

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the  
5 Firearm Concealed Carry Act.

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

7 "Applicant" means a person who is applying for a license to  
8 carry a concealed firearm under this Act.

9 "Board" means the Concealed Carry Licensing Review Board.

10 "Concealed firearm" means a loaded or unloaded handgun  
11 carried on or about a person completely or mostly concealed  
12 from view of the public or on or about a person within a  
13 vehicle.

14 "Department" means the Department of State Police.

15 "Director" means the Director of State Police.

16 "Handgun" means any device which is designed to expel a  
17 projectile or projectiles by the action of an explosion,  
18 expansion of gas, or escape of gas that is designed to be held  
19 and fired by the use of a single hand. "Handgun" does not  
20 include:

21 (1) a stun gun or taser;

22 (2) a machine gun as defined in item (i) of paragraph

23 (7) of subsection (a) of Section 24-1 of the Criminal Code

1 of 2012;

2 (3) a short-barreled rifle or shotgun as defined in  
3 item (ii) of paragraph (7) of subsection (a) of Section  
4 24-1 of the Criminal Code of 2012; or

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

11 "Law enforcement agency" means any federal, State, or local  
12 law enforcement agency, including offices of State's Attorneys  
13 and the Office of the Attorney General.

14 "License" means a license issued by the Department of State  
15 Police to carry a concealed handgun.

16 "Licensee" means a person issued a license to carry a  
17 concealed handgun.

18 "Municipality" has the meaning ascribed to it in Section 1  
19 of Article VII of the Illinois Constitution.

20 "Unit of local government" has the meaning ascribed to it  
21 in Section 1 of Article VII of the Illinois Constitution.

22 Section 10. Issuance of licenses to carry a concealed  
23 firearm.

24 (a) The Department shall issue a license to carry a  
25 concealed firearm under this Act to an applicant who:

1 (1) meets the qualifications of Section 25 of this Act;

2 (2) has provided the application and documentation  
3 required in Section 30 of this Act;

4 (3) has submitted the requisite fees; and

5 (4) does not pose a danger to himself, herself, or  
6 others, or a threat to public safety as determined by the  
7 Concealed Carry Licensing Review Board in accordance with  
8 Section 20.

9 (b) The Department shall issue a renewal, corrected, or  
10 duplicate license as provided in this Act.

11 (c) A license shall be valid throughout the State for a  
12 period of 5 years from the date of issuance. A license shall  
13 permit the licensee to:

14 (1) carry a loaded or unloaded concealed firearm, fully  
15 concealed or partially concealed, on or about his or her  
16 person; and

17 (2) keep or carry a loaded or unloaded concealed  
18 firearm on or about his or her person within a vehicle.

19 (d) The Department shall make applications for a license  
20 available no later than 180 days after the effective date of  
21 this Act. The Department shall establish rules for the  
22 availability and submission of applications in accordance with  
23 this Act.

24 (e) An application for a license submitted to the  
25 Department that contains all the information and materials  
26 required by this Act, including the requisite fee, shall be

1 deemed completed. Except as otherwise provided in this Act, no  
2 later than 90 days after receipt of a completed application,  
3 the Department shall issue or deny the applicant a license.

4 (f) The Department shall deny the applicant a license if  
5 the applicant fails to meet the requirements under this Act or  
6 the Department receives a determination from the Board that the  
7 applicant is ineligible for a license. The Department must  
8 notify the applicant stating the grounds for the denial. The  
9 notice of denial must inform the applicant of his or her right  
10 to an appeal through administrative and judicial review.

11 (g) A licensee shall possess a license at all times the  
12 licensee carries a concealed firearm except:

13 (1) when the licensee is carrying or possessing a  
14 concealed firearm on his or her land or in his or her  
15 abode, legal dwelling, or fixed place of business, or on  
16 the land or in the legal dwelling of another person as an  
17 invitee with that person's permission;

18 (2) when the person is authorized to carry a firearm  
19 under Section 24-2 of the Criminal Code of 2012, except  
20 subsection (a-5) of that Section; or

21 (3) when the handgun is broken down in a  
22 non-functioning state, is not immediately accessible, or  
23 is unloaded and enclosed in a case.

24 (h) If an officer of a law enforcement agency initiates an  
25 investigative stop, including but not limited to a traffic  
26 stop, of a licensee who is carrying a concealed firearm, upon

1 the request of the officer the licensee shall disclose to the  
2 officer that he or she is in possession of a concealed firearm  
3 under this Act, present the license upon the request of the  
4 officer, and identify the location of the concealed firearm.

