



Rep. William Davis

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LRB097 18967 RLC 66623 a

1 AMENDMENT TO HOUSE BILL 5831

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5831 by replacing  
3 everything after the enacting clause with the following:

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

1 Board and any and all documents or other records prepared by  
2 the Experimental Organ Transplantation Procedures Board or its  
3 staff relating to applications it has received.

4 (d) Information and records held by the Department of  
5 Public Health and its authorized representatives relating to  
6 known or suspected cases of sexually transmissible disease or  
7 any information the disclosure of which is restricted under the  
8 Illinois Sexually Transmissible Disease Control Act.

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

11 (f) Firm performance evaluations under Section 55 of the  
12 Architectural, Engineering, and Land Surveying Qualifications  
13 Based Selection Act.

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

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

21 (i) Information contained in a local emergency energy plan  
22 submitted to a municipality in accordance with a local  
23 emergency energy plan ordinance that is adopted under Section  
24 11-21.5-5 of the Illinois Municipal Code.

25 (j) Information and data concerning the distribution of  
26 surcharge moneys collected and remitted by wireless carriers

1 under the Wireless Emergency Telephone Safety Act.

2 (k) Law enforcement officer identification information or  
3 driver identification information compiled by a law  
4 enforcement agency or the Department of Transportation under  
5 Section 11-212 of the Illinois Vehicle Code.

6 (l) Records and information provided to a residential  
7 health care facility resident sexual assault and death review  
8 team or the Executive Council under the Abuse Prevention Review  
9 Team Act.

10 (m) Information provided to the predatory lending database  
11 created pursuant to Article 3 of the Residential Real Property  
12 Disclosure Act, except to the extent authorized under that  
13 Article.

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

21 (o) Information that is prohibited from being disclosed  
22 under Section 4 of the Illinois Health and Hazardous Substances  
23 Registry Act.

24 (p) Security portions of system safety program plans,  
25 investigation reports, surveys, schedules, lists, data, or  
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of the  
2 Regional Transportation Authority Act or the St. Clair County  
3 Transit District under the Bi-State Transit Safety Act.

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

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

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

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

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

25 (v) Names and information of people who have applied for or  
26 received Firearm Owner's Identification Cards or certificates

1 of handgun registration under the Firearm Owners  
2 Identification Card and Certificate of Handgun Registration  
3 Act.

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

7 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
8 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
9 8-12-11; 97-342, eff. 8-12-11; revised 9-2-11.)

10 Section 10. The Department of State Police Law of the Civil  
11 Administrative Code of Illinois is amended by changing Sections  
12 2605-45 and 2605-120 as follows:

13 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

14 Sec. 2605-45. Division of Administration. The Division of  
15 Administration shall exercise the following functions:

16 (1) Exercise the rights, powers, and duties vested in  
17 the Department by the Governor's Office of Management and  
18 Budget Act.

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

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

23 (4) Operate an electronic data processing and computer  
24 center for the storage and retrieval of data pertaining to

1 criminal activity.

2 (5) Exercise the rights, powers, and duties vested in  
3 the former Division of State Troopers by Section 17 of the  
4 State Police Act.

5 (6) Exercise the rights, powers, and duties vested in  
6 the Department by "An Act relating to internal auditing in  
7 State government", approved August 11, 1967 (repealed; now  
8 the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

9 (6.5) Exercise the rights, powers, and duties vested in  
10 the Department by the Firearm Owners Identification Card  
11 and Certificate of Handgun Registration Act.

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

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

16 (20 ILCS 2605/2605-120) (was 20 ILCS 2605/55a in part)

17 Sec. 2605-120. Firearm Owners Identification Card and  
18 Certificate of Handgun Registration Act. To exercise the  
19 rights, powers, and duties that have been vested in the  
20 Department of Public Safety by the Firearm Owners  
21 Identification Card and Certificate of Handgun Registration  
22 Act.

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

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

3 (30 ILCS 105/5.811 new)

4 Sec. 5.811. The National Instant Criminal Background Check  
5 System Improvement Fund.

6 (30 ILCS 105/5.812 new)

7 Sec. 5.812. The Illinois LEADS Information and Technology  
8 Improvement Fund.

9 (30 ILCS 105/6z-93 new)

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

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

19 (b) The Department of State Police shall use moneys in the  
20 Fund to perform its duties and responsibilities under  
21 subsection (e) of Section 3.1 of the Firearm Owners  
22 Identification Card and Certificate of Handgun Registration

1 Act.

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

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

7 (e) The Fund shall not be subject to administrative  
8 chargebacks.

9 (30 ILCS 105/6z-94 new)

10 Sec. 6z-94. Illinois LEADS Information and Technology  
11 Improvement Fund.

12 (a) There is created in the State treasury a special fund  
13 known as the Illinois LEADS Information and Technology  
14 Improvement Fund. The Fund shall receive revenue pursuant to  
15 Section 3.4 of the Firearm Owners Identification Card and  
16 Certificate of Handgun Registration Act. The Fund may also  
17 receive revenue from grants, donations, appropriations, and  
18 any other legal source.

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

24 (c) Moneys in the Fund shall also be used to fund grants  
25 made available to local law enforcement to support their



1 technological infrastructure.

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

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

7 (f) The Fund shall not be subject to administrative  
8 chargebacks.

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

11 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

1 become effective. If a hearing officer is appointed by the  
2 board he shall report to the board a written summary of the  
3 evidence heard at the meeting and the board may take such  
4 action thereon as it finds appropriate. An expelled pupil may  
5 be immediately transferred to an alternative program in the  
6 manner provided in Article 13A or 13B of this Code. A pupil  
7 must not be denied transfer because of the expulsion, except in  
8 cases in which such transfer is deemed to cause a threat to the  
9 safety of students or staff in the alternative program.

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

1 suspension and the suspension length. Upon request of the  
2 parents or guardian the school board or a hearing officer  
3 appointed by it shall review such action of the superintendent  
4 or principal, assistant principal, or dean of students. At such  
5 review the parents or guardian of the pupil may appear and  
6 discuss the suspension with the board or its hearing officer.  
7 If a hearing officer is appointed by the board he shall report  
8 to the board a written summary of the evidence heard at the  
9 meeting. After its hearing or upon receipt of the written  
10 report of its hearing officer, the board may take such action  
11 as it finds appropriate. A pupil who is suspended in excess of  
12 20 school days may be immediately transferred to an alternative  
13 program in the manner provided in Article 13A or 13B of this  
14 Code. A pupil must not be denied transfer because of the  
15 suspension, except in cases in which such transfer is deemed to  
16 cause a threat to the safety of students or staff in the  
17 alternative program.

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

22 (d) The board may expel a student for a definite period of  
23 time not to exceed 2 calendar years, as determined on a case by  
24 case basis. A student who is determined to have brought one of  
25 the following objects to school, any school-sponsored activity  
26 or event, or any activity or event that bears a reasonable

1 relationship to school shall be expelled for a period of not  
2 less than one year:

3 (1) A firearm. For the purposes of this Section,  
4 "firearm" means any gun, rifle, shotgun, weapon as defined  
5 by Section 921 of Title 18 of the United States Code,  
6 firearm as defined in Section 1.1 of the Firearm Owners  
7 Identification Card and Certificate of Handgun  
8 Registration Act, or firearm as defined in Section 24-1 of  
9 the Criminal Code of 1961. The expulsion period under this  
10 subdivision (1) may be modified by the superintendent, and  
11 the superintendent's determination may be modified by the  
12 board on a case-by-case basis.

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

21 Expulsion or suspension shall be construed in a manner  
22 consistent with the Federal Individuals with Disabilities  
23 Education Act. A student who is subject to suspension or  
24 expulsion as provided in this Section may be eligible for a  
25 transfer to an alternative school program in accordance with  
26 Article 13A of the School Code. The provisions of this

1 subsection (d) apply in all school districts, including special  
2 charter districts and districts organized under Article 34.

3 (d-5) The board may suspend or by regulation authorize the  
4 superintendent of the district or the principal, assistant  
5 principal, or dean of students of any school to suspend a  
6 student for a period not to exceed 10 school days or may expel  
7 a student for a definite period of time not to exceed 2  
8 calendar years, as determined on a case by case basis, if (i)  
9 that student has been determined to have made an explicit  
10 threat on an Internet website against a school employee, a  
11 student, or any school-related personnel, (ii) the Internet  
12 website through which the threat was made is a site that was  
13 accessible within the school at the time the threat was made or  
14 was available to third parties who worked or studied within the  
15 school grounds at the time the threat was made, and (iii) the  
16 threat could be reasonably interpreted as threatening to the  
17 safety and security of the threatened individual because of his  
18 or her duties or employment status or status as a student  
19 inside the school. The provisions of this subsection (d-5)  
20 apply in all school districts, including special charter  
21 districts and districts organized under Article 34 of this  
22 Code.

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

1 personal effects left in those places and areas by students,  
2 without notice to or the consent of the student, and without a  
3 search warrant. As a matter of public policy, the General  
4 Assembly finds that students have no reasonable expectation of  
5 privacy in these places and areas or in their personal effects  
6 left in these places and areas. School authorities may request  
7 the assistance of law enforcement officials for the purpose of  
8 conducting inspections and searches of lockers, desks, parking  
9 lots, and other school property and equipment owned or  
10 controlled by the school for illegal drugs, weapons, or other  
11 illegal or dangerous substances or materials, including  
12 searches conducted through the use of specially trained dogs.  
13 If a search conducted in accordance with this Section produces  
14 evidence that the student has violated or is violating either  
15 the law, local ordinance, or the school's policies or rules,  
16 such evidence may be seized by school authorities, and  
17 disciplinary action may be taken. School authorities may also  
18 turn over such evidence to law enforcement authorities. The  
19 provisions of this subsection (e) apply in all school  
20 districts, including special charter districts and districts  
21 organized under Article 34.

22 (f) Suspension or expulsion may include suspension or  
23 expulsion from school and all school activities and a  
24 prohibition from being present on school grounds.

25 (g) A school district may adopt a policy providing that if  
26 a student is suspended or expelled for any reason from any

1 public or private school in this or any other state, the  
2 student must complete the entire term of the suspension or  
3 expulsion in an alternative school program under Article 13A of  
4 this Code or an alternative learning opportunities program  
5 under Article 13B of this Code before being admitted into the  
6 school district if there is no threat to the safety of students  
7 or staff in the alternative program. This subsection (g)  
8 applies to all school districts, including special charter  
9 districts and districts organized under Article 34 of this  
10 Code.

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

13 (105 ILCS 5/10-27.1A)

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

15 (a) All school officials, including teachers, guidance  
16 counselors, and support staff, shall immediately notify the  
17 office of the principal in the event that they observe any  
18 person in possession of a firearm on school grounds; provided  
19 that taking such immediate action to notify the office of the  
20 principal would not immediately endanger the health, safety, or  
21 welfare of students who are under the direct supervision of the  
22 school official or the school official. If the health, safety,  
23 or welfare of students under the direct supervision of the  
24 school official or of the school official is immediately  
25 endangered, the school official shall notify the office of the

1 principal as soon as the students under his or her supervision  
2 and he or she are no longer under immediate danger. A report is  
3 not required by this Section when the school official knows  
4 that the person in possession of the firearm is a law  
5 enforcement official engaged in the conduct of his or her  
6 official duties. Any school official acting in good faith who  
7 makes such a report under this Section shall have immunity from  
8 any civil or criminal liability that might otherwise be  
9 incurred as a result of making the report. The identity of the  
10 school official making such report shall not be disclosed  
11 except as expressly and specifically authorized by law.  
12 Knowingly and willfully failing to comply with this Section is  
13 a petty offense. A second or subsequent offense is a Class C  
14 misdemeanor.

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



1 subsequent offense is a Class C misdemeanor. If the person  
2 found to be in possession of the firearm on school grounds is a  
3 minor, the law enforcement agency shall detain that minor until  
4 such time as the agency makes a determination pursuant to  
5 clause (a) of subsection (1) of Section 5-401 of the Juvenile  
6 Court Act of 1987, as to whether the agency reasonably believes  
7 that the minor is delinquent. If the law enforcement agency  
8 determines that probable cause exists to believe that the minor  
9 committed a violation of item (4) of subsection (a) of Section  
10 24-1 of the Criminal Code of 1961 while on school grounds, the  
11 agency shall detain the minor for processing pursuant to  
12 Section 5-407 of the Juvenile Court Act of 1987.

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

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

1 State Police. The State Board of Education shall compile this  
2 information by school district and make it available to the  
3 public.

4 (d) As used in this Section, the term "firearm" shall have  
5 the meaning ascribed to it in Section 1.1 of the Firearm Owners  
6 Identification Card and Certificate of Handgun Registration  
7 Act.

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

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

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

16 (105 ILCS 5/34-8.05)

17 Sec. 34-8.05. Reporting firearms in schools. On or after  
18 January 1, 1997, upon receipt of any written, electronic, or  
19 verbal report from any school personnel regarding a verified  
20 incident involving a firearm in a school or on school owned or  
21 leased property, including any conveyance owned, leased, or  
22 used by the school for the transport of students or school  
23 personnel, the general superintendent or his or her designee  
24 shall report all such firearm-related incidents occurring in a  
25 school or on school property to the local law enforcement

1 authorities no later than 24 hours after the occurrence of the  
2 incident and to the Department of State Police in a form,  
3 manner, and frequency as prescribed by the Department of State  
4 Police.

5 The State Board of Education shall receive an annual  
6 statistical compilation and related data associated with  
7 incidents involving firearms in schools from the Department of  
8 State Police. As used in this Section, the term "firearm" shall  
9 have the meaning ascribed to it in Section 1.1 of the Firearm  
10 Owners Identification Card and Certificate of Handgun  
11 Registration Act.

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

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

15 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

17 "Abatement" means the removal or encapsulation of all  
18 leadbearing substances in a residential building or dwelling  
19 unit.

20 "Child care facility" means any structure used by a child  
21 care provider licensed by the Department of Children and Family  
22 Services or public school structure frequented by children  
23 through 6 years of age.

24 "Delegate agency" means a unit of local government or

1 health department approved by the Department to carry out the  
2 provisions of this Act.

3 "Department" means the Department of Public Health of the  
4 State of Illinois.

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

7 "High risk area" means an area in the State determined by  
8 the Department to be high risk for lead exposure for children  
9 through 6 years of age. The Department shall consider, but not  
10 be limited to, the following factors to determine a high risk  
11 area: age and condition (using Department of Housing and Urban  
12 Development definitions of "slum" and "blighted") of housing,  
13 proximity to highway traffic or heavy local traffic or both,  
14 percentage of housing determined as rental or vacant, proximity  
15 to industry using lead, established incidence of elevated blood  
16 lead levels in children, percentage of population living below  
17 200% of federal poverty guidelines, and number of children  
18 residing in the area who are 6 years of age or younger.

19 "Exposed surface" means any interior or exterior surface of  
20 a dwelling or residential building.

21 "Lead abatement contractor" means any person or entity  
22 licensed by the Department to perform lead abatement and  
23 mitigation.

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

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

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

23 "Lead poisoning" means the condition of having blood lead  
24 levels in excess of those considered safe under State and  
25 federal rules and regulations.

26 "Low risk area" means an area in the State determined by

1 the Department to be low risk for lead exposure for children  
2 through 6 years of age. The Department shall consider the  
3 factors named in "high risk area" to determine low risk areas.

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

7 "Owner" means any person, who alone, jointly, or severally  
8 with others:

9 (a) Has legal title to any dwelling or residential  
10 building, with or without accompanying actual possession  
11 of the dwelling or residential building, or

12 (b) Has charge, care or control of the dwelling or  
13 residential building as owner or agent of the owner, or as  
14 executor, administrator, trustee, or guardian of the  
15 estate of the owner.

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

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

22 "Risk assessment" means a questionnaire to be developed by  
23 the Department for use by physicians and other health care  
24 providers to determine risk factors for children through 6  
25 years of age residing in areas designated as low risk for lead  
26 exposure.

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

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

5 (430 ILCS 65/0.01) (from Ch. 38, par. 83-0.1)

6 Sec. 0.01. Short title. This Act may be cited as the  
7 Firearm Owners Identification Card and Certificate of Handgun  
8 Registration Act.

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

10 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

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

1 prohibited by this Act from acquiring stun guns and tasers, and  
2 to identify the ownership of handguns that have been recovered  
3 or seized as evidence.

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

5 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

6 Sec. 1.1. For purposes of this Act:

7 "Has been adjudicated as a mental defective" means the  
8 person is the subject of a determination by a court, board,  
9 commission or other lawful authority that a person, as a result  
10 of marked subnormal intelligence, or mental illness, mental  
11 impairment, incompetency, condition, or disease:

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

13 (2) lacks the mental capacity to manage his or her own  
14 affairs;

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

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

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

21 "Certificate of handgun registration" means a certificate  
22 issued by the Illinois Department of State Police pursuant to  
23 Section 3.4 of this Act.

24 "Counterfeit" means to copy or imitate, without legal  
25 authority, with intent to deceive.



