or gas.

20 (i) (Blank).

21 (j) "Insurance company" means any person transacting the
22 kinds of business enumerated in Section 4 of the Illinois
23 Insurance Code other than life insurance.

24 (k) "Economic loss", as used in Sections 2a and 9 of this
25 Act includes, but is not limited to, delivery charges,
26 mark-downs and write-offs, carrying costs, restocking charges,

1 lay-aways, special orders, issuance of credit memos, and the
2 costs of special services or goods provided that reduce the
3 property value or that result in lost sales opportunity.

4 (l) "Reportable property" means property, tangible or
5 intangible, presumed abandoned under this Act that must be
6 appropriately and timely reported and remitted to the Office of
7 the State Treasurer under this Act. Interest, dividends, stock
8 splits, warrants, or other rights that become reportable
9 property under this Act include the underlying security or
10 commodity giving rise to the interest, dividend, split,
11 warrant, or other right to which the owner would be entitled.

12 (m) "Firearm" has the meaning ascribed to that term in the
13 Firearm Owners Identification Card and Certificate of Handgun
14 Registration Act.

15 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,
16 eff. 6-2-00.)

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