5 (i) The Department shall maintain a database of license  
6 applicants and licensees. The database shall be available to  
7 all federal, State, and local law enforcement agencies, State's  
8 Attorneys, the Attorney General, and authorized court  
9 personnel. Within 180 days after the effective date of this  
10 Act, the database shall be searchable and provide all  
11 information included in the application, including the  
12 applicant's previous addresses within the 10 years prior to the  
13 license application and any information related to violations  
14 of this Act. No law enforcement agency, State's Attorney,  
15 Attorney General, or member or staff of the judiciary shall  
16 provide any information to a requester who is not entitled to  
17 it by law.

18 (j) No later than 10 days after receipt of a completed  
19 application, the Department shall enter the relevant  
20 information about the applicant into the database under  
21 subsection (i) of this Section which is accessible by law  
22 enforcement agencies.

23 Section 15. Objections by law enforcement agencies.

24 (a) Any law enforcement agency may submit an objection to a  
25 license applicant based upon a reasonable suspicion that the

1 applicant is a danger to himself or herself or others, or a  
2 threat to public safety. The objection shall be made by the  
3 chief law enforcement officer of the law enforcement agency, or  
4 his or her designee, and must include any information relevant  
5 to the objection. If a law enforcement agency submits an  
6 objection within 30 days after the entry of an applicant into  
7 the database, the Department shall submit the objection and all  
8 information related to the application to the Board within 10  
9 days of completing all necessary background checks.

10 (b) If an applicant has 5 or more arrests for any reason,  
11 that have been entered into the Criminal History Records  
12 Information (CHRI) System, within the 7 years preceding the  
13 date of application for a license, or has 3 or more arrests  
14 within the 7 years preceding the date of application for a  
15 license for any combination of gang-related offenses, the  
16 Department shall object and submit the applicant's arrest  
17 record, the application materials, and any additional  
18 information submitted by a law enforcement agency to the Board.  
19 For purposes of this subsection, "gang-related offense" is an  
20 offense described in Section 12-6.4, Section 24-1.8, Section  
21 25-5, Section 33-4, or Section 33G-4, or in paragraph (1) of  
22 subsection (a) of Section 12-6.2, paragraph (2) of subsection  
23 (b) of Section 16-30, paragraph (2) of subsection (b) of  
24 Section 31-4, or item (iii) of paragraph (1.5) of subsection  
25 (i) of Section 48-1 of the Criminal Code of 2012.

26 (c) The referral of an objection under this Section to the

1 Board shall toll the 90-day period for the Department to issue  
2 or deny the applicant a license under subsection (e) of Section  
3 10 of this Act, during the period of review and until the Board  
4 issues its decision.

5 (d) If no objection is made by a law enforcement agency or  
6 the Department under this Section, the Department shall process  
7 the application in accordance with this Act.

8 Section 20. Concealed Carry Licensing Review Board.

9 (a) There is hereby created a Concealed Carry Licensing  
10 Review Board to consider any objection to an applicant's  
11 eligibility to obtain a license under this Act submitted by a  
12 law enforcement agency or the Department under Section 15 of  
13 this Act. The Board shall consist of 7 commissioners to be  
14 appointed by the Governor, with the advice and consent of the  
15 Senate, with 3 commissioners residing within the First Judicial  
16 District and one commissioner residing within each of the 4  
17 remaining Judicial Districts. No more than 4 commissioners  
18 shall be members of the same political party. The Governor  
19 shall designate one commissioner as the Chairperson. The Board  
20 shall consist of:

21 (1) one commissioner with at least 5 years of service  
22 as a federal judge;

23 (2) 2 commissioners with at least 5 years of experience  
24 serving as an attorney with the United States Department of  
25 Justice;

1           (3) 3 commissioners with at least 5 years of experience  
2           as a federal agent or employee with investigative  
3           experience or duties related to criminal justice under the  
4           United States Department of Justice, Drug Enforcement  
5           Administration, Department of Homeland Security, or  
6           Federal Bureau of Investigation; and

7           (4) one member with at least 5 years of experience as a  
8           licensed physician or clinical psychologist with expertise  
9           in the diagnosis and treatment of mental illness.