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

4 "Firearm" means any device, by whatever name known, which  
5 is designed to expel a projectile or projectiles by the action  
6 of an explosion, expansion of gas or escape of gas; excluding,  
7 however:

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

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

16 (3) any device used exclusively for the firing of stud  
17 cartridges, explosive rivets or similar industrial  
18 ammunition; and

19 (4) an antique firearm (other than a machine-gun)  
20 which, although designed as a weapon, the Department of  
21 State Police finds by reason of the date of its  
22 manufacture, value, design, and other characteristics is  
23 primarily a collector's item and is not likely to be used  
24 as a weapon.

25 "Firearm ammunition" means any self-contained cartridge or  
26 shotgun shell, by whatever name known, which is designed to be

1 used or adaptable to use in a firearm; excluding, however:

2 (1) any ammunition exclusively designed for use with a  
3 device used exclusively for signalling or safety and  
4 required or recommended by the United States Coast Guard or  
5 the Interstate Commerce Commission; and

6 (2) any ammunition designed exclusively for use with a  
7 stud or rivet driver or other similar industrial  
8 ammunition.

9 "Gun show" means an event or function:

10 (1) at which the sale and transfer of firearms is the  
11 regular and normal course of business and where 50 or more  
12 firearms are displayed, offered, or exhibited for sale,  
13 transfer, or exchange; or

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

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

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

26 "Gun show promoter" means a person who organizes or

1 operates a gun show.

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

7 "Handgun" means a firearm designed to be held and fired by  
8 the use of a single hand, and includes a combination of parts  
9 from which the firearm can be assembled.

10 "Sanctioned competitive shooting event" means a shooting  
11 contest officially recognized by a national or state shooting  
12 sport association, and includes any sight-in or practice  
13 conducted in conjunction with the event.

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

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

18 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

19 Sec. 3. (a) Except as provided in Section 3a, no person may  
20 knowingly transfer, or cause to be transferred, any firearm,  
21 firearm ammunition, stun gun, or taser to any person within  
22 this State unless the transferee with whom he deals displays a  
23 currently valid Firearm Owner's Identification Card which has  
24 previously been issued in his name by the Department of State  
25 Police under the provisions of this Act. In addition, all

1 firearm, stun gun, and taser transfers by federally licensed  
2 firearm dealers are subject to Section 3.1. In addition, the  
3 transferor and transferee of a handgun shall be subject to  
4 Section 3.4 of this Act regardless of whether the transferor is  
5 a federally licensed firearm dealer.

6 (a-5) Any person who is not a federally licensed firearm  
7 dealer and who desires to transfer or sell a firearm while that  
8 person is on the grounds of a gun show must, before selling or  
9 transferring the firearm, request the Department of State  
10 Police to conduct a background check on the prospective  
11 recipient of the firearm in accordance with Section 3.1.  
12 Whenever a person who is exempt from Section 3.4 of this Act  
13 transfers a handgun to a person who is not exempt, the  
14 transferor shall notify the Department of State Police of the  
15 transfer, on a form or in a manner prescribed by the  
16 Department, within 10 days after the transfer.

17 (b) Any person within this State who transfers or causes to  
18 be transferred any firearm, stun gun, or taser shall keep a  
19 record of such transfer for a period of 10 years from the date  
20 of transfer. Such record shall contain the date of the  
21 transfer; the description, serial number or other information  
22 identifying the firearm, stun gun, or taser if no serial number  
23 is available; and, if the transfer was completed within this  
24 State, the transferee's Firearm Owner's Identification Card  
25 number. On or after January 1, 2006, the record shall contain  
26 the date of application for transfer of the firearm. On demand

1 of a peace officer such transferor shall produce for inspection  
2 such record of transfer. If the transfer or sale took place at  
3 a gun show, the record shall include the unique identification  
4 number. Failure to record the unique identification number is a  
5 petty offense.

6 (b-5) Any resident may purchase ammunition from a person  
7 outside of Illinois. Any resident purchasing ammunition  
8 outside the State of Illinois must provide the seller with a  
9 copy of his or her valid Firearm Owner's Identification Card  
10 and either his or her Illinois driver's license or Illinois  
11 State Identification Card prior to the shipment of the  
12 ammunition. The ammunition may be shipped only to an address on  
13 either of those 2 documents.

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

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

19 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

20 Sec. 3.1. Dial up system.

21 (a) The Department of State Police shall provide a dial up  
22 telephone system or utilize other existing technology which  
23 shall be used by any federally licensed firearm dealer, gun  
24 show promoter, or gun show vendor who is to transfer a firearm,  
25 stun gun, or taser under the provisions of this Act. The

1 Department of State Police may utilize existing technology  
2 which allows the caller to be charged a fee not to exceed \$2.  
3 Fees collected by the Department of State Police shall be  
4 deposited in the State Police Services Fund and used to provide  
5 the service.

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

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

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

3           (2) provide the licensee, gun show promoter, or gun  
4 show vendor with the number.

5           (d) Approvals issued by the Department of State Police for  
6 the purchase of a firearm are valid for 30 days from the date  
7 of issue.

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

11           (2) The Department of State Police and the Department of  
12 Human Services shall, in accordance with State and federal law  
13 regarding confidentiality, enter into a memorandum of  
14 understanding with the Federal Bureau of Investigation for the  
15 purpose of implementing the National Instant Criminal  
16 Background Check System in the State. The Department of State  
17 Police shall report the name, date of birth, and physical  
18 description of any person prohibited from possessing a firearm  
19 pursuant to the Firearm Owners Identification Card and  
20 Certificate of Handgun Registration Act or 18 U.S.C. 922(g) and

21 (n) to the National Instant Criminal Background Check System  
22 Index, Denied Persons Files. The Department of State Police  
23 shall implement a program to distribute grant moneys, with  
24 funds appropriated for that purpose, to units of local  
25 government to facilitate participation in the National Instant  
26 Criminal Background Check System by their enforcement

1 agencies.

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

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

6 (430 ILCS 65/3.4 new)

7 Sec. 3.4. Certificate of handgun registration.

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

11 (b) The provisions of this Section prohibiting a person  
12 from transporting or possessing a handgun without a certificate  
13 of handgun registration do not apply to the following persons:

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

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

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

22 (c) An applicant for an original or transferred certificate  
23 of handgun registration shall submit an application to the  
24 Department, prepared and furnished at convenient locations  
25 throughout the State or by electronic means. The application



1 shall request the following information from the applicant:

2 (1) the applicant's name, address, and telephone  
3 number;

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

6 (3) the name of the manufacturer, the caliber or gauge,  
7 the model, the type, and the serial number identification  
8 of the handgun to be registered;

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

11 (5) the date the handgun was acquired;

12 (6) any other information that the Department shall  
13 find reasonably necessary or desirable to effectuate the  
14 purposes of this Act and to arrive at a fair determination  
15 as to whether the terms of this Act have been complied  
16 with; and

17 (7) an affidavit signed by the applicant certifying  
18 that the applicant:

19 (A) possesses a valid Firearm Owner's  
20 Identification Card;

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

24 (d) Any person who transports or possesses a handgun  
25 without a current certificate of handgun registration is guilty  
26 of a Class 2 felony. Any person who knowingly enters false or

1 misleading information or who submits false or misleading  
2 evidence in connection with the application described in  
3 subsection (c) of this Section is guilty of a Class 2 felony.  
4 Any person who knows or should know that his or her registered  
5 handgun is lost, stolen, missing, or destroyed but does not  
6 report that occurrence to local law enforcement is guilty of a  
7 Class A misdemeanor. Any person who sells, transfers, or  
8 otherwise disposes of his or her registered handgun but does  
9 not notify the Department of that sale, transfer, or  
10 disposition within the timelines in this Act is guilty of a  
11 Class A misdemeanor. Any federally licensed dealer who does not  
12 submit an application on behalf of a purchaser in accordance  
13 with subsection (1-5) of this Section is guilty of a Class A  
14 misdemeanor.

15 (e) The Department shall issue an original or transferred  
16 certificate of registration or shall issue a written denial of  
17 the application within 30 days after the application is  
18 received.

19 (f) Except as provided in subsection (g) of this Section, a  
20 nonrefundable application fee of \$65 shall be payable for each  
21 original or transferred certificate of handgun registration.  
22 All moneys received from this \$65 fee shall be deposited as  
23 follows:

24 (1) \$25 to the Department for the administration of  
25 handgun registration;

26 (2) \$20 to the Illinois LEADS Information and

1       Technology Improvement Fund; and

2           (3) \$20 to the National Instant Criminal Background  
3       Check System Improvement Fund.

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

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

12           (2) \$11 to the Illinois LEADS Information and  
13       Technology Improvement Fund; and

14           (3) \$11 to the National Instant Criminal Background  
15       Check System Improvement Fund.

16       (h) A nonrefundable fee of \$10 shall be payable for each  
17       duplicate or replacement certificate of handgun registration.  
18       All moneys received from this \$10 fee shall be deposited with  
19       the Department for the administration of handgun registration.

20       (i) Certificates of handgun registration shall expire  
21       every 5 years. The fee for renewal of a certificate of handgun  
22       registration is \$25. All moneys received from this \$25 fee  
23       shall be deposited with the Department for the administration  
24       of handgun registration.

25       (j) Every person issued a certificate of handgun  
26       registration shall notify local law enforcement within 72 hours

1 when:

2 (1) the person knows, or should have known, that his or  
3 her handgun is lost, stolen, destroyed, or otherwise  
4 missing; or

5 (2) the person knows, or should have known, that his or  
6 her certificate of handgun registration is lost, stolen,  
7 destroyed, or otherwise missing.

8 (j-5) Every person issued a certificate of handgun  
9 registration shall notify the Department in a manner prescribed  
10 by the Department within 72 hours of any of the following  
11 events:

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

14 (2) the sale, transfer, inheritance, or other  
15 disposition of the registered handgun.

16 (k) Every person issued a certificate of handgun  
17 registration, in addition to any other requirements of this  
18 Section, shall immediately return to the Department his or her  
19 copy of the certificate of handgun registration for any handgun  
20 which is lost, stolen, destroyed, or otherwise disposed of.

21 (l) If an owner transfers ownership of a handgun, he or she  
22 shall execute to the transferee, at the time of the delivery of  
23 the handgun, an assignment of registration in the space  
24 provided on the certificate of handgun registration, and shall  
25 cause the certificate and assignment to be delivered to the  
26 transferee.

1       (l-5) In the case of a federally licensed firearm dealer  
2 making a sale of a new handgun, the dealer shall submit the  
3 application described in subsection (c) of this Section along  
4 with the required fee to the Department on the purchaser's  
5 behalf within 20 days from the date of sale. If the purchaser  
6 does not receive an original certificate of handgun  
7 registration or a written denial of the application submitted  
8 on his or her behalf by the dealer within 50 days from the date  
9 of purchase, the purchaser shall inquire to the Department  
10 regarding the status of his or her application.

11       (m) Within 20 days after the delivery to a transferee of a  
12 handgun or the delivery of the certificate and assignment,  
13 whichever occurs sooner, the transferee shall execute the  
14 application for a new certificate of handgun registration in  
15 the space provided on the certificate and cause the certificate  
16 and application to be mailed or delivered to the Department.

17       (n) No transferee shall knowingly accept ownership of a  
18 handgun from a transferor who has failed to obtain a  
19 certificate of handgun registration in violation of this  
20 Section, or who fails to execute an assignment of registration  
21 to the transferee as required by subsection (l) of this  
22 Section.

23       (o) Any person who accepts delivery of a handgun that has  
24 not been previously registered and assigned to the transferee  
25 shall file an application for an original certificate of  
26 handgun registration within 20 days after taking possession of

1 the handgun. Any person who owns a handgun on the effective  
2 date of this amendatory Act of the 97th General Assembly shall  
3 file an application for an original certificate of handgun  
4 registration not later than 90 days after the effective date of  
5 this amendatory Act of the 97th General Assembly.

6 (p) Transfer of ownership of a registered handgun shall not  
7 be considered complete until the transferee has complied with  
8 subsection (m) of this Section, provided that a transferor who  
9 has complied with subsections (j) and (l) of this Section, and  
10 has complied with the requirements of Section 3 and 3.1, if  
11 applicable, shall not be liable as an owner by virtue of the  
12 transferee's failure to comply with subsection (m) for damages  
13 arising out of use of the handgun.

14 (q) The Department has authority to deny an application for  
15 or to revoke and seize a certificate of handgun registration  
16 previously issued under this Section if the Department finds  
17 that:

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

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

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

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

1       (s) Whenever an application for a Certificate of Handgun  
2 Registration is denied, whenever the Department fails to act on  
3 an application within 30 days of its receipt, or whenever such  
4 a certificate is revoked or seized, the aggrieved party may  
5 appeal to the Director of the Department of State Police for a  
6 hearing upon such denial, failure to act, revocation or  
7 seizure, unless the denial, failure to act, revocation, or  
8 seizure was based upon a forcible felony, stalking, aggravated  
9 stalking, domestic battery, any violation of the Illinois  
10 Controlled Substances Act, the Methamphetamine Control and  
11 Community Protection Act, or the Cannabis Control Act that is  
12 classified as a Class 2 or greater felony, any felony violation  
13 of Article 24 of the Criminal Code of 1961, or any adjudication  
14 as a delinquent minor for the commission of an offense that if  
15 committed by an adult would be a felony, in which case the  
16 aggrieved party may petition the circuit court in writing in  
17 the county of his or her residence for a hearing upon such  
18 denial, failure to act, revocation, or seizure.

19       (1) At least 30 days before any hearing in the circuit  
20 court, the petitioner shall serve the relevant State's  
21 Attorney with a copy of the petition. The State's Attorney  
22 may object to the petition and present evidence. At the  
23 hearing the court shall determine whether substantial  
24 justice has been done. Should the court determine that  
25 substantial justice has not been done, the court shall  
26 issue an order directing the Department of State Police to

1       issue a Certificate.

2       (2) Any person prohibited from possessing a firearm  
3       under Sections 24-1.1 or 24-3.1 of the Criminal Code of  
4       1961 or acquiring a Certificate of Handgun Registration  
5       under Section 3.4 of this Act may apply to the Director of  
6       the Department of State Police or petition the circuit  
7       court in the county where the petitioner resides, whichever  
8       is applicable in accordance with this subsection (s),  
9       requesting relief from such prohibition and the Director or  
10       court may grant such relief if it is established by the  
11       applicant to the court's or Director's satisfaction that:

12       (A) when in the circuit court, the State's Attorney  
13       has been served with a written copy of the petition at  
14       least 30 days before any such hearing in the circuit  
15       court and at the hearing the State's Attorney was  
16       afforded an opportunity to present evidence and object  
17       to the petition;

18       (B) the applicant has not been convicted of a  
19       forcible felony under the laws of this State or any  
20       other jurisdiction within 20 years of the applicant's  
21       application for a Firearm Owner's Identification Card,  
22       or at least 20 years have passed since the end of any  
23       period of imprisonment imposed in relation to that  
24       conviction;

25       (C) the circumstances regarding a criminal  
26       conviction, where applicable, the applicant's criminal



1           history and his reputation are such that the applicant  
2           will not be likely to act in a manner dangerous to  
3           public safety; and

4           (D) granting relief would not be contrary to the  
5           public interest.

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

9           (4) The court shall review the denial of an application  
10           or the revocation of a Certificate of Handgun Registration  
11           of a person who has been adjudicated delinquent for an  
12           offense that if committed by an adult would be a felony if  
13           an application for relief has been filed at least 10 years  
14           after the adjudication of delinquency and the court  
15           determines that the applicant should be granted relief from  
16           disability to obtain a Certificate of Handgun  
17           Registration. If the court grants relief, the court shall  
18           notify the Department of State Police that the disability  
19           has been removed and that the applicant is eligible to  
20           obtain a Certificate of Handgun Registration.

21           (5) Any person who is prohibited from possessing a  
22           firearm under 18 U.S.C. 922(d)(4) and 922(g)(4) of the  
23           federal Gun Control Act of 1968 may apply to the Department  
24           of State Police requesting relief from such prohibition and  
25           the Director shall grant such relief if it is established  
26           to the Director's satisfaction that the person will not be

1       likely to act in a manner dangerous to public safety and  
2       granting relief would not be contrary to the public  
3       interest.

4       (t) Notwithstanding any other provision of law, including  
5       the Freedom of Information Act, it is the public policy of this  
6       State that the names and information of people who have applied  
7       for or received certificates of handgun registration under this  
8       Section are considered private and shall not be disclosed. No  
9       State or local law enforcement agency shall provide the names  
10       and information of holders of or applicants for certificates of  
11       handgun registration, except that the Department may provide  
12       confirmation that an individual has or has not been issued,  
13       applied for, or denied a certificate of handgun registration in  
14       connection with a criminal investigation.

15           (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

18           (1) Make application on blank forms prepared and  
19           furnished at convenient locations throughout the State by  
20           the Department of State Police, or by electronic means, if  
21           and when made available by the Department of State Police;  
22           and

23           (2) Submit evidence to the Department of State Police  
24           that:

25           (i) He or she is 21 years of age or over, or if he

1 or she is under 21 years of age that he or she has the  
2 written consent of his or her parent or legal guardian  
3 to possess and acquire firearms and firearm ammunition  
4 and that he or she has never been convicted of a  
5 misdemeanor other than a traffic offense or adjudged  
6 delinquent, provided, however, that such parent or  
7 legal guardian is not an individual prohibited from  
8 having a Firearm Owner's Identification Card and files  
9 an affidavit with the Department as prescribed by the  
10 Department stating that he or she is not an individual  
11 prohibited from having a Card;

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

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

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

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

19 (vi) He or she is not an alien who is unlawfully  
20 present in the United States under the laws of the  
21 United States;

22 (vii) He or she is not subject to an existing order  
23 of protection prohibiting him or her from possessing a  
24 firearm;

25 (viii) He or she has not been convicted within the  
26 past 5 years of battery, assault, aggravated assault,

1 violation of an order of protection, or a substantially  
2 similar offense in another jurisdiction, in which a  
3 firearm was used or possessed;

4 (ix) He or she has not been convicted of domestic  
5 battery, aggravated domestic battery, or a  
6 substantially similar offense in another jurisdiction  
7 committed before, on or after January 1, 2012 (the  
8 effective date of Public Act 97-158) ~~this amendatory  
9 Act of the 97th General Assembly;~~

10 (x) (Blank);

11 (xi) He or she is not an alien who has been  
12 admitted to the United States under a non-immigrant  
13 visa (as that term is defined in Section 101(a)(26) of  
14 the Immigration and Nationality Act (8 U.S.C.  
15 1101(a)(26))), or that he or she is an alien who has  
16 been lawfully admitted to the United States under a  
17 non-immigrant visa if that alien is:

18 (1) admitted to the United States for lawful  
19 hunting or sporting purposes;

20 (2) an official representative of a foreign  
21 government who is:

22 (A) accredited to the United States  
23 Government or the Government's mission to an  
24 international organization having its  
25 headquarters in the United States; or

26 (B) en route to or from another country to

1                   which that alien is accredited;

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

5                   (4) a foreign law enforcement officer of a  
6 friendly foreign government entering the United  
7 States on official business; or

8                   (5) one who has received a waiver from the  
9 Attorney General of the United States pursuant to  
10 18 U.S.C. 922(y)(3);

11                   (xii) He or she is not a minor subject to a  
12 petition filed under Section 5-520 of the Juvenile  
13 Court Act of 1987 alleging that the minor is a  
14 delinquent minor for the commission of an offense that  
15 if committed by an adult would be a felony; and

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

20                   (3) Upon request by the Department of State Police,  
21 sign a release on a form prescribed by the Department of  
22 State Police waiving any right to confidentiality and  
23 requesting the disclosure to the Department of State Police  
24 of limited mental health institution admission information  
25 from another state, the District of Columbia, any other  
26 territory of the United States, or a foreign nation

1 concerning the applicant for the sole purpose of  
2 determining whether the applicant is or was a patient in a  
3 mental health institution and disqualified because of that  
4 status from receiving a Firearm Owner's Identification  
5 Card. No mental health care or treatment records may be  
6 requested. The information received shall be destroyed  
7 within one year of receipt.

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

12 (a-10) Each applicant for a Firearm Owner's Identification  
13 Card, who is employed as an armed security officer at a nuclear  
14 energy, storage, weapons, or development facility regulated by  
15 the Nuclear Regulatory Commission and who is not an Illinois  
16 resident, shall furnish to the Department of State Police his  
17 or her driver's license number or state identification card  
18 number from his or her state of residence. The Department of  
19 State Police may promulgate rules to enforce the provisions of  
20 this subsection (a-10).

21 (b) Each application form shall include the following  
22 statement printed in bold type: "Warning: Entering false  
23 information on an application for a Firearm Owner's  
24 Identification Card is punishable as a Class 2 felony in  
25 accordance with subsection (d-5) of Section 14 of the Firearm  
26 Owners Identification Card and Certificate of Handgun

1 Registration Act.".

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

6 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised  
7 10-4-11.)

8 (430 ILCS 65/6.1)

9 Sec. 6.1. Altered, forged or counterfeit Firearm Owner's  
10 Identification Cards.

11 (a) Any person who forges or materially alters a Firearm  
12 Owner's Identification Card or certificate of handgun  
13 registration or who counterfeits a Firearm Owner's  
14 Identification Card or certificate of handgun registration  
15 commits a Class 2 felony.

16 (b) Any person who knowingly possesses a forged or  
17 materially altered Firearm Owner's Identification Card or  
18 certificate of handgun registration with the intent to use it  
19 commits a Class 2 felony. A person who possesses a Firearm  
20 Owner's Identification Card or certificate of handgun  
21 registration with knowledge that it is counterfeit commits a  
22 Class 2 felony.

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

24 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

1           Sec. 14. Sentence.

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

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

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

14                 (1) the person's Firearm Owner's Identification Card  
15 is revoked or subject to revocation under Section 8; or

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

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

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

24           (d-5) Any person who knowingly enters false information on  
25 an application for a Firearm Owner's Identification Card or a  
26 certificate of handgun registration, who knowingly gives a



1 false answer to any question on the application, or who  
2 knowingly submits false evidence in connection with an  
3 application is guilty of a Class 2 felony.

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

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

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

10 (705 ILCS 105/27.3a)

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

12 Sec. 27.3a. Fees for automated record keeping and State and  
13 Conservation Police operations.

14 1. The expense of establishing and maintaining automated  
15 record keeping systems in the offices of the clerks of the  
16 circuit court shall be borne by the county. To defray such  
17 expense in any county having established such an automated  
18 system or which elects to establish such a system, the county  
19 board may require the clerk of the circuit court in their  
20 county to charge and collect a court automation fee of not less  
21 than \$1 nor more than \$15 to be charged and collected by the  
22 clerk of the court. Such fee shall be paid at the time of  
23 filing the first pleading, paper or other appearance filed by  
24 each party in all civil cases or by the defendant in any

1 felony, traffic, misdemeanor, municipal ordinance, or  
2 conservation case upon a judgment of guilty or grant of  
3 supervision, provided that the record keeping system which  
4 processes the case category for which the fee is charged is  
5 automated or has been approved for automation by the county  
6 board, and provided further that no additional fee shall be  
7 required if more than one party is presented in a single  
8 pleading, paper or other appearance. Such fee shall be  
9 collected in the manner in which all other fees or costs are  
10 collected.

11 1.5. Starting on the effective date of this amendatory Act  
12 of the 96th General Assembly, a clerk of the circuit court in  
13 any county that imposes a fee pursuant to subsection 1 of this  
14 Section, shall charge and collect an additional fee in an  
15 amount equal to the amount of the fee imposed pursuant to  
16 subsection 1 of this Section. This additional fee shall be paid  
17 by the defendant in any felony, traffic, misdemeanor, or local  
18 ordinance case upon a judgment of guilty or grant of  
19 supervision. This fee shall not be paid by the defendant for  
20 any conservation violation listed in subsection 1.6 of this  
21 Section.

22 1.6. Starting on July 1, 2012 (the effective date of Public  
23 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a  
24 clerk of the circuit court in any county that imposes a fee  
25 pursuant to subsection 1 of this Section shall charge and  
26 collect an additional fee in an amount equal to the amount of

1 the fee imposed pursuant to subsection 1 of this Section. This  
2 additional fee shall be paid by the defendant upon a judgment  
3 of guilty or grant of supervision for a conservation violation  
4 under the State Parks Act, the Recreational Trails of Illinois  
5 Act, the Illinois Explosives Act, the Timber Buyers Licensing  
6 Act, the Forest Products Transportation Act, the Firearm Owners  
7 Identification Card and Certificate of Handgun Registration  
8 Act, the Environmental Protection Act, the Fish and Aquatic  
9 Life Code, the Wildlife Code, the Cave Protection Act, the  
10 Illinois Exotic Weed Act, the Illinois Forestry Development  
11 Act, the Ginseng Harvesting Act, the Illinois Lake Management  
12 Program Act, the Illinois Natural Areas Preservation Act, the  
13 Illinois Open Land Trust Act, the Open Space Lands Acquisition  
14 and Development Act, the Illinois Prescribed Burning Act, the  
15 State Forest Act, the Water Use Act of 1983, the Illinois Youth  
16 and Young Adult Employment Act of 1986, the Snowmobile  
17 Registration and Safety Act, the Boat Registration and Safety  
18 Act, the Illinois Dangerous Animals Act, the Hunter and  
19 Fishermen Interference Prohibition Act, the Wrongful Tree  
20 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,  
21 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of  
22 the Illinois Vehicle Code.

23 2. With respect to the fee imposed under subsection 1 of  
24 this Section, each clerk shall commence such charges and  
25 collections upon receipt of written notice from the chairman of  
26 the county board together with a certified copy of the board's

1 resolution, which the clerk shall file of record in his office.

2 3. With respect to the fee imposed under subsection 1 of  
3 this Section, such fees shall be in addition to all other fees  
4 and charges of such clerks, and assessable as costs, and may be  
5 waived only if the judge specifically provides for the waiver  
6 of the court automation fee. The fees shall be remitted monthly  
7 by such clerk to the county treasurer, to be retained by him in  
8 a special fund designated as the court automation fund. The  
9 fund shall be audited by the county auditor, and the board  
10 shall make expenditure from the fund in payment of any cost  
11 related to the automation of court records, including hardware,  
12 software, research and development costs and personnel related  
13 thereto, provided that the expenditure is approved by the clerk  
14 of the court and by the chief judge of the circuit court or his  
15 designate.

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

21 5. With respect to the additional fee imposed under  
22 subsection 1.5 of this Section, the fee shall be remitted by  
23 the circuit clerk to the State Treasurer within one month after  
24 receipt for deposit into the State Police Operations Assistance  
25 Fund.

26 6. With respect to the additional fees imposed under

1 subsection 1.5 of this Section, the Director of State Police  
2 may direct the use of these fees for homeland security purposes  
3 by transferring these fees on a quarterly basis from the State  
4 Police Operations Assistance Fund into the Illinois Law  
5 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
6 initiatives programs. The transferred fees shall be allocated,  
7 subject to the approval of the ILEAS Executive Board, as  
8 follows: (i) 66.6% shall be used for homeland security  
9 initiatives and (ii) 33.3% shall be used for airborne  
10 operations. The ILEAS Executive Board shall annually supply the  
11 Director of State Police with a report of the use of these  
12 fees.

13 7. ~~6.~~ With respect to the additional fee imposed under  
14 subsection 1.6 of this Section, the fee shall be remitted by  
15 the circuit clerk to the State Treasurer within one month after  
16 receipt for deposit into the Conservation Police Operations  
17 Assistance Fund.

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

20 Section 40. The Criminal Code of 1961 is amended by  
21 changing Sections 2-7.1, 2-7.5, 11-20.1, 12-3.05, 17-30,  
22 17B-0.05, 24-1.1, 24-1.6, 24-3, 24-3.2, 24-3.4, 24-3.5, and  
23 24-9 as follows:

24 (720 ILCS 5/2-7.1)

1           Sec. 2-7.1. "Firearm" and "firearm ammunition". "Firearm"  
2 and "firearm ammunition" have the meanings ascribed to them in  
3 Section 1.1 of the Firearm Owners Identification Card and  
4 Certificate of Handgun Registration Act.

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

6           (720 ILCS 5/2-7.5)

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

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

12          (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

13          Sec. 11-20.1. Child pornography.

14          (a) A person commits child pornography who:

15               (1) films, videotapes, photographs, or otherwise  
16 depicts or portrays by means of any similar visual medium  
17 or reproduction or depicts by computer any child whom he or  
18 she knows or reasonably should know to be under the age of  
19 18 and at least 13 years of age or any severely or  
20 profoundly intellectually disabled person where such child  
21 or severely or profoundly intellectually disabled person  
22 is:

23                       (i) actually or by simulation engaged in any act of  
24 sexual penetration or sexual conduct with any person or

1 animal; or

2 (ii) actually or by simulation engaged in any act  
3 of sexual penetration or sexual conduct involving the  
4 sex organs of the child or severely or profoundly  
5 intellectually disabled person and the mouth, anus, or  
6 sex organs of another person or animal; or which  
7 involves the mouth, anus or sex organs of the child or  
8 severely or profoundly intellectually disabled person  
9 and the sex organs of another person or animal; or

10 (iii) actually or by simulation engaged in any act  
11 of masturbation; or

12 (iv) actually or by simulation portrayed as being  
13 the object of, or otherwise engaged in, any act of lewd  
14 fondling, touching, or caressing involving another  
15 person or animal; or

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

18 (vi) actually or by simulation portrayed or  
19 depicted as bound, fettered, or subject to sadistic,  
20 masochistic, or sadomasochistic abuse in any sexual  
21 context; or

22 (vii) depicted or portrayed in any pose, posture or  
23 setting involving a lewd exhibition of the unclothed or  
24 transparently clothed genitals, pubic area, buttocks,  
25 or, if such person is female, a fully or partially  
26 developed breast of the child or other person; or

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

12          (3) with knowledge of the subject matter or theme  
13          thereof, produces any stage play, live performance, film,  
14          videotape or other similar visual portrayal or depiction by  
15          computer which includes a child whom the person knows or  
16          reasonably should know to be under the age of 18 and at  
17          least 13 years of age or a severely or profoundly  
18          intellectually disabled person engaged in any activity  
19          described in subparagraphs (i) through (vii) of paragraph  
20          (1) of this subsection; or

21          (4) solicits, uses, persuades, induces, entices, or  
22          coerces any child whom he or she knows or reasonably should  
23          know to be under the age of 18 and at least 13 years of age  
24          or a severely or profoundly intellectually disabled person  
25          to appear in any stage play, live presentation, film,  
26          videotape, photograph or other similar visual reproduction



1 or depiction by computer in which the child or severely or  
2 profoundly intellectually disabled person is or will be  
3 depicted, actually or by simulation, in any act, pose or  
4 setting described in subparagraphs (i) through (vii) of  
5 paragraph (1) of this subsection; or

6 (5) is a parent, step-parent, legal guardian or other  
7 person having care or custody of a child whom the person  
8 knows or reasonably should know to be under the age of 18  
9 and at least 13 years of age or a severely or profoundly  
10 intellectually disabled person and who knowingly permits,  
11 induces, promotes, or arranges for such child or severely  
12 or profoundly intellectually disabled person to appear in  
13 any stage play, live performance, film, videotape,  
14 photograph or other similar visual presentation, portrayal  
15 or simulation or depiction by computer of any act or  
16 activity described in subparagraphs (i) through (vii) of  
17 paragraph (1) of this subsection; or

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

1           (7) solicits, or knowingly uses, persuades, induces,  
2 entices, or coerces, a person to provide a child under the  
3 age of 18 and at least 13 years of age or a severely or  
4 profoundly intellectually disabled person to appear in any  
5 videotape, photograph, film, stage play, live  
6 presentation, or other similar visual reproduction or  
7 depiction by computer in which the child or severely or  
8 profoundly intellectually disabled person will be  
9 depicted, actually or by simulation, in any act, pose, or  
10 setting described in subparagraphs (i) through (vii) of  
11 paragraph (1) of this subsection.

12           (b) (1) It shall be an affirmative defense to a charge of  
13 child pornography that the defendant reasonably believed,  
14 under all of the circumstances, that the child was 18 years  
15 of age or older or that the person was not a severely or  
16 profoundly intellectually disabled person but only where,  
17 prior to the act or acts giving rise to a prosecution under  
18 this Section, he or she took some affirmative action or  
19 made a bonafide inquiry designed to ascertain whether the  
20 child was 18 years of age or older or that the person was  
21 not a severely or profoundly intellectually disabled  
22 person and his or her reliance upon the information so  
23 obtained was clearly reasonable.

24           (1.5) Telecommunications carriers, commercial mobile  
25 service providers, and providers of information services,  
26 including, but not limited to, Internet service providers

1 and hosting service providers, are not liable under this  
2 Section by virtue of the transmission, storage, or caching  
3 of electronic communications or messages of others or by  
4 virtue of the provision of other related  
5 telecommunications, commercial mobile services, or  
6 information services used by others in violation of this  
7 Section.

8 (2) (Blank).

9 (3) The charge of child pornography shall not apply to  
10 the performance of official duties by law enforcement or  
11 prosecuting officers or persons employed by law  
12 enforcement or prosecuting agencies, court personnel or  
13 attorneys, nor to bonafide treatment or professional  
14 education programs conducted by licensed physicians,  
15 psychologists or social workers.

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

21 (5) The charge of child pornography does not apply to a  
22 person who does not voluntarily possess a film, videotape,  
23 or visual reproduction or depiction by computer in which  
24 child pornography is depicted. Possession is voluntary if  
25 the defendant knowingly procures or receives a film,  
26 videotape, or visual reproduction or depiction for a

1 sufficient time to be able to terminate his or her  
2 possession.

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

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

1 fine of \$100,000. If the violation involves a film, videotape,  
2 or other moving depiction, a violation of paragraph (2) of  
3 subsection (a) is a Class X felony with a mandatory minimum  
4 fine of \$1000 and a maximum fine of \$100,000. If the violation  
5 does not involve a film, videotape, or other moving depiction,  
6 a violation of paragraph (6) of subsection (a) is a Class 3  
7 felony with a mandatory minimum fine of \$1000 and a maximum  
8 fine of \$100,000. If the violation involves a film, videotape,  
9 or other moving depiction, a violation of paragraph (6) of  
10 subsection (a) is a Class 2 felony with a mandatory minimum  
11 fine of \$1000 and a maximum fine of \$100,000.