10          (b) The initial terms of the commissioners shall end on  
11          January 12, 2015. Thereafter, the commissioners shall hold  
12          office for 4 years, with terms expiring on the second Monday in  
13          January of the fourth year. Commissioners may be reappointed.  
14          Vacancies in the office of commissioner shall be filled in the  
15          same manner as the original appointment, for the remainder of  
16          the unexpired term. The Governor may remove a commissioner for  
17          incompetence, neglect of duty, malfeasance, or inability to  
18          serve. Commissioners shall receive compensation in an amount  
19          equal to the compensation of members of the Executive Ethics  
20          Commission and may be reimbursed for reasonable expenses  
21          actually incurred in the performance of their Board duties,  
22          from funds appropriated for that purpose.

23          (c) The Board shall meet at the call of the chairperson as  
24          often as necessary to consider objections to applications for a  
25          license under this Act. If necessary to ensure the  
26          participation of a commissioner, the Board shall allow a



1 commissioner to participate in a Board meeting by electronic  
2 communication. Any commissioner participating electronically  
3 shall be deemed present for purposes of establishing a quorum  
4 and voting.

5 (d) The Board shall adopt rules for the conduct of  
6 hearings. The Board shall maintain a record of its decisions  
7 and all materials considered in making its decisions. All Board  
8 decisions and voting records shall be kept confidential and all  
9 materials considered by the Board shall be exempt from  
10 inspection except upon order of a court.

11 (e) In considering an objection of a law enforcement agency  
12 or the Department, the Board shall review the materials  
13 received with the objection from the law enforcement agency or  
14 the Department. By a vote of at least 4 commissioners, the  
15 Board may request additional information from the law  
16 enforcement agency, Department, or the applicant, or the  
17 testimony of the law enforcement agency, Department, or the  
18 applicant. The Board may only consider information submitted by  
19 the Department, a law enforcement agency, or the applicant. The  
20 Board shall review each objection and determine by a majority  
21 of commissioners whether an applicant is eligible for a  
22 license.

23 (f) The Board shall issue a decision within 30 days of  
24 receipt of the objection from the Department. However, the  
25 Board need not issue a decision within 30 days if:

26 (1) the Board requests information from the applicant

1 in accordance with subsection (e) of this Section, in which  
2 case the Board shall make a decision within 30 days of  
3 receipt of the required information from the applicant;

4 (2) the applicant agrees, in writing, to allow the  
5 Board additional time to consider an objection; or

6 (3) the Board notifies the applicant and the Department  
7 that the Board needs an additional 30 days to issue a  
8 decision.

9 (g) If the Board determines by a preponderance of the  
10 evidence that the applicant poses a danger to himself or  
11 herself or others, or is a threat to public safety, then the  
12 Board shall affirm the objection of the law enforcement agency  
13 or the Department and shall notify the Department that the  
14 applicant is ineligible for a license. If the Board does not  
15 determine by a preponderance of the evidence that the applicant  
16 poses a danger to himself or herself or others, or is a threat  
17 to public safety, then the Board shall notify the Department  
18 that the applicant is eligible for a license.

19 (h) Meetings of the Board shall not be subject to the Open  
20 Meetings Act and records of the Board shall not be subject to  
21 the Freedom of Information Act.

22 (i) The Board shall report monthly to the Governor and the  
23 General Assembly on the number of objections received and  
24 provide details of the circumstances in which the Board has  
25 determined to deny licensure based on law enforcement or  
26 Department objections under Section 15 of this Act. The report

1 shall not contain any identifying information about the  
2 applicants.

3 Section 25. Qualifications for a license.

4 The Department shall issue a license to an applicant  
5 completing an application in accordance with Section 30 of this  
6 Act if the person:

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

8 (2) has a currently valid Firearm Owner's  
9 Identification Card and at the time of application meets  
10 the requirements for the issuance of a Firearm Owner's  
11 Identification Card and is not prohibited under the Firearm  
12 Owners Identification Card Act or federal law from  
13 possessing or receiving a firearm;

14 (3) has not been convicted or found guilty in this  
15 State or in any other state of:

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

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

24 (4) is not the subject of a pending arrest warrant,  
25 prosecution, or proceeding for an offense or action that

1 could lead to disqualification to own or possess a firearm;

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

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

8 Section 30. Contents of license application.

9 (a) The license application shall be in writing, under  
10 penalty of perjury, on a standard form adopted by the  
11 Department and shall be accompanied by the documentation  
12 required in this Section and the applicable fee. Each  
13 application form shall include the following statement printed  
14 in bold type: "Warning: Entering false information on this form  
15 is punishable as perjury under Section 32-2 of the Criminal  
16 Code of 2012."