12 (d) If a person is convicted of a second or subsequent  
13 violation of this Section within 10 years of a prior  
14 conviction, the court shall order a presentence psychiatric  
15 examination of the person. The examiner shall report to the  
16 court whether treatment of the person is necessary.

17 (e) Any film, videotape, photograph or other similar visual  
18 reproduction or depiction by computer which includes a child  
19 under the age of 18 and at least 13 years of age or a severely  
20 or profoundly intellectually disabled person engaged in any  
21 activity described in subparagraphs (i) through (vii) or  
22 paragraph 1 of subsection (a), and any material or equipment  
23 used or intended for use in photographing, filming, printing,  
24 producing, reproducing, manufacturing, projecting, exhibiting,  
25 depiction by computer, or disseminating such material shall be  
26 seized and forfeited in the manner, method and procedure

1 provided by Section 36-1 of this Code for the seizure and  
2 forfeiture of vessels, vehicles and aircraft.

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

6 (e-5) Upon the conclusion of a case brought under this  
7 Section, the court shall seal all evidence depicting a victim  
8 or witness that is sexually explicit. The evidence may be  
9 unsealed and viewed, on a motion of the party seeking to unseal  
10 and view the evidence, only for good cause shown and in the  
11 discretion of the court. The motion must expressly set forth  
12 the purpose for viewing the material. The State's attorney and  
13 the victim, if possible, shall be provided reasonable notice of  
14 the hearing on the motion to unseal the evidence. Any person  
15 entitled to notice of a hearing under this subsection (e-5) may  
16 object to the motion.

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

18 (1) "Disseminate" means (i) to sell, distribute,  
19 exchange or transfer possession, whether with or without  
20 consideration or (ii) to make a depiction by computer  
21 available for distribution or downloading through the  
22 facilities of any telecommunications network or through  
23 any other means of transferring computer programs or data  
24 to a computer.

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

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

2 (4) "Depict by computer" means to generate or create,  
3 or cause to be created or generated, a computer program or  
4 data that, after being processed by a computer either alone  
5 or in conjunction with one or more computer programs,  
6 results in a visual depiction on a computer monitor,  
7 screen, or display.

8 (5) "Depiction by computer" means a computer program or  
9 data that, after being processed by a computer either alone  
10 or in conjunction with one or more computer programs,  
11 results in a visual depiction on a computer monitor,  
12 screen, or display.

13 (6) "Computer", "computer program", and "data" have  
14 the meanings ascribed to them in Section 16D-2 of this  
15 Code.

16 (7) For the purposes of this Section, "child  
17 pornography" includes a film, videotape, photograph, or  
18 other similar visual medium or reproduction or depiction by  
19 computer that is, or appears to be, that of a person,  
20 either in part, or in total, under the age of 18 and at  
21 least 13 years of age or a severely or profoundly  
22 intellectually disabled ~~mentally retarded~~ person,  
23 regardless of the method by which the film, videotape,  
24 photograph, or other similar visual medium or reproduction  
25 or depiction by computer is created, adopted, or modified  
26 to appear as such. "Child pornography" also includes a

1 film, videotape, photograph, or other similar visual  
2 medium or reproduction or depiction by computer that is  
3 advertised, promoted, presented, described, or distributed  
4 in such a manner that conveys the impression that the film,  
5 videotape, photograph, or other similar visual medium or  
6 reproduction or depiction by computer is of a person under  
7 the age of 18 and at least 13 years of age or a severely or  
8 profoundly intellectually disabled ~~mentally-retarded~~  
9 person.

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

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

12 (i) Section 50-5 of Public Act 88-680, effective  
13 January 1, 1995, contained provisions amending the  
14 child pornography statute, Section 11-20.1 of the  
15 Criminal Code of 1961. Section 50-5 also contained  
16 other provisions.

17 (ii) In addition, Public Act 88-680 was entitled  
18 "AN ACT to create a Safe Neighborhoods Law". (A)  
19 Article 5 was entitled JUVENILE JUSTICE and amended the  
20 Juvenile Court Act of 1987. (B) Article 15 was entitled  
21 GANGS and amended various provisions of the Criminal  
22 Code of 1961 and the Unified Code of Corrections. (C)  
23 Article 20 was entitled ALCOHOL ABUSE and amended  
24 various provisions of the Illinois Vehicle Code. (D)  
25 Article 25 was entitled DRUG ABUSE and amended the  
26 Cannabis Control Act and the Illinois Controlled



1 Substances Act. (E) Article 30 was entitled FIREARMS  
2 and amended the Criminal Code of 1961 and the Code of  
3 Criminal Procedure of 1963. (F) Article 35 amended the  
4 Criminal Code of 1961, the Rights of Crime Victims and  
5 Witnesses Act, and the Unified Code of Corrections. (G)  
6 Article 40 amended the Criminal Code of 1961 to  
7 increase the penalty for compelling organization  
8 membership of persons. (H) Article 45 created the  
9 Secure Residential Youth Care Facility Licensing Act  
10 and amended the State Finance Act, the Juvenile Court  
11 Act of 1987, the Unified Code of Corrections, and the  
12 Private Correctional Facility Moratorium Act. (I)  
13 Article 50 amended the WIC Vendor Management Act, the  
14 Firearm Owners Identification Card and Certificate of  
15 Handgun Registration Act, the Juvenile Court Act of  
16 1987, the Criminal Code of 1961, the Wrongs to Children  
17 Act, and the Unified Code of Corrections.

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

26 (iv) Child pornography is a vital concern to the

1 people of this State and the validity of future  
2 prosecutions under the child pornography statute of  
3 the Criminal Code of 1961 is in grave doubt.

4 (2) It is the purpose of this amendatory Act of 1999 to  
5 prevent or minimize any problems relating to prosecutions  
6 for child pornography that may result from challenges to  
7 the constitutional validity of Public Act 88-680 by  
8 re-enacting the Section relating to child pornography that  
9 was included in Public Act 88-680.

10 (3) This amendatory Act of 1999 re-enacts Section  
11 11-20.1 of the Criminal Code of 1961, as it has been  
12 amended. This re-enactment is intended to remove any  
13 question as to the validity or content of that Section; it  
14 is not intended to supersede any other Public Act that  
15 amends the text of the Section as set forth in this  
16 amendatory Act of 1999. The material is shown as existing  
17 text (i.e., without underscoring) because, as of the time  
18 this amendatory Act of 1999 was prepared, *People v. Dainty*  
19 was subject to appeal to the Illinois Supreme Court.

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

1 (Source: P.A. 96-292, eff. 1-1-10; 96-712, eff. 1-1-10;  
2 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-157, eff.  
3 1-1-12; 97-227, eff. 1-1-12; revised 9-12-11.)

4 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)  
5 Sec. 12-3.05. Aggravated battery.

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

10 (1) Causes great bodily harm or permanent disability or  
11 disfigurement.

12 (2) Causes severe and permanent disability, great  
13 bodily harm, or disfigurement by means of a caustic or  
14 flammable substance, a poisonous gas, a deadly biological  
15 or chemical contaminant or agent, a radioactive substance,  
16 or a bomb or explosive compound.

17 (3) Causes great bodily harm or permanent disability or  
18 disfigurement to an individual whom the person knows to be  
19 a peace officer, community policing volunteer, fireman,  
20 private security officer, correctional institution  
21 employee, or Department of Human Services employee  
22 supervising or controlling sexually dangerous persons or  
23 sexually violent persons:

24 (i) performing his or her official duties;

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

6 (5) Strangles another individual.

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

12 (1) causes great bodily harm or permanent disability or  
13 disfigurement to any child under the age of 13 years, or to  
14 any severely or profoundly intellectually disabled  
15 ~~mentally retarded~~ person; or

16 (2) causes bodily harm or disability or disfigurement  
17 to any child under the age of 13 years or to any severely  
18 or profoundly intellectually disabled ~~mentally retarded~~  
19 person.

20 (c) Offense based on location of conduct. A person commits  
21 aggravated battery when, in committing a battery, other than by  
22 the discharge of a firearm, he or she is or the person battered  
23 is on or about a public way, public property, a public place of  
24 accommodation or amusement, a sports venue, or a domestic  
25 violence shelter.

26 (d) Offense based on status of victim. A person commits

1 aggravated battery when, in committing a battery, other than by  
2 discharge of a firearm, he or she knows the individual battered  
3 to be any of the following:

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

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

6 (3) A teacher or school employee upon school grounds or  
7 grounds adjacent to a school or in any part of a building  
8 used for school purposes.

9 (4) A peace officer, community policing volunteer,  
10 fireman, private security officer, correctional  
11 institution employee, or Department of Human Services  
12 employee supervising or controlling sexually dangerous  
13 persons or sexually violent persons:

14 (i) performing his or her official duties;

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

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

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

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her  
23 official duties; or

24 (iii) battered in retaliation for performing his  
25 or her official duties.

26 (6) An officer or employee of the State of Illinois, a

1 unit of local government, or a school district, while  
2 performing his or her official duties.

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

5 (8) A taxi driver on duty.

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

10 (10) A person authorized to serve process under Section  
11 2-202 of the Code of Civil Procedure or a special process  
12 server appointed by the circuit court while that individual  
13 is in the performance of his or her duties as a process  
14 server.

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

18 (1) Discharges a firearm, other than a machine gun or a  
19 firearm equipped with a silencer, and causes any injury to  
20 another person.

21 (2) Discharges a firearm, other than a machine gun or a  
22 firearm equipped with a silencer, and causes any injury to  
23 a person he or she knows to be a peace officer, community  
24 policing volunteer, person summoned by a police officer,  
25 fireman, private security officer, correctional  
26 institution employee, or emergency management worker:

1 (i) performing his or her official duties;

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

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

6 (3) Discharges a firearm, other than a machine gun or a  
7 firearm equipped with a silencer, and causes any injury to  
8 a person he or she knows to be an emergency medical  
9 technician employed by a municipality or other  
10 governmental unit:

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) Discharges a firearm and causes any injury to a  
17 person he or she knows to be a teacher, a student in a  
18 school, or a school employee, and the teacher, student, or  
19 employee is upon school grounds or grounds adjacent to a  
20 school or in any part of a building used for school  
21 purposes.

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

24 (6) Discharges a machine gun or a firearm equipped with  
25 a silencer, and causes any injury to a person he or she  
26 knows to be a peace officer, community policing volunteer,

1 person summoned by a police officer, fireman, private  
2 security officer, correctional institution employee or  
3 emergency management worker:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her  
6 official duties; or

7 (iii) battered in retaliation for performing his  
8 or her official duties.

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

13 (i) performing his or her official duties;

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

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

18 (8) Discharges a machine gun or a firearm equipped with  
19 a silencer, and causes any injury to a person he or she  
20 knows to be a teacher, or a student in a school, or a  
21 school employee, and the teacher, student, or employee is  
22 upon school grounds or grounds adjacent to a school or in  
23 any part of a building used for school purposes.

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



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

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

6           (3) Knowingly and without lawful justification shines  
7           or flashes a laser gunsight or other laser device attached  
8           to a firearm, or used in concert with a firearm, so that  
9           the laser beam strikes upon or against the person of  
10          another.

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

14               (1) Violates Section 401 of the Illinois Controlled  
15               Substances Act by unlawfully delivering a controlled  
16               substance to another and any user experiences great bodily  
17               harm or permanent disability as a result of the injection,  
18               inhalation, or ingestion of any amount of the controlled  
19               substance.

20               (2) Knowingly administers to an individual or causes  
21               him or her to take, without his or her consent or by threat  
22               or deception, and for other than medical purposes, any  
23               intoxicating, poisonous, stupefying, narcotic, anesthetic,  
24               or controlled substance, or gives to another person any  
25               food containing any substance or object intended to cause  
26               physical injury if eaten.

1           (3) Knowingly causes or attempts to cause a  
2           correctional institution employee or Department of Human  
3           Services employee to come into contact with blood, seminal  
4           fluid, urine, or feces by throwing, tossing, or expelling  
5           the fluid or material, and the person is an inmate of a  
6           penal institution or is a sexually dangerous person or  
7           sexually violent person in the custody of the Department of  
8           Human Services.

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

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

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

15          Aggravated battery as defined in subdivision (a)(1) is a  
16          Class 1 felony when the aggravated battery was intentional and  
17          involved the infliction of torture, as defined in paragraph  
18          (14) of subsection (b) of Section 9-1 of this Code, as the  
19          infliction of or subjection to extreme physical pain, motivated  
20          by an intent to increase or prolong the pain, suffering, or  
21          agony of the victim.

22          Aggravated battery under subdivision (a)(5) is a Class 1  
23          felony if:

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

26                (B) the person caused great bodily harm or permanent

1           disability or disfigurement to the other person while  
2           committing the offense; or

3           (C) the person has been previously convicted of a  
4           violation of subdivision (a)(5) under the laws of this  
5           State or laws similar to subdivision (a)(5) of any other  
6           state.

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

9           Aggravated battery as defined in subdivision (a)(2) is a  
10          Class X felony for which a person shall be sentenced to a term  
11          of imprisonment of a minimum of 6 years and a maximum of 45  
12          years.

13          Aggravated battery as defined in subdivision (e)(5) is a  
14          Class X felony for which a person shall be sentenced to a term  
15          of imprisonment of a minimum of 12 years and a maximum of 45  
16          years.

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

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

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

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

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

7           (3) if, during the commission of the offense, the  
8 person personally discharged a firearm that proximately  
9 caused great bodily harm, permanent disability, permanent  
10 disfigurement, or death to another person, 25 years or up  
11 to a term of natural life shall be added to the term of  
12 imprisonment imposed by the court.

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

14           "Building or other structure used to provide shelter" has  
15 the meaning ascribed to "shelter" in Section 1 of the Domestic  
16 Violence Shelters Act.

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

19           "Domestic violence shelter" means any building or other  
20 structure used to provide shelter or other services to victims  
21 or to the dependent children of victims of domestic violence  
22 pursuant to the Illinois Domestic Violence Act of 1986 or the  
23 Domestic Violence Shelters Act, or any place within 500 feet of  
24 such a building or other structure in the case of a person who  
25 is going to or from such a building or other structure.

26           "Firearm" has the meaning provided under Section 1.1 of the

1 Firearm Owners Identification Card and Certificate of Handgun  
2 Registration Act, and does not include an air rifle as defined  
3 by Section 1 of the Air Rifle Act.

4 "Machine gun" has the meaning ascribed to it in Section  
5 24-1 of this Code.

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

8 "Strangle" means intentionally impeding the normal  
9 breathing or circulation of the blood of an individual by  
10 applying pressure on the throat or neck of that individual or  
11 by blocking the nose or mouth of that individual.

12 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;  
13 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.  
14 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,  
15 and 97-467, eff. 1-1-12; revised 10-12-11.)

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

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

19 (a) Unlawful sale of household appliances. A person commits  
20 unlawful sale of household appliances when he or she knowingly,  
21 with the intent to defraud or deceive another, keeps for sale,  
22 within any commercial context, any household appliance with a  
23 missing, defaced, obliterated, or otherwise altered  
24 manufacturer's identification number.

25 (b) Construction equipment identification defacement. A

1 person commits construction equipment identification  
2 defacement when he or she knowingly changes, alters, removes,  
3 mutilates, or obliterates a permanently affixed serial number,  
4 product identification number, part number, component  
5 identification number, owner-applied identification, or other  
6 mark of identification attached to or stamped, inscribed,  
7 molded, or etched into a machine or other equipment, whether  
8 stationary or mobile or self-propelled, or a part of such  
9 machine or equipment, used in the construction, maintenance, or  
10 demolition of buildings, structures, bridges, tunnels, sewers,  
11 utility pipes or lines, ditches or open cuts, roads, highways,  
12 dams, airports, or waterways or in material handling for such  
13 projects.

14 The trier of fact may infer that the defendant has  
15 knowingly changed, altered, removed, or obliterated the serial  
16 number, product identification number, part number, component  
17 identification number, owner-applied identification number, or  
18 other mark of identification, if the defendant was in  
19 possession of any machine or other equipment 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 upon which any such serial number, product  
25 identification number, part number, component identification  
26 number, owner-applied identification number, or other mark of

1 identification has been changed, altered, removed, or  
2 obliterated.

3 (c) Defacement of manufacturer's serial number or  
4 identification mark. A person commits defacement of a  
5 manufacturer's serial number or identification mark when he or  
6 she knowingly removes, alters, defaces, covers, or destroys the  
7 manufacturer's serial number or any other manufacturer's  
8 number or distinguishing identification mark upon any machine  
9 or other article of merchandise, other than a motor vehicle as  
10 defined in Section 1-146 of the Illinois Vehicle Code or a  
11 firearm as defined in the Firearm Owners Identification Card  
12 and Certificate of Handgun Registration Act, with the intent of  
13 concealing or destroying the identity of such machine or other  
14 article of merchandise.

15 (d) Sentence.

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

20 (2) A violation of subsection (b) of this Section is a  
21 Class A misdemeanor.

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

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

26 (f) Definitions. In this Section:

1 "Commercial context" means a continuing business  
2 enterprise conducted for profit by any person whose primary  
3 business is the wholesale or retail marketing of household  
4 appliances, or a significant portion of whose business or  
5 inventory consists of household appliances kept or sold on a  
6 wholesale or retail basis.

7 "Household appliance" means any gas or electric device or  
8 machine marketed for use as home entertainment or for  
9 facilitating or expediting household tasks or chores. The term  
10 shall include but not necessarily be limited to refrigerators,  
11 freezers, ranges, radios, television sets, vacuum cleaners,  
12 toasters, dishwashers, and other similar household items.

13 "Manufacturer's identification number" means any serial  
14 number or other similar numerical or alphabetical designation  
15 imprinted upon or attached to or placed, stamped, or otherwise  
16 imprinted upon or attached to a household appliance or item by  
17 the manufacturer for purposes of identifying a particular  
18 appliance or item individually or by lot number.

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

20 (720 ILCS 5/17B-0.05)

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

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

23 (1) Section 50-5 of Public Act 88-680, effective  
24 January 1, 1995, contained provisions adding the WIC Fraud  
25 Article to the Criminal Code of 1961. Section 50-5 also



1 contained other provisions.

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

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

8           (4) WIC fraud is a vital concern to the people of this  
9 State and the validity of future prosecutions under the WIC  
10 fraud provisions of the Criminal Code of 1961 is in grave  
11 doubt.

12           (b) It is the purpose of this amendatory Act of 1999 to  
13 prevent or minimize any problems relating to prosecutions for  
14 WIC fraud that may result from challenges to the constitutional  
15 validity of Public Act 88-680 by re-enacting the Sections  
16 relating to WIC fraud that were included in Public Act 88-680.

17           (c) This amendatory Act of 1999 re-enacts Article 17B of  
18 the Criminal Code of 1961, as it has been amended. This  
19 re-enactment is intended to remove any question as to the  
20 validity or content of that Article; it is not intended to  
21 supersede any other Public Act that amends the text of a  
22 Section as set forth in this amendatory Act of 1999. Except for  
23 a grammatical correction in Section 17B-10 and a correction of  
24 the Section number to Section 17B-30, the material is shown as  
25 existing text (i.e., without underscoring) because, as of the  
26 time this amendatory Act of 1999 was prepared, *People v. Dainty*

1 was subject to appeal to the Illinois Supreme Court.

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

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

9 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

13 (a) It is unlawful for a person to knowingly possess on or  
14 about his person or on his land or in his own abode or fixed  
15 place of business any weapon prohibited under Section 24-1 of  
16 this Act or any firearm or any firearm ammunition if the person  
17 has been convicted of a felony under the laws of this State or  
18 any other jurisdiction. This Section shall not apply if the  
19 person has been granted relief by the Director of the  
20 Department of State Police under Section 10 of the Firearm  
21 Owners Identification Card and Certificate of Handgun  
22 Registration Act.

23 (b) It is unlawful for any person confined in a penal  
24 institution, which is a facility of the Illinois Department of  
25 Corrections, to possess any weapon prohibited under Section

1 24-1 of this Code or any firearm or firearm ammunition,  
2 regardless of the intent with which he possesses it.

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

7 (d) The defense of necessity is not available to a person  
8 who is charged with a violation of subsection (b) of this  
9 Section.

10 (e) Sentence. Violation of this Section by a person not  
11 confined in a penal institution shall be a Class 3 felony for  
12 which the person shall be sentenced to no less than 2 years and  
13 no more than 10 years and any second or subsequent violation  
14 shall be a Class 2 felony for which the person shall be  
15 sentenced to a term of imprisonment of not less than 3 years  
16 and not more than 14 years. Violation of this Section by a  
17 person not confined in a penal institution who has been  
18 convicted of a forcible felony, a felony violation of Article  
19 24 of this Code or of the Firearm Owners Identification Card  
20 and Certificate of Handgun Registration Act, stalking or  
21 aggravated stalking, or a Class 2 or greater felony under the  
22 Illinois Controlled Substances Act, the Cannabis Control Act,  
23 or the Methamphetamine Control and Community Protection Act is  
24 a Class 2 felony for which the person shall be sentenced to not  
25 less than 3 years and not more than 14 years. Violation of this  
26 Section by a person who is on parole or mandatory supervised

1 release is a Class 2 felony for which the person shall be  
2 sentenced to not less than 3 years and not more than 14 years.  
3 Violation of this Section by a person not confined in a penal  
4 institution is a Class X felony when the firearm possessed is a  
5 machine gun. Any person who violates this Section while  
6 confined in a penal institution, which is a facility of the  
7 Illinois Department of Corrections, is guilty of a Class 1  
8 felony, if he possesses any weapon prohibited under Section  
9 24-1 of this Code regardless of the intent with which he  
10 possesses it, a Class X felony if he possesses any firearm,  
11 firearm ammunition or explosive, and a Class X felony for which  
12 the offender shall be sentenced to not less than 12 years and  
13 not more than 50 years when the firearm possessed is a machine  
14 gun. A violation of this Section while wearing or in possession  
15 of body armor as defined in Section 33F-1 is a Class X felony  
16 punishable by a term of imprisonment of not less than 10 years  
17 and not more than 40 years. The possession of each firearm or  
18 firearm ammunition in violation of this Section constitutes a  
19 single and separate violation.

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

21 (720 ILCS 5/24-1.6)

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

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

25 (1) Carries on or about his or her person or in any

1 vehicle or concealed on or about his or her person except  
2 when on his or her land or in his or her abode, legal  
3 dwelling, or fixed place of business, or on the land or in  
4 the legal dwelling of another person as an invitee with  
5 that person's permission, any pistol, revolver, stun gun or  
6 taser or other firearm; or

7 (2) Carries or possesses on or about his or her person,  
8 upon any public street, alley, or other public lands within  
9 the corporate limits of a city, village or incorporated  
10 town, except when an invitee thereon or therein, for the  
11 purpose of the display of such weapon or the lawful  
12 commerce in weapons, or except when on his or her own land  
13 or in his or her own abode, legal dwelling, or fixed place  
14 of business, or on the land or in the legal dwelling of  
15 another person as an invitee with that person's permission,  
16 any pistol, revolver, stun gun or taser or other firearm;  
17 and

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

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

21 (B) the firearm possessed was uncased, unloaded  
22 and the ammunition for the weapon was immediately  
23 accessible at the time of the offense; or

24 (C) the person possessing the firearm has not been  
25 issued a currently valid Firearm Owner's  
26 Identification Card; or

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

5 (E) the person possessing the weapon was engaged in  
6 a misdemeanor violation of the Cannabis Control Act, in  
7 a misdemeanor violation of the Illinois Controlled  
8 Substances Act, or in a misdemeanor violation of the  
9 Methamphetamine Control and Community Protection Act;  
10 or

11 (F) (blank); or

12 (G) the person possessing the weapon had a order of  
13 protection issued against him or her within the  
14 previous 2 years; or

15 (H) the person possessing the weapon was engaged in  
16 the commission or attempted commission of a  
17 misdemeanor involving the use or threat of violence  
18 against the person or property of another; or

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

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

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

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

4                   (ii) are not immediately accessible; or

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

9           (d) Sentence.

10                   (1) Aggravated unlawful use of a weapon is a Class 4  
11 felony; a second or subsequent offense is a Class 2 felony  
12 for which the person shall be sentenced to a term of  
13 imprisonment of not less than 3 years and not more than 7  
14 years.

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

23                   (3) Aggravated unlawful use of a weapon by a person who  
24 has been previously convicted of a felony in this State or  
25 another jurisdiction is a Class 2 felony for which the  
26 person shall be sentenced to a term of imprisonment of not



1 less than 3 years and not more than 7 years.

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

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

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

12 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

14 (A) A person commits the offense of unlawful sale or  
15 delivery of firearms when he or she knowingly does any of the  
16 following:

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

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

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

24 (d) Sells or gives any firearm to any person who has  
25 been convicted of a felony under the laws of this or any

1 other jurisdiction.

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

5 (f) Sells or gives any firearms to any person who is  
6 intellectually disabled.

7 (g) Delivers any firearm of a size which may be  
8 concealed upon the person, incidental to a sale, without  
9 withholding delivery of such firearm for at least 72 hours  
10 after application for its purchase has been made, or  
11 delivers any rifle, shotgun or other long gun, or a stun  
12 gun or taser, incidental to a sale, without withholding  
13 delivery of such rifle, shotgun or other long gun, or a  
14 stun gun or taser for at least 24 hours after application  
15 for its purchase has been made. However, this paragraph (g)  
16 does not apply to: (1) the sale of a firearm to a law  
17 enforcement officer if the seller of the firearm knows that  
18 the person to whom he or she is selling the firearm is a  
19 law enforcement officer or the sale of a firearm to a  
20 person who desires to purchase a firearm for use in  
21 promoting the public interest incident to his or her  
22 employment as a bank guard, armed truck guard, or other  
23 similar employment; (2) a mail order sale of a firearm to a  
24 nonresident of Illinois under which the firearm is mailed  
25 to a point outside the boundaries of Illinois; (3) the sale  
26 of a firearm to a nonresident of Illinois while at a

1 firearm showing or display recognized by the Illinois  
2 Department of State Police; or (4) the sale of a firearm to  
3 a dealer licensed as a federal firearms dealer under  
4 Section 923 of the federal Gun Control Act of 1968 (18  
5 U.S.C. 923). For purposes of this paragraph (g),  
6 "application" means when the buyer and seller reach an  
7 agreement to purchase a firearm.

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

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

24 (j) Sells or gives a firearm while engaged in the  
25 business of selling firearms at wholesale or retail without  
26 being licensed as a federal firearms dealer under Section

1 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

2 In this paragraph (j):

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

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

19 (k) Sells or transfers ownership of a firearm to a  
20 person who does not display to the seller or transferor of  
21 the firearm a currently valid Firearm Owner's  
22 Identification Card that has previously been issued in the  
23 transferee's name by the Department of State Police under  
24 the provisions of the Firearm Owners Identification Card  
25 and Certificate of Handgun Registration Act. This  
26 paragraph (k) does not apply to the transfer of a firearm

1 to a person who is exempt from the requirement of  
2 possessing a Firearm Owner's Identification Card under  
3 Section 2 of the Firearm Owners Identification Card and  
4 Certificate of Handgun Registration Act. For the purposes  
5 of this Section, a currently valid Firearm Owner's  
6 Identification Card means (i) a Firearm Owner's  
7 Identification Card that has not expired or (ii) if the  
8 transferor is licensed as a federal firearms dealer under  
9 Section 923 of the federal Gun Control Act of 1968 (18  
10 U.S.C. 923), an approval number issued in accordance with  
11 Section 3.1 of the Firearm Owners Identification Card and  
12 Certificate of Handgun Registration Act shall be proof that  
13 the Firearm Owner's Identification Card was valid.

14 (l) Not being entitled to the possession of a firearm,  
15 delivers the firearm, knowing it to have been stolen or  
16 converted. It may be inferred that a person who possesses a  
17 firearm with knowledge that its serial number has been  
18 removed or altered has knowledge that the firearm is stolen  
19 or converted.

20 (B) Paragraph (h) of subsection (A) does not include  
21 firearms sold within 6 months after enactment of Public Act  
22 78-355 (approved August 21, 1973, effective October 1, 1973),  
23 nor is any firearm legally owned or possessed by any citizen or  
24 purchased by any citizen within 6 months after the enactment of  
25 Public Act 78-355 subject to confiscation or seizure under the  
26 provisions of that Public Act. Nothing in Public Act 78-355

1 shall be construed to prohibit the gift or trade of any firearm  
2 if that firearm was legally held or acquired within 6 months  
3 after the enactment of that Public Act.

4 (C) Sentence.

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

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

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

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

1 property comprising a school, within 1,000 feet of the real  
2 property comprising a school, at a school related activity,  
3 or on or within 1,000 feet of any conveyance owned, leased,  
4 or contracted by a school or school district to transport  
5 students to or from school or a school related activity,  
6 regardless of the time of day or time of year at which the  
7 offense was committed, commits a Class 1 felony for which  
8 the sentence shall be a term of imprisonment of no less  
9 than 5 years and no more than 15 years.

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

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

1 of firearms in violation of paragraph (j) of subsection (A)  
2 commits a Class A misdemeanor. A second or subsequent  
3 violation is a Class 4 felony.

4 (7) Any person convicted of unlawful sale or delivery  
5 of firearms in violation of paragraph (k) of subsection (A)  
6 commits a Class 4 felony. A third or subsequent conviction  
7 for a violation of paragraph (k) of subsection (A) is a  
8 Class 1 felony.

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

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

21 (10) Any person convicted of unlawful sale or delivery  
22 of firearms in violation of paragraph (l) of subsection (A)  
23 commits a Class 2 felony if the delivery is of one firearm.  
24 Any person convicted of unlawful sale or delivery of  
25 firearms in violation of paragraph (l) of subsection (A)  
26 commits a Class 1 felony if the delivery is of not less



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

1 time or within a 5 year period.

2 (D) For purposes of this Section:

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

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

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

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

18 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

24 For purposes of this Section:

25 "Armor piercing bullet" means any handgun bullet or handgun

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

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

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

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

25 (b) A person commits a Class X felony when he or she,  
26 knowing that a firearm, as defined in Section 1.1 of the

1 Firearm Owners Identification Card and Certificate of Handgun  
2 Registration Act, is loaded with an armor piercing bullet,  
3 dragon's breath shotgun shell, bolo shell, or flechette shell,  
4 intentionally or recklessly discharges such firearm and such  
5 bullet or shell strikes any other person.

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

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

12 (1) Peace officers;

13 (2) Wardens, superintendents and keepers of prisons,  
14 penitentiaries, jails and other institutions for the  
15 detention of persons accused or convicted of an offense;

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

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

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

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

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

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

1           (a) It shall be unlawful for any person who holds a license  
2 to sell at retail any alcoholic liquor issued by the Illinois  
3 Liquor Control Commission or local liquor control commissioner  
4 under the Liquor Control Act of 1934 or an agent or employee of  
5 the licensee to sell or deliver to any other person a firearm  
6 in or on the real property of the establishment where the  
7 licensee is licensed to sell alcoholic liquors unless the sale  
8 or delivery of the firearm is otherwise lawful under this  
9 Article and under the Firearm Owners Identification Card and  
10 Certificate of Handgun Registration Act.

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

13           (Source: P.A. 87-591.)

14           (720 ILCS 5/24-3.5)

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

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

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

25           (2) on which the transferee certifies that he or she is

1 not prohibited by federal law from transporting or shipping  
2 a firearm in interstate or foreign commerce or receiving a  
3 firearm that has been shipped or transported in interstate  
4 or foreign commerce or possessing a firearm in or affecting  
5 commerce.

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

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

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

23 (e) Sentence.

24 (1) A person who commits the offense of unlawful  
25 purchase of a firearm:

26 (A) is guilty of a Class 2 felony for purchasing or

1 attempting to purchase one firearm;

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

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

11 (2) In addition to any other penalty that may be  
12 imposed for a violation of this Section, the court may  
13 sentence a person convicted of a violation of subsection  
14 (c) of this Section to a fine not to exceed \$250,000 for  
15 each violation.

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

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

19 (720 ILCS 5/24-9)

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

21 (a) Except as provided in subsection (c), it is unlawful  
22 for any person to store or leave, within premises under his or  
23 her control, a firearm if the person knows or has reason to  
24 believe that a minor under the age of 14 years who does not  
25 have a Firearm Owners Identification Card is likely to gain

1 access to the firearm without the lawful permission of the  
2 minor's parent, guardian, or person having charge of the minor,  
3 and the minor causes death or great bodily harm with the  
4 firearm, unless the firearm is:

5 (1) secured by a device or mechanism, other than the  
6 firearm safety, designed to render a firearm temporarily  
7 inoperable; or

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

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

12 (b) Sentence. A person who violates this Section is guilty  
13 of a Class C misdemeanor and shall be fined not less than  
14 \$1,000. A second or subsequent violation of this Section is a  
15 Class A misdemeanor.

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

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

20 (2) to any firearm obtained by a minor under the age of  
21 14 because of an unlawful entry of the premises by the  
22 minor or another person.

23 (d) For the purposes of this Section, "firearm" has the  
24 meaning ascribed to it in Section 1.1 of the Firearm Owners  
25 Identification Card and Certificate of Handgun Registration  
26 Act.



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

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

4 (720 ILCS 646/10)

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

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

8 "Anhydrous ammonia equipment" means all items used to  
9 store, hold, contain, handle, transfer, transport, or apply  
10 anhydrous ammonia for lawful purposes.

11 "Booby trap" means any device designed to cause physical  
12 injury when triggered by an act of a person approaching,  
13 entering, or moving through a structure, a vehicle, or any  
14 location where methamphetamine has been manufactured, is being  
15 manufactured, or is intended to be manufactured.

16 "Deliver" or "delivery" has the meaning provided in  
17 subsection (h) of Section 102 of the Illinois Controlled  
18 Substances Act.

19 "Director" means the Director of State Police or the  
20 Director's designated agents.