17 (b) The application shall contain the following:

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

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

1           (3) a waiver of the applicant's privacy and  
2           confidentiality rights and privileges under all federal  
3           and state laws, including those limiting access to juvenile  
4           court, criminal justice, psychological, or psychiatric  
5           records or records relating to any institutionalization of  
6           the applicant, and an affirmative request that a person  
7           having custody of any of these records provide it or  
8           information concerning it to the Department;

9           (4) an affirmation that the applicant possesses a  
10          currently valid Firearm Owner's Identification Card and  
11          card number if possessed or notice the applicant is  
12          applying for a Firearm Owner's Identification Card in  
13          conjunction with the license application;

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

16                 (A) a felony;

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

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

25          (6) whether the applicant has failed a drug test for a  
26          drug for which the applicant did not have a prescription,

1 within the previous year, and if so, the provider of the  
2 test, the specific substance involved, and the date of the  
3 test;

4 (7) written consent for the Department to review and  
5 use the applicant's Illinois digital driver's license or  
6 Illinois identification card photograph and signature;

7 (8) a full set of fingerprints submitted to the  
8 Department in electronic format, provided the Department  
9 may accept an application submitted without a set of  
10 fingerprints in which case the Department shall be granted  
11 30 days in addition to the 90 days provided under  
12 subsection (e) of Section 10 of this Act to issue or deny a  
13 license;

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

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

20 Section 35. Investigation of the applicant.

21 The Department shall conduct a background check of the  
22 applicant to ensure compliance with the requirements of this  
23 Act and all federal, State, and local laws. The background  
24 check shall include a search of the following:

25 (1) the National Instant Criminal Background Check

1 System of the Federal Bureau of Investigation;

2 (2) all available state and local criminal history  
3 record information files, including records of juvenile  
4 adjudications;

5 (3) all available federal, state, and local records  
6 regarding wanted persons;

7 (4) all available federal, state, and local records of  
8 domestic violence restraining and protective orders;

9 (5) the files of the Department of Human Services  
10 relating to mental health and developmental disabilities;  
11 and

12 (6) all other available records of a federal, state, or  
13 local agency or other public entity in any jurisdiction  
14 likely to contain information relevant to whether the  
15 applicant is prohibited from purchasing, possessing, or  
16 carrying a firearm under federal, state, or local law.

17 (7) Fingerprints collected under Section 30 shall be  
18 checked against the Department of State Police and Federal  
19 Bureau of Investigation criminal history record databases  
20 now and hereafter filed. The Department shall charge  
21 applicants a fee for conducting the criminal history  
22 records check, which shall be deposited in the State Police  
23 Services Fund and shall not exceed the actual cost of the  
24 records check.

25 Section 40. Non-resident license applications.

1 (a) For the purposes of this Section, "non-resident" means  
2 a person who has not resided within this State for more than 30  
3 days and resides in another state or territory.

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

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

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

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

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

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



1 (C) understands Illinois laws pertaining to the  
2 possession and transport of firearms, and

3 (D) acknowledges that the applicant is subject to  
4 the jurisdiction of the Department and Illinois courts  
5 for any violation of this Act; and

6 (3) a photocopy of any certificates or other evidence  
7 of compliance with the training requirements under Section  
8 75 of this Act; and

9 (4) a head and shoulder color photograph in a size  
10 specified by the Department taken within the 30 days  
11 preceding the date of the application.

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

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

1 vehicle and the non-resident:

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

4 (2) is eligible to carry a firearm in public under the  
5 laws of his or her state or territory of residence; and

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

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

11 Section 45. Civil immunity; Board, employees, and agents.  
12 The Board, Department, local law enforcement agency, or the  
13 employees and agents of the Board, Department, or local law  
14 enforcement agency participating in the licensing process  
15 under this Act shall not be held liable for damages in any  
16 civil action arising from alleged wrongful or improper  
17 granting, denying, renewing, revoking, suspending, or failing  
18 to grant, deny, renew, revoke, or suspend a license under this  
19 Act, except for willful or wanton misconduct.