21 "Dispose" or "disposal" means to abandon, discharge,  
22 release, deposit, inject, dump, spill, leak, or place  
23 methamphetamine waste onto or into any land, water, or well of  
24 any type so that the waste has the potential to enter the

1 environment, be emitted into the air, or be discharged into the  
2 soil or any waters, including groundwater.

3 "Emergency response" means the act of collecting evidence  
4 from or securing a methamphetamine laboratory site,  
5 methamphetamine waste site or other methamphetamine-related  
6 site and cleaning up the site, whether these actions are  
7 performed by public entities or private contractors paid by  
8 public entities.

9 "Emergency service provider" means a local, State, or  
10 federal peace officer, firefighter, emergency medical  
11 technician-ambulance, emergency medical  
12 technician-intermediate, emergency medical  
13 technician-paramedic, ambulance driver, or other medical or  
14 first aid personnel rendering aid, or any agent or designee of  
15 the foregoing.

16 "Finished methamphetamine" means methamphetamine in a form  
17 commonly used for personal consumption.

18 "Firearm" has the meaning provided in Section 1.1 of the  
19 Firearm Owners Identification Card and Certificate of Handgun  
20 Registration Act.

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

1 foregoing.

2 "Methamphetamine" means the chemical methamphetamine (a  
3 Schedule II controlled substance under the Illinois Controlled  
4 Substances Act) or any salt, optical isomer, salt of optical  
5 isomer, or analog thereof, with the exception of  
6 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
7 scheduled substance with a separate listing under the Illinois  
8 Controlled Substances Act.

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

13 "Methamphetamine manufacturing environment" means a  
14 structure or vehicle in which:

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

16 (2) chemicals that are being used, have been used, or  
17 are intended to be used to manufacture methamphetamine are  
18 stored;

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

21 (4) methamphetamine manufacturing waste is stored.

22 "Methamphetamine manufacturing material" means any  
23 methamphetamine precursor, substance containing any  
24 methamphetamine precursor, methamphetamine manufacturing  
25 catalyst, substance containing any methamphetamine  
26 manufacturing catalyst, methamphetamine manufacturing reagent,

1 substance containing any methamphetamine manufacturing  
2 reagent, methamphetamine manufacturing solvent, substance  
3 containing any methamphetamine manufacturing solvent, or any  
4 other chemical, substance, ingredient, equipment, apparatus,  
5 or item that is being used, has been used, or is intended to be  
6 used in the manufacture of methamphetamine.

7 "Methamphetamine manufacturing reagent" means any  
8 substance other than a methamphetamine manufacturing catalyst  
9 that has been used, is being used, or is intended to be used to  
10 react with and chemically alter any methamphetamine precursor.

11 "Methamphetamine manufacturing solvent" means any  
12 substance that has been used, is being used, or is intended to  
13 be used as a medium in which any methamphetamine precursor,  
14 methamphetamine manufacturing catalyst, methamphetamine  
15 manufacturing reagent, or any substance containing any of the  
16 foregoing is dissolved, diluted, or washed during any part of  
17 the methamphetamine manufacturing process.

18 "Methamphetamine manufacturing waste" means any chemical,  
19 substance, ingredient, equipment, apparatus, or item that is  
20 left over from, results from, or is produced by the process of  
21 manufacturing methamphetamine, other than finished  
22 methamphetamine.

23 "Methamphetamine precursor" means ephedrine,  
24 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
25 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
26 isomer, or salt of an optical isomer of any of these chemicals.

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

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

8 "Participate" or "participation" in the manufacture of  
9 methamphetamine means to produce, prepare, compound, convert,  
10 process, synthesize, concentrate, purify, separate, extract,  
11 or package any methamphetamine, methamphetamine precursor,  
12 methamphetamine manufacturing catalyst, methamphetamine  
13 manufacturing reagent, methamphetamine manufacturing solvent,  
14 or any substance containing any of the foregoing, or to assist  
15 in any of these actions, or to attempt to take any of these  
16 actions, regardless of whether this action or these actions  
17 result in the production of finished methamphetamine.

18 "Person with a disability" means a person who suffers from  
19 a permanent physical or mental impairment resulting from  
20 disease, injury, functional disorder, or congenital condition  
21 which renders the person incapable of adequately providing for  
22 his or her own health and personal care.

23 "Procure" means to purchase, steal, gather, or otherwise  
24 obtain, by legal or illegal means, or to cause another to take  
25 such action.

26 "Second or subsequent offense" means an offense under this

1 Act committed by an offender who previously committed an  
2 offense under this Act, the Illinois Controlled Substances Act,  
3 the Cannabis Control Act, or another Act of this State, another  
4 state, or the United States relating to methamphetamine,  
5 cannabis, or any other controlled substance.

6 "Standard dosage form", as used in relation to any  
7 methamphetamine precursor, means that the methamphetamine  
8 precursor is contained in a pill, tablet, capsule, caplet, gel  
9 cap, or liquid cap that has been manufactured by a lawful  
10 entity and contains a standard quantity of methamphetamine  
11 precursor.

12 "Unauthorized container", as used in relation to anhydrous  
13 ammonia, means any container that is not designed for the  
14 specific and sole purpose of holding, storing, transporting, or  
15 applying anhydrous ammonia. "Unauthorized container" includes,  
16 but is not limited to, any propane tank, fire extinguisher,  
17 oxygen cylinder, gasoline can, food or beverage cooler, or  
18 compressed gas cylinder used in dispensing fountain drinks.  
19 "Unauthorized container" does not encompass anhydrous ammonia  
20 manufacturing plants, refrigeration systems where anhydrous  
21 ammonia is used solely as a refrigerant, anhydrous ammonia  
22 transportation pipelines, anhydrous ammonia tankers, or  
23 anhydrous ammonia barges.

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

25 Section 50. The Unified Code of Corrections is amended by

1 changing Sections 5-5-3 and 5-5-3.2 as follows:

2 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

7 (2) A period of probation, a term of periodic  
8 imprisonment or conditional discharge shall not be imposed  
9 for the following offenses. The court shall sentence the  
10 offender to not less than the minimum term of imprisonment  
11 set forth in this Code for the following offenses, and may  
12 order a fine or restitution or both in conjunction with  
13 such term of imprisonment:

14 (A) First degree murder where the death penalty is  
15 not imposed.

16 (B) Attempted first degree murder.

17 (C) A Class X felony.

18 (D) A violation of Section 401.1 or 407 of the  
19 Illinois Controlled Substances Act, or a violation of  
20 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
21 of that Act which relates to more than 5 grams of a  
22 substance containing heroin, cocaine, fentanyl, or an  
23 analog thereof.

24 (E) A violation of Section 5.1 or 9 of the Cannabis  
25 Control Act.

1 (F) A Class 2 or greater felony if the offender had  
2 been convicted of a Class 2 or greater felony,  
3 including any state or federal conviction for an  
4 offense that contained, at the time it was committed,  
5 the same elements as an offense now (the date of the  
6 offense committed after the prior Class 2 or greater  
7 felony) classified as a Class 2 or greater felony,  
8 within 10 years of the date on which the offender  
9 committed the offense for which he or she is being  
10 sentenced, except as otherwise provided in Section  
11 40-10 of the Alcoholism and Other Drug Abuse and  
12 Dependency Act.

13 (F-5) A violation of Section 24-1, 24-1.1, or  
14 24-1.6 of the Criminal Code of 1961 for which  
15 imprisonment is prescribed in those Sections.

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

19 (H) Criminal sexual assault.

20 (I) Aggravated battery of a senior citizen as  
21 described in Section 12-4.6 or subdivision (a)(4) of  
22 Section 12-3.05.

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

25 Before July 1, 1994, for the purposes of this  
26 paragraph, "organized gang" means an association of 5



1 or more persons, with an established hierarchy, that  
2 encourages members of the association to perpetrate  
3 crimes or provides support to the members of the  
4 association who do commit crimes.

5 Beginning July 1, 1994, for the purposes of this  
6 paragraph, "organized gang" has the meaning ascribed  
7 to it in Section 10 of the Illinois Streetgang  
8 Terrorism Omnibus Prevention Act.

9 (K) Vehicular hijacking.

10 (L) A second or subsequent conviction for the  
11 offense of hate crime when the underlying offense upon  
12 which the hate crime is based is felony aggravated  
13 assault or felony mob action.

14 (M) A second or subsequent conviction for the  
15 offense of institutional vandalism if the damage to the  
16 property exceeds \$300.

17 (N) A Class 3 felony violation of paragraph (1) of  
18 subsection (a) of Section 2 of the Firearm Owners  
19 Identification Card and Certificate of Handgun  
20 Registration Act.

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

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

26 (Q) A violation of Section 20-1.2 or 20-1.3 of the

1 Criminal Code of 1961.

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

4 (S) (Blank).

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

7 (U) A second or subsequent violation of Section  
8 6-303 of the Illinois Vehicle Code committed while his  
9 or her driver's license, permit, or privilege was  
10 revoked because of a violation of Section 9-3 of the  
11 Criminal Code of 1961, relating to the offense of  
12 reckless homicide, or a similar provision of a law of  
13 another state.

14 (V) A violation of paragraph (4) of subsection (c)  
15 of Section 11-20.1B or paragraph (4) of subsection (c)  
16 of Section 11-20.3 of the Criminal Code of 1961.

17 (W) A violation of Section 24-3.5 of the Criminal  
18 Code of 1961.

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

21 (Y) A conviction for unlawful possession of a  
22 firearm by a street gang member when the firearm was  
23 loaded or contained firearm ammunition.

24 (Z) A Class 1 felony committed while he or she was  
25 serving a term of probation or conditional discharge  
26 for a felony.

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

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

5 (CC) Knowingly selling, offering for sale, holding  
6 for sale, or using 2,000 or more counterfeit items or  
7 counterfeit items having a retail value in the  
8 aggregate of \$500,000 or more.

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

13 (3) (Blank).

14 (4) A minimum term of imprisonment of not less than 10  
15 consecutive days or 30 days of community service shall be  
16 imposed for a violation of paragraph (c) of Section 6-303  
17 of the Illinois Vehicle Code.

18 (4.1) (Blank).

19 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
20 of this subsection (c), a minimum of 100 hours of community  
21 service shall be imposed for a second violation of Section  
22 6-303 of the Illinois Vehicle Code.

23 (4.3) A minimum term of imprisonment of 30 days or 300  
24 hours of community service, as determined by the court,  
25 shall be imposed for a second violation of subsection (c)  
26 of Section 6-303 of the Illinois Vehicle Code.

1           (4.4) Except as provided in paragraphs (4.5), (4.6),  
2           and (4.9) of this subsection (c), a minimum term of  
3           imprisonment of 30 days or 300 hours of community service,  
4           as determined by the court, shall be imposed for a third or  
5           subsequent violation of Section 6-303 of the Illinois  
6           Vehicle Code.

7           (4.5) A minimum term of imprisonment of 30 days shall  
8           be imposed for a third violation of subsection (c) of  
9           Section 6-303 of the Illinois Vehicle Code.

10          (4.6) Except as provided in paragraph (4.10) of this  
11          subsection (c), a minimum term of imprisonment of 180 days  
12          shall be imposed for a fourth or subsequent violation of  
13          subsection (c) of Section 6-303 of the Illinois Vehicle  
14          Code.

15          (4.7) A minimum term of imprisonment of not less than  
16          30 consecutive days, or 300 hours of community service,  
17          shall be imposed for a violation of subsection (a-5) of  
18          Section 6-303 of the Illinois Vehicle Code, as provided in  
19          subsection (b-5) of that Section.

20          (4.8) A mandatory prison sentence shall be imposed for  
21          a second violation of subsection (a-5) of Section 6-303 of  
22          the Illinois Vehicle Code, as provided in subsection (c-5)  
23          of that Section. The person's driving privileges shall be  
24          revoked for a period of not less than 5 years from the date  
25          of his or her release from prison.

26          (4.9) A mandatory prison sentence of not less than 4

1 and not more than 15 years shall be imposed for a third  
2 violation of subsection (a-5) of Section 6-303 of the  
3 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
4 that Section. The person's driving privileges shall be  
5 revoked for the remainder of his or her life.

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

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

15 (A) a period of conditional discharge;

16 (B) a fine;

17 (C) make restitution to the victim under Section  
18 5-5-6 of this Code.

19 (5.1) In addition to any other penalties imposed, and  
20 except as provided in paragraph (5.2) or (5.3), a person  
21 convicted of violating subsection (c) of Section 11-907 of  
22 the Illinois Vehicle Code shall have his or her driver's  
23 license, permit, or privileges suspended for at least 90  
24 days but not more than one year, if the violation resulted  
25 in damage to the property of another person.

26 (5.2) In addition to any other penalties imposed, and

1       except as provided in paragraph (5.3), a person convicted  
2       of violating subsection (c) of Section 11-907 of the  
3       Illinois Vehicle Code shall have his or her driver's  
4       license, permit, or privileges suspended for at least 180  
5       days but not more than 2 years, if the violation resulted  
6       in injury to another person.

7       (5.3) In addition to any other penalties imposed, a  
8       person convicted of violating subsection (c) of Section  
9       11-907 of the Illinois Vehicle Code shall have his or her  
10      driver's license, permit, or privileges suspended for 2  
11      years, if the violation resulted in the death of another  
12      person.

13      (5.4) In addition to any other penalties imposed, a  
14      person convicted of violating Section 3-707 of the Illinois  
15      Vehicle Code shall have his or her driver's license,  
16      permit, or privileges suspended for 3 months and until he  
17      or she has paid a reinstatement fee of \$100.

18      (5.5) In addition to any other penalties imposed, a  
19      person convicted of violating Section 3-707 of the Illinois  
20      Vehicle Code during a period in which his or her driver's  
21      license, permit, or privileges were suspended for a  
22      previous violation of that Section shall have his or her  
23      driver's license, permit, or privileges suspended for an  
24      additional 6 months after the expiration of the original  
25      3-month suspension and until he or she has paid a  
26      reinstatement fee of \$100.

1 (6) (Blank).

2 (7) (Blank).

3 (8) (Blank).

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

7 (10) (Blank).

8 (11) The court shall impose a minimum fine of \$1,000  
9 for a first offense and \$2,000 for a second or subsequent  
10 offense upon a person convicted of or placed on supervision  
11 for battery when the individual harmed was a sports  
12 official or coach at any level of competition and the act  
13 causing harm to the sports official or coach occurred  
14 within an athletic facility or within the immediate  
15 vicinity of the athletic facility at which the sports  
16 official or coach was an active participant of the athletic  
17 contest held at the athletic facility. For the purposes of  
18 this paragraph (11), "sports official" means a person at an  
19 athletic contest who enforces the rules of the contest,  
20 such as an umpire or referee; "athletic facility" means an  
21 indoor or outdoor playing field or recreational area where  
22 sports activities are conducted; and "coach" means a person  
23 recognized as a coach by the sanctioning authority that  
24 conducted the sporting event.

25 (12) A person may not receive a disposition of court  
26 supervision for a violation of Section 5-16 of the Boat

1 Registration and Safety Act if that person has previously  
2 received a disposition of court supervision for a violation  
3 of that Section.

4 (13) A person convicted of or placed on court  
5 supervision for an assault or aggravated assault when the  
6 victim and the offender are family or household members as  
7 defined in Section 103 of the Illinois Domestic Violence  
8 Act of 1986 or convicted of domestic battery or aggravated  
9 domestic battery may be required to attend a Partner Abuse  
10 Intervention Program under protocols set forth by the  
11 Illinois Department of Human Services under such terms and  
12 conditions imposed by the court. The costs of such classes  
13 shall be paid by the offender.

14 (d) In any case in which a sentence originally imposed is  
15 vacated, the case shall be remanded to the trial court. The  
16 trial court shall hold a hearing under Section 5-4-1 of the  
17 Unified Code of Corrections which may include evidence of the  
18 defendant's life, moral character and occupation during the  
19 time since the original sentence was passed. The trial court  
20 shall then impose sentence upon the defendant. The trial court  
21 may impose any sentence which could have been imposed at the  
22 original trial subject to Section 5-5-4 of the Unified Code of  
23 Corrections. If a sentence is vacated on appeal or on  
24 collateral attack due to the failure of the trier of fact at  
25 trial to determine beyond a reasonable doubt the existence of a  
26 fact (other than a prior conviction) necessary to increase the



1 punishment for the offense beyond the statutory maximum  
2 otherwise applicable, either the defendant may be re-sentenced  
3 to a term within the range otherwise provided or, if the State  
4 files notice of its intention to again seek the extended  
5 sentence, the defendant shall be afforded a new trial.

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

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

13 (A) the defendant is willing to undergo a court  
14 approved counseling program for a minimum duration of 2  
15 years; or

16 (B) the defendant is willing to participate in a  
17 court approved plan including but not limited to the  
18 defendant's:

19 (i) removal from the household;

20 (ii) restricted contact with the victim;

21 (iii) continued financial support of the  
22 family;

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

24 and

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

1           (2) the court orders the defendant to pay for the  
2           victim's counseling services, to the extent that the court  
3           finds, after considering the defendant's income and  
4           assets, that the defendant is financially capable of paying  
5           for such services, if the victim was under 18 years of age  
6           at the time the offense was committed and requires  
7           counseling as a result of the offense.

8           Probation may be revoked or modified pursuant to Section  
9           5-6-4; except where the court determines at the hearing that  
10          the defendant violated a condition of his or her probation  
11          restricting contact with the victim or other family members or  
12          commits another offense with the victim or other family  
13          members, the court shall revoke the defendant's probation and  
14          impose a term of imprisonment.

15          For the purposes of this Section, "family member" and  
16          "victim" shall have the meanings ascribed to them in Section  
17          11-0.1 of the Criminal Code of 1961.

18          (f) (Blank).

19          (g) Whenever a defendant is convicted of an offense under  
20          Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
21          11-14.3, 11-14.4 except for an offense that involves keeping a  
22          place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
23          11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
24          12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the  
25          defendant shall undergo medical testing to determine whether  
26          the defendant has any sexually transmissible disease,

1 including a test for infection with human immunodeficiency  
2 virus (HIV) or any other identified causative agent of acquired  
3 immunodeficiency syndrome (AIDS). Any such medical test shall  
4 be performed only by appropriately licensed medical  
5 practitioners and may include an analysis of any bodily fluids  
6 as well as an examination of the defendant's person. Except as  
7 otherwise provided by law, the results of such test shall be  
8 kept strictly confidential by all medical personnel involved in  
9 the testing and must be personally delivered in a sealed  
10 envelope to the judge of the court in which the conviction was  
11 entered for the judge's inspection in camera. Acting in  
12 accordance with the best interests of the victim and the  
13 public, the judge shall have the discretion to determine to  
14 whom, if anyone, the results of the testing may be revealed.  
15 The court shall notify the defendant of the test results. The  
16 court shall also notify the victim if requested by the victim,  
17 and if the victim is under the age of 15 and if requested by the  
18 victim's parents or legal guardian, the court shall notify the  
19 victim's parents or legal guardian of the test results. The  
20 court shall provide information on the availability of HIV  
21 testing and counseling at Department of Public Health  
22 facilities to all parties to whom the results of the testing  
23 are revealed and shall direct the State's Attorney to provide  
24 the information to the victim when possible. A State's Attorney  
25 may petition the court to obtain the results of any HIV test  
26 administered under this Section, and the court shall grant the

1 disclosure if the State's Attorney shows it is relevant in  
2 order to prosecute a charge of criminal transmission of HIV  
3 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961  
4 against the defendant. The court shall order that the cost of  
5 any such test shall be paid by the county and may be taxed as  
6 costs against the convicted defendant.

7 (g-5) When an inmate is tested for an airborne communicable  
8 disease, as determined by the Illinois Department of Public  
9 Health including but not limited to tuberculosis, the results  
10 of the test shall be personally delivered by the warden or his  
11 or her designee in a sealed envelope to the judge of the court  
12 in which the inmate must appear for the judge's inspection in  
13 camera if requested by the judge. Acting in accordance with the  
14 best interests of those in the courtroom, the judge shall have  
15 the discretion to determine what if any precautions need to be  
16 taken to prevent transmission of the disease in the courtroom.

17 (h) Whenever a defendant is convicted of an offense under  
18 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
19 defendant shall undergo medical testing to determine whether  
20 the defendant has been exposed to human immunodeficiency virus  
21 (HIV) or any other identified causative agent of acquired  
22 immunodeficiency syndrome (AIDS). Except as otherwise provided  
23 by law, the results of such test shall be kept strictly  
24 confidential by all medical personnel involved in the testing  
25 and must be personally delivered in a sealed envelope to the  
26 judge of the court in which the conviction was entered for the

1 judge's inspection in camera. Acting in accordance with the  
2 best interests of the public, the judge shall have the  
3 discretion to determine to whom, if anyone, the results of the  
4 testing may be revealed. The court shall notify the defendant  
5 of a positive test showing an infection with the human  
6 immunodeficiency virus (HIV). The court shall provide  
7 information on the availability of HIV testing and counseling  
8 at Department of Public Health facilities to all parties to  
9 whom the results of the testing are revealed and shall direct  
10 the State's Attorney to provide the information to the victim  
11 when possible. A State's Attorney may petition the court to  
12 obtain the results of any HIV test administered under this  
13 Section, and the court shall grant the disclosure if the  
14 State's Attorney shows it is relevant in order to prosecute a  
15 charge of criminal transmission of HIV under Section 12-5.01 or  
16 12-16.2 of the Criminal Code of 1961 against the defendant. The  
17 court shall order that the cost of any such test shall be paid  
18 by the county and may be taxed as costs against the convicted  
19 defendant.

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

1 (j) In cases when prosecution for any violation of Section  
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
3 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
4 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
5 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
6 12-15, or 12-16 of the Criminal Code of 1961, any violation of  
7 the Illinois Controlled Substances Act, any violation of the  
8 Cannabis Control Act, or any violation of the Methamphetamine  
9 Control and Community Protection Act results in conviction, a  
10 disposition of court supervision, or an order of probation  
11 granted under Section 10 of the Cannabis Control Act, Section  
12 410 of the Illinois Controlled Substance Act, or Section 70 of  
13 the Methamphetamine Control and Community Protection Act of a  
14 defendant, the court shall determine whether the defendant is  
15 employed by a facility or center as defined under the Child  
16 Care Act of 1969, a public or private elementary or secondary  
17 school, or otherwise works with children under 18 years of age  
18 on a daily basis. When a defendant is so employed, the court  
19 shall order the Clerk of the Court to send a copy of the  
20 judgment of conviction or order of supervision or probation to  
21 the defendant's employer by certified mail. If the employer of  
22 the defendant is a school, the Clerk of the Court shall direct  
23 the mailing of a copy of the judgment of conviction or order of  
24 supervision or probation to the appropriate regional  
25 superintendent of schools. The regional superintendent of  
26 schools shall notify the State Board of Education of any

1 notification under this subsection.

2 (j-5) A defendant at least 17 years of age who is convicted  
3 of a felony and who has not been previously convicted of a  
4 misdemeanor or felony and who is sentenced to a term of  
5 imprisonment in the Illinois Department of Corrections shall as  
6 a condition of his or her sentence be required by the court to  
7 attend educational courses designed to prepare the defendant  
8 for a high school diploma and to work toward a high school  
9 diploma or to work toward passing the high school level Test of  
10 General Educational Development (GED) or to work toward  
11 completing a vocational training program offered by the  
12 Department of Corrections. If a defendant fails to complete the  
13 educational training required by his or her sentence during the  
14 term of incarceration, the Prisoner Review Board shall, as a  
15 condition of mandatory supervised release, require the  
16 defendant, at his or her own expense, to pursue a course of  
17 study toward a high school diploma or passage of the GED test.  
18 The Prisoner Review Board shall revoke the mandatory supervised  
19 release of a defendant who wilfully fails to comply with this  
20 subsection (j-5) upon his or her release from confinement in a  
21 penal institution while serving a mandatory supervised release  
22 term; however, the inability of the defendant after making a  
23 good faith effort to obtain financial aid or pay for the  
24 educational training shall not be deemed a wilful failure to  
25 comply. The Prisoner Review Board shall recommit the defendant  
26 whose mandatory supervised release term has been revoked under

1 this subsection (j-5) as provided in Section 3-3-9. This  
2 subsection (j-5) does not apply to a defendant who has a high  
3 school diploma or has successfully passed the GED test. This  
4 subsection (j-5) does not apply to a defendant who is  
5 determined by the court to be developmentally disabled or  
6 otherwise mentally incapable of completing the educational or  
7 vocational program.

8 (k) (Blank).

9 (l) (A) Except as provided in paragraph (C) of subsection  
10 (l), whenever a defendant, who is an alien as defined by  
11 the Immigration and Nationality Act, is convicted of any  
12 felony or misdemeanor offense, the court after sentencing  
13 the defendant may, upon motion of the State's Attorney,  
14 hold sentence in abeyance and remand the defendant to the  
15 custody of the Attorney General of the United States or his  
16 or her designated agent to be deported when:

17 (1) a final order of deportation has been issued  
18 against the defendant pursuant to proceedings under  
19 the Immigration and Nationality Act, and

20 (2) the deportation of the defendant would not  
21 deprecate the seriousness of the defendant's conduct  
22 and would not be inconsistent with the ends of justice.

23 Otherwise, the defendant shall be sentenced as  
24 provided in this Chapter V.

25 (B) If the defendant has already been sentenced for a  
26 felony or misdemeanor offense, or has been placed on



1           probation under Section 10 of the Cannabis Control Act,  
2           Section 410 of the Illinois Controlled Substances Act, or  
3           Section 70 of the Methamphetamine Control and Community  
4           Protection Act, the court may, upon motion of the State's  
5           Attorney to suspend the sentence imposed, commit the  
6           defendant to the custody of the Attorney General of the  
7           United States or his or her designated agent when:

8                     (1) a final order of deportation has been issued  
9                     against the defendant pursuant to proceedings under  
10                    the Immigration and Nationality Act, and

11                    (2) the deportation of the defendant would not  
12                    deprecate the seriousness of the defendant's conduct  
13                    and would not be inconsistent with the ends of justice.

14           (C) This subsection (1) does not apply to offenders who  
15           are subject to the provisions of paragraph (2) of  
16           subsection (a) of Section 3-6-3.

17           (D) Upon motion of the State's Attorney, if a defendant  
18           sentenced under this Section returns to the jurisdiction of  
19           the United States, the defendant shall be recommitted to  
20           the custody of the county from which he or she was  
21           sentenced. Thereafter, the defendant shall be brought  
22           before the sentencing court, which may impose any sentence  
23           that was available under Section 5-5-3 at the time of  
24           initial sentencing. In addition, the defendant shall not be  
25           eligible for additional good conduct credit for  
26           meritorious service as provided under Section 3-6-6.

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

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

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

21           (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
22 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
23 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
24 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
25 97-159, eff. 7-21-11; revised 9-14-11.)

1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
3 Sentencing.

4 (a) The following factors shall be accorded weight in favor  
5 of imposing a term of imprisonment or may be considered by the  
6 court as reasons to impose a more severe sentence under Section  
7 5-8-1 or Article 4.5 of Chapter V:

8 (1) the defendant's conduct caused or threatened  
9 serious harm;

10 (2) the defendant received compensation for committing  
11 the offense;

12 (3) the defendant has a history of prior delinquency or  
13 criminal activity;

14 (4) the defendant, by the duties of his office or by  
15 his position, was obliged to prevent the particular offense  
16 committed or to bring the offenders committing it to  
17 justice;

18 (5) the defendant held public office at the time of the  
19 offense, and the offense related to the conduct of that  
20 office;

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

24 (7) the sentence is necessary to deter others from  
25 committing the same crime;

26 (8) the defendant committed the offense against a

1 person 60 years of age or older or such person's property;

2 (9) the defendant committed the offense against a  
3 person who is physically handicapped or such person's  
4 property;

5 (10) by reason of another individual's actual or  
6 perceived race, color, creed, religion, ancestry, gender,  
7 sexual orientation, physical or mental disability, or  
8 national origin, the defendant committed the offense  
9 against (i) the person or property of that individual; (ii)  
10 the person or property of a person who has an association  
11 with, is married to, or has a friendship with the other  
12 individual; or (iii) the person or property of a relative  
13 (by blood or marriage) of a person described in clause (i)  
14 or (ii). For the purposes of this Section, "sexual  
15 orientation" means heterosexuality, homosexuality, or  
16 bisexuality;

17 (11) the offense took place in a place of worship or on  
18 the grounds of a place of worship, immediately prior to,  
19 during or immediately following worship services. For  
20 purposes of this subparagraph, "place of worship" shall  
21 mean any church, synagogue or other building, structure or  
22 place used primarily for religious worship;

23 (12) the defendant was convicted of a felony committed  
24 while he was released on bail or his own recognizance  
25 pending trial for a prior felony and was convicted of such  
26 prior felony, or the defendant was convicted of a felony

1 committed while he was serving a period of probation,  
2 conditional discharge, or mandatory supervised release  
3 under subsection (d) of Section 5-8-1 for a prior felony;

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

9 (14) the defendant held a position of trust or  
10 supervision such as, but not limited to, family member as  
11 defined in Section 11-0.1 of the Criminal Code of 1961,  
12 teacher, scout leader, baby sitter, or day care worker, in  
13 relation to a victim under 18 years of age, and the  
14 defendant committed an offense in violation of Section  
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
16 11-14.4 except for an offense that involves keeping a place  
17 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
18 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
19 or 12-16 of the Criminal Code of 1961 against that victim;

20 (15) the defendant committed an offense related to the  
21 activities of an organized gang. For the purposes of this  
22 factor, "organized gang" has the meaning ascribed to it in  
23 Section 10 of the Streetgang Terrorism Omnibus Prevention  
24 Act;

25 (16) the defendant committed an offense in violation of  
26 one of the following Sections while in a school, regardless

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

12 (16.5) the defendant committed an offense in violation  
13 of one of the following Sections while in a day care  
14 center, regardless of the time of day or time of year; on  
15 the real property of a day care center, regardless of the  
16 time of day or time of year; or on a public way within  
17 1,000 feet of the real property comprising any day care  
18 center, regardless of the time of day or time of year:  
19 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
20 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
21 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
22 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
23 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
24 (a) (4) or (g) (1), of the Criminal Code of 1961;

25 (17) the defendant committed the offense by reason of  
26 any person's activity as a community policing volunteer or

1 to prevent any person from engaging in activity as a  
2 community policing volunteer. For the purpose of this  
3 Section, "community policing volunteer" has the meaning  
4 ascribed to it in Section 2-3.5 of the Criminal Code of  
5 1961;

6 (18) the defendant committed the offense in a nursing  
7 home or on the real property comprising a nursing home. For  
8 the purposes of this paragraph (18), "nursing home" means a  
9 skilled nursing or intermediate long term care facility  
10 that is subject to license by the Illinois Department of  
11 Public Health under the Nursing Home Care Act, the  
12 Specialized Mental Health Rehabilitation Act, or the ID/DD  
13 Community Care Act;

14 (19) the defendant was a federally licensed firearm  
15 dealer and was previously convicted of a violation of  
16 subsection (a) of Section 3 of the Firearm Owners  
17 Identification Card and Certificate of Handgun  
18 Registration Act and has now committed either a felony  
19 violation of the Firearm Owners Identification Card and  
20 Certificate of Handgun Registration Act or an act of armed  
21 violence while armed with a firearm;

22 (20) the defendant (i) committed the offense of  
23 reckless homicide under Section 9-3 of the Criminal Code of  
24 1961 or the offense of driving under the influence of  
25 alcohol, other drug or drugs, intoxicating compound or  
26 compounds or any combination thereof under Section 11-501

1 of the Illinois Vehicle Code or a similar provision of a  
2 local ordinance and (ii) was operating a motor vehicle in  
3 excess of 20 miles per hour over the posted speed limit as  
4 provided in Article VI of Chapter 11 of the Illinois  
5 Vehicle Code;

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

12 (22) the defendant committed the offense against a  
13 person that the defendant knew, or reasonably should have  
14 known, was a member of the Armed Forces of the United  
15 States serving on active duty. For purposes of this clause  
16 (22), the term "Armed Forces" means any of the Armed Forces  
17 of the United States, including a member of any reserve  
18 component thereof or National Guard unit called to active  
19 duty;

20 (23) the defendant committed the offense against a  
21 person who was elderly, disabled, or infirm by taking  
22 advantage of a family or fiduciary relationship with the  
23 elderly, disabled, or infirm person;

24 (24) the defendant committed any offense under Section  
25 11-20.1 of the Criminal Code of 1961 and possessed 100 or  
26 more images;



1           (25) the defendant committed the offense while the  
2 defendant or the victim was in a train, bus, or other  
3 vehicle used for public transportation;

4           (26) the defendant committed the offense of child  
5 pornography or aggravated child pornography, specifically  
6 including paragraph (1), (2), (3), (4), (5), or (7) of  
7 subsection (a) of Section 11-20.1 of the Criminal Code of  
8 1961 where a child engaged in, solicited for, depicted in,  
9 or posed in any act of sexual penetration or bound,  
10 fettered, or subject to sadistic, masochistic, or  
11 sadomasochistic abuse in a sexual context and specifically  
12 including paragraph (1), (2), (3), (4), (5), or (7) of  
13 subsection (a) of Section 11-20.3 of the Criminal Code of  
14 1961 where a child engaged in, solicited for, depicted in,  
15 or posed in any act of sexual penetration or bound,  
16 fettered, or subject to sadistic, masochistic, or  
17 sadomasochistic abuse in a sexual context; or

18           (27) the defendant committed the offense of first  
19 degree murder, assault, aggravated assault, battery,  
20 aggravated battery, robbery, armed robbery, or aggravated  
21 robbery against a person who was a veteran and the  
22 defendant knew, or reasonably should have known, that the  
23 person was a veteran performing duties as a representative  
24 of a veterans' organization. For the purposes of this  
25 paragraph (27), "veteran" means an Illinois resident who  
26 has served as a member of the United States Armed Forces, a

1 member of the Illinois National Guard, or a member of the  
2 United States Reserve Forces; and "veterans' organization"  
3 means an organization comprised of members of which  
4 substantially all are individuals who are veterans or  
5 spouses, widows, or widowers of veterans, the primary  
6 purpose of which is to promote the welfare of its members  
7 and to provide assistance to the general public in such a  
8 way as to confer a public benefit.

9 For the purposes of this Section:

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

12 "Day care center" means a public or private State certified  
13 and licensed day care center as defined in Section 2.09 of the  
14 Child Care Act of 1969 that displays a sign in plain view  
15 stating that the property is a day care center.

16 "Public transportation" means the transportation or  
17 conveyance of persons by means available to the general public,  
18 and includes paratransit services.

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

22 (1) When a defendant is convicted of any felony, after  
23 having been previously convicted in Illinois or any other  
24 jurisdiction of the same or similar class felony or greater  
25 class felony, when such conviction has occurred within 10  
26 years after the previous conviction, excluding time spent

1 in custody, and such charges are separately brought and  
2 tried and arise out of different series of acts; or

3 (2) When a defendant is convicted of any felony and the  
4 court finds that the offense was accompanied by  
5 exceptionally brutal or heinous behavior indicative of  
6 wanton cruelty; or

7 (3) When a defendant is convicted of any felony  
8 committed against:

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

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

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

15 (4) When a defendant is convicted of any felony and the  
16 offense involved any of the following types of specific  
17 misconduct committed as part of a ceremony, rite,  
18 initiation, observance, performance, practice or activity  
19 of any actual or ostensible religious, fraternal, or social  
20 group:

21 (i) the brutalizing or torturing of humans or  
22 animals;

23 (ii) the theft of human corpses;

24 (iii) the kidnapping of humans;

25 (iv) the desecration of any cemetery, religious,  
26 fraternal, business, governmental, educational, or

1 other building or property; or

2 (v) ritualized abuse of a child; or

3 (5) When a defendant is convicted of a felony other  
4 than conspiracy and the court finds that the felony was  
5 committed under an agreement with 2 or more other persons  
6 to commit that offense and the defendant, with respect to  
7 the other individuals, occupied a position of organizer,  
8 supervisor, financier, or any other position of management  
9 or leadership, and the court further finds that the felony  
10 committed was related to or in furtherance of the criminal  
11 activities of an organized gang or was motivated by the  
12 defendant's leadership in an organized gang; or

13 (6) When a defendant is convicted of an offense  
14 committed while using a firearm with a laser sight attached  
15 to it. For purposes of this paragraph, "laser sight" has  
16 the meaning ascribed to it in Section 24.6-5 of the  
17 Criminal Code of 1961; or

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

26 (8) When a defendant commits any felony and the

1 defendant used, possessed, exercised control over, or  
2 otherwise directed an animal to assault a law enforcement  
3 officer engaged in the execution of his or her official  
4 duties or in furtherance of the criminal activities of an  
5 organized gang in which the defendant is engaged.

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

9 (1) When a defendant is convicted of first degree  
10 murder, after having been previously convicted in Illinois  
11 of any offense listed under paragraph (c)(2) of Section  
12 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
13 within 10 years after the previous conviction, excluding  
14 time spent in custody, and the charges are separately  
15 brought and tried and arise out of different series of  
16 acts.

17 (1.5) When a defendant is convicted of first degree  
18 murder, after having been previously convicted of domestic  
19 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
20 (720 ILCS 5/12-3.3) committed on the same victim or after  
21 having been previously convicted of violation of an order  
22 of protection (720 ILCS 5/12-30) in which the same victim  
23 was the protected person.

24 (2) When a defendant is convicted of voluntary  
25 manslaughter, second degree murder, involuntary  
26 manslaughter, or reckless homicide in which the defendant

1 has been convicted of causing the death of more than one  
2 individual.

3 (3) When a defendant is convicted of aggravated  
4 criminal sexual assault or criminal sexual assault, when  
5 there is a finding that aggravated criminal sexual assault  
6 or criminal sexual assault was also committed on the same  
7 victim by one or more other individuals, and the defendant  
8 voluntarily participated in the crime with the knowledge of  
9 the participation of the others in the crime, and the  
10 commission of the crime was part of a single course of  
11 conduct during which there was no substantial change in the  
12 nature of the criminal objective.

13 (4) If the victim was under 18 years of age at the time  
14 of the commission of the offense, when a defendant is  
15 convicted of aggravated criminal sexual assault or  
16 predatory criminal sexual assault of a child under  
17 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
18 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS  
19 5/11-1.40 or 5/12-14.1).

20 (5) When a defendant is convicted of a felony violation  
21 of Section 24-1 of the Criminal Code of 1961 (720 ILCS  
22 5/24-1) and there is a finding that the defendant is a  
23 member of an organized gang.

24 (6) When a defendant was convicted of unlawful use of  
25 weapons under Section 24-1 of the Criminal Code of 1961  
26 (720 ILCS 5/24-1) for possessing a weapon that is not

1 readily distinguishable as one of the weapons enumerated in  
2 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
3 5/24-1).

4 (7) When a defendant is convicted of an offense  
5 involving the illegal manufacture of a controlled  
6 substance under Section 401 of the Illinois Controlled  
7 Substances Act (720 ILCS 570/401), the illegal manufacture  
8 of methamphetamine under Section 25 of the Methamphetamine  
9 Control and Community Protection Act (720 ILCS 646/25), or  
10 the illegal possession of explosives and an emergency  
11 response officer in the performance of his or her duties is  
12 killed or injured at the scene of the offense while  
13 responding to the emergency caused by the commission of the  
14 offense. In this paragraph, "emergency" means a situation  
15 in which a person's life, health, or safety is in jeopardy;  
16 and "emergency response officer" means a peace officer,  
17 community policing volunteer, fireman, emergency medical  
18 technician-ambulance, emergency medical  
19 technician-intermediate, emergency medical  
20 technician-paramedic, ambulance driver, other medical  
21 assistance or first aid personnel, or hospital emergency  
22 room personnel.

23 (d) For the purposes of this Section, "organized gang" has  
24 the meaning ascribed to it in Section 10 of the Illinois  
25 Streetgang Terrorism Omnibus Prevention Act.

26 (e) The court may impose an extended term sentence under

1 Article 4.5 of Chapter V upon an offender who has been  
2 convicted of a felony violation of Section 12-13, 12-14,  
3 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the  
4 victim of the offense is under 18 years of age at the time of  
5 the commission of the offense and, during the commission of the  
6 offense, the victim was under the influence of alcohol,  
7 regardless of whether or not the alcohol was supplied by the  
8 offender; and the offender, at the time of the commission of  
9 the offense, knew or should have known that the victim had  
10 consumed alcohol.

11 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,  
12 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;  
13 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.  
14 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,  
15 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,  
16 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

17 Section 55. The Mental Health and Developmental  
18 Disabilities Confidentiality Act is amended by changing  
19 Section 12 as follows:

20 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

21 Sec. 12. (a) If the United States Secret Service or the  
22 Department of State Police requests information from a mental  
23 health or developmental disability facility, as defined in  
24 Section 1-107 and 1-114 of the Mental Health and Developmental



1 Disabilities Code, relating to a specific recipient and the  
2 facility director determines that disclosure of such  
3 information may be necessary to protect the life of, or to  
4 prevent the infliction of great bodily harm to, a public  
5 official, or a person under the protection of the United States  
6 Secret Service, only the following information may be  
7 disclosed: the recipient's name, address, and age and the date  
8 of any admission to or discharge from a facility; and any  
9 information which would indicate whether or not the recipient  
10 has a history of violence or presents a danger of violence to  
11 the person under protection. Any information so disclosed shall  
12 be used for investigative purposes only and shall not be  
13 publicly disseminated. Any person participating in good faith  
14 in the disclosure of such information in accordance with this  
15 provision shall have immunity from any liability, civil,  
16 criminal or otherwise, if such information is disclosed relying  
17 upon the representation of an officer of the United States  
18 Secret Service or the Department of State Police that a person  
19 is under the protection of the United States Secret Service or  
20 is a public official.

21 For the purpose of this subsection (a), the term "public  
22 official" means the Governor, Lieutenant Governor, Attorney  
23 General, Secretary of State, State Comptroller, State  
24 Treasurer, member of the General Assembly, member of the United  
25 States Congress, Judge of the United States as defined in 28  
26 U.S.C. 451, Justice of the United States as defined in 28

1 U.S.C. 451, United States Magistrate Judge as defined in 28  
2 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
3 Supreme, Appellate, Circuit, or Associate Judge of the State of  
4 Illinois. The term shall also include the spouse, child or  
5 children of a public official.

6 (b) The Department of Human Services (acting as successor  
7 to the Department of Mental Health and Developmental  
8 Disabilities) and all public or private hospitals and mental  
9 health facilities are required, as hereafter described in this  
10 subsection, to furnish the Department of State Police only such  
11 information as may be required for the sole purpose of  
12 determining whether an individual who may be or may have been a  
13 patient is disqualified because of that status from receiving  
14 or retaining a Firearm Owner's Identification Card under  
15 subsection (e) or (f) of Section 8 of the Firearm Owners  
16 Identification Card and Certificate of Handgun Registration  
17 Act or 18 U.S.C. 922(g) and (n). All public or private  
18 hospitals and mental health facilities shall, in the form and  
19 manner required by the Department, provide such information as  
20 shall be necessary for the Department to comply with the  
21 reporting requirements to the Department of State Police. Such  
22 information shall be furnished within 7 days after admission to  
23 a public or private hospital or mental health facility or the  
24 provision of services to a patient described in clause (2) of  
25 this subsection (b). Any such information disclosed under this  
26 subsection shall remain privileged and confidential, and shall

1 not be redisclosed, except as required by clause (e)(2) of  
2 Section 3.1 of the Firearm Owners Identification Card and  
3 Certificate of Handgun Registration Act, nor utilized for any  
4 other purpose. The method of requiring the providing of such  
5 information shall guarantee that no information is released  
6 beyond what is necessary for this purpose. In addition, the  
7 information disclosed shall be provided by the Department  
8 within the time period established by Section 24-3 of the  
9 Criminal Code of 1961 regarding the delivery of firearms. The  
10 method used shall be sufficient to provide the necessary  
11 information within the prescribed time period, which may  
12 include periodically providing lists to the Department of Human  
13 Services or any public or private hospital or mental health  
14 facility of Firearm Owner's Identification Card applicants on  
15 which the Department or hospital shall indicate the identities  
16 of those individuals who are to its knowledge disqualified from  
17 having a Firearm Owner's Identification Card for reasons  
18 described herein. The Department may provide for a centralized  
19 source of information for the State on this subject under its  
20 jurisdiction.

21 Any person, institution, or agency, under this Act,  
22 participating in good faith in the reporting or disclosure of  
23 records and communications otherwise in accordance with this  
24 provision or with rules, regulations or guidelines issued by  
25 the Department shall have immunity from any liability, civil,  
26 criminal or otherwise, that might result by reason of the

1 action. For the purpose of any proceeding, civil or criminal,  
2 arising out of a report or disclosure in accordance with this  
3 provision, the good faith of any person, institution, or agency  
4 so reporting or disclosing shall be presumed. The full extent  
5 of the immunity provided in this subsection (b) shall apply to  
6 any person, institution or agency that fails to make a report  
7 or disclosure in the good faith belief that the report or  
8 disclosure would violate federal regulations governing the  
9 confidentiality of alcohol and drug abuse patient records  
10 implementing 42 U.S.C. 290dd-3 and 290ee-3.

11 For purposes of this subsection (b) only, the following  
12 terms shall have the meaning prescribed:

13 (1) "Hospital" means only that type of institution  
14 which is providing full-time residential facilities and  
15 treatment.

16 (2) "Patient" shall include only: (i) a person who is  
17 an in-patient or resident of any public or private hospital  
18 or mental health facility or (ii) a person who is an  
19 out-patient or provided services by a public or private  
20 hospital or mental health facility whose mental condition  
21 is of such a nature that it is manifested by violent,  
22 suicidal, threatening, or assaultive behavior or reported  
23 behavior, for which there is a reasonable belief by a  
24 physician, clinical psychologist, or qualified examiner  
25 that the condition poses a clear and present or imminent  
26 danger to the patient, any other person or the community

1 meaning the patient's condition poses a clear and present  
2 danger in accordance with subsection (f) of Section 8 of  
3 the Firearm Owners Identification Card and Certificate of  
4 Handgun Registration Act. The terms physician, clinical  
5 psychologist, and qualified examiner are defined in  
6 Sections 1-120, 1-103, and 1-122 of the Mental Health and  
7 Developmental Disabilities Code.

8 (3) "Mental health facility" is defined by Section  
9 1-114 of the Mental Health and Developmental Disabilities  
10 Code.

11 (c) Upon the request of a peace officer who takes a person  
12 into custody and transports such person to a mental health or  
13 developmental disability facility pursuant to Section 3-606 or  
14 4-404 of the Mental Health and Developmental Disabilities Code  
15 or who transports a person from such facility, a facility  
16 director shall furnish said peace officer the name, address,  
17 age and name of the nearest relative of the person transported  
18 to or from the mental health or developmental disability  
19 facility. In no case shall the facility director disclose to  
20 the peace officer any information relating to the diagnosis,  
21 treatment or evaluation of the person's mental or physical  
22 health.

23 For the purposes of this subsection (c), the terms "mental  
24 health or developmental disability facility", "peace officer"  
25 and "facility director" shall have the meanings ascribed to  
26 them in the Mental Health and Developmental Disabilities Code.

1 (d) Upon the request of a peace officer or prosecuting  
2 authority who is conducting a bona fide investigation of a  
3 criminal offense, or attempting to apprehend a fugitive from  
4 justice, a facility director may disclose whether a person is  
5 present at the facility. Upon request of a peace officer or  
6 prosecuting authority who has a valid forcible felony warrant  
7 issued, a facility director shall disclose: (1) whether the  
8 person who is the subject of the warrant is present at the  
9 facility and (2) the date of that person's discharge or future  
10 discharge from the facility. The requesting peace officer or  
11 prosecuting authority must furnish a case number and the  
12 purpose of the investigation or an outstanding arrest warrant  
13 at the time of the request. Any person, institution, or agency  
14 participating in good faith in disclosing such information in  
15 accordance with this subsection (d) is immune from any  
16 liability, civil, criminal or otherwise, that might result by  
17 reason of the action.

18 (Source: P.A. 95-564, eff. 6-1-08; 96-193, eff. 8-10-09.)

19 Section 60. The Uniform Disposition of Unclaimed Property  
20 Act is amended by changing Section 1 as follows:

21 (765 ILCS 1025/1) (from Ch. 141, par. 101)

22 Sec. 1. As used in this Act, unless the context otherwise  
23 requires:

24 (a) "Banking organization" means any bank, trust company,

1 savings bank, industrial bank, land bank, safe deposit company,  
2 or a private banker.

3 (b) "Business association" means any corporation, joint  
4 stock company, business trust, partnership, or any  
5 association, limited liability company, or other business  
6 entity consisting of one or more persons, whether or not for  
7 profit.

8 (c) "Financial organization" means any savings and loan  
9 association, building and loan association, credit union,  
10 currency exchange, co-operative bank, mutual funds, or  
11 investment company.

12 (d) "Holder" means any person in possession of property  
13 subject to this Act belonging to another, or who is trustee in  
14 case of a trust, or is indebted to another on an obligation  
15 subject to this Act.

16 (e) "Life insurance corporation" means any association or  
17 corporation transacting the business of insurance on the lives  
18 of persons or insurance appertaining thereto, including, but  
19 not by way of limitation, endowments and annuities.

20 (f) "Owner" means a depositor in case of a deposit, a  
21 beneficiary in case of a trust, a creditor, claimant, or payee  
22 in case of other property, or any person having a legal or  
23 equitable interest in property subject to this Act, or his  
24 legal representative.

25 (g) "Person" means any individual, business association,  
26 financial organization, government or political subdivision or

1 agency, public authority, estate, trust, or any other legal or  
2 commercial entity.

3 (h) "Utility" means any person who owns or operates, for  
4 public use, any plant, equipment, property, franchise, or  
5 license for the transmission of communications or the  
6 production, storage, transmission, sale, delivery, or  
7 furnishing of electricity, water, steam, oil or gas.

8 (i) (Blank).

9 (j) "Insurance company" means any person transacting the  
10 kinds of business enumerated in Section 4 of the Illinois  
11 Insurance Code other than life insurance.

12 (k) "Economic loss", as used in Sections 2a and 9 of this  
13 Act includes, but is not limited to, delivery charges,  
14 mark-downs and write-offs, carrying costs, restocking charges,  
15 lay-aways, special orders, issuance of credit memos, and the  
16 costs of special services or goods provided that reduce the  
17 property value or that result in lost sales opportunity.

18 (l) "Reportable property" means property, tangible or  
19 intangible, presumed abandoned under this Act that must be  
20 appropriately and timely reported and remitted to the Office of  
21 the State Treasurer under this Act. Interest, dividends, stock  
22 splits, warrants, or other rights that become reportable  
23 property under this Act include the underlying security or  
24 commodity giving rise to the interest, dividend, split,  
25 warrant, or other right to which the owner would be entitled.

26 (m) "Firearm" has the meaning ascribed to that term in the



1 Firearm Owners Identification Card and Certificate of Handgun  
2 Registration Act.

3 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,  
4 eff. 6-2-00.)".