20 Section 50. License renewal.

21 Applications for renewal of a license shall be made to the  
22 Department. A license shall be renewed for a period of 5 years  
23 upon receipt of a completed renewal application, completion of  
24 3 hours of training required under Section 75 of this Section,

1 payment of the applicable renewal fee, and completion of an  
2 investigation under Section 35 of this Act. The renewal  
3 application shall contain the information required in Section  
4 30 of this Act, except that the applicant need not resubmit a  
5 full set of fingerprints.

6 Section 55. Change of address or name; lost, destroyed, or  
7 stolen licenses.

8 (a) A licensee shall notify the Department within 30 days  
9 of moving or changing residence or any change of name. The  
10 licensee shall submit:

11 (1) a notarized statement that the licensee has changed  
12 his or her residence or his or her name, including the  
13 prior and current address or name and the date the  
14 applicant moved or changed his or her name; and

15 (2) the requisite fee.

16 (b) A licensee shall notify the Department within 10 days  
17 of discovering that a license has been lost, destroyed, or  
18 stolen. A lost, destroyed, or stolen license is invalid. To  
19 request a replacement license, the licensee shall submit:

20 (1) a notarized statement that the licensee no longer  
21 possesses the license, and that it was lost, destroyed, or  
22 stolen;

23 (2) if applicable, a copy of a police report stating  
24 that the license was stolen; and

25 (3) the requisite fee.

1           (c) A violation of this Section is a petty offense with a  
2 fine of \$150 which shall be deposited into the Mental Health  
3 Reporting Fund.

4           Section 60. Fees.

5           (a) All fees collected under this Act shall be deposited as  
6 provided in this Section. Application, renewal, and  
7 replacement fees shall be non-refundable.

8           (b) An applicant for a new license or a renewal shall  
9 submit \$150 with the application, of which \$120 shall be  
10 apportioned to the State Police Firearm Services Fund, \$20  
11 shall be apportioned to the Mental Health Reporting Fund, and  
12 \$10 shall be apportioned to the State Crime Laboratory Fund.

13           (c) A non-resident applicant for a new license or renewal  
14 shall submit \$300 with the application, of which \$250 shall be  
15 apportioned to the State Police Firearm Services Fund, \$40  
16 shall be apportioned to the Mental Health Reporting Fund, and  
17 \$10 shall be apportioned to the State Crime Laboratory Fund.

18           (d) A licensee requesting a new license in accordance with  
19 Section 55 shall submit \$75, of which \$60 shall be apportioned  
20 to the State Police Firearm Services Fund, \$5 shall be  
21 apportioned to the Mental Health Reporting Fund, and \$10 shall  
22 be apportioned to the State Crime Laboratory Fund.

23           Section 65. Prohibited areas.

24           (a) A licensee under this Act shall not knowingly carry a

1 firearm on or into:

2 (1) Any building, real property, and parking area under  
3 the control of a public or private elementary or secondary  
4 school.

5 (2) Any building, real property, and parking area under  
6 the control of a pre-school or child care facility,  
7 including any room or portion of a building under the  
8 control of a pre-school or child care facility. Nothing in  
9 this paragraph shall prevent the operator of a child care  
10 facility in a family home from owning or possessing a  
11 firearm in the home or license under this Act, if no child  
12 under child care at the home is present in the home or the  
13 firearm in the home is stored in a locked container when a  
14 child under child care at the home is present in the home.

15 (3) Any building, parking area, or portion of a  
16 building under the control of an officer of the executive  
17 or legislative branch of government, provided that nothing  
18 in this paragraph shall prohibit a licensee from carrying a  
19 concealed firearm onto the real property, bikeway, or trail  
20 in a park regulated by the Department of Natural Resources  
21 or any other designated public hunting area or building  
22 where firearm possession is permitted as established by the  
23 Department of Natural Resources under Section 1.8 of the  
24 Wildlife Code.

25 (4) Any building designated for matters before a  
26 circuit court, appellate court, or the Supreme Court, or

1 any building or portion of a building under the control of  
2 the Supreme Court.

3 (5) Any building or portion of a building under the  
4 control of a unit of local government.

5 (6) Any building, real property, and parking area under  
6 the control of an adult or juvenile detention or  
7 correctional institution, prison, or jail.

8 (7) Any building, real property, and parking area under  
9 the control of a public or private hospital or hospital  
10 affiliate, mental health facility, or nursing home.

11 (8) Any bus, train, or form of transportation paid for  
12 in whole or in part with public funds, and any building,  
13 real property, and parking area under the control of a  
14 public transportation facility paid for in whole or in part  
15 with public funds.

16 (9) Any building, real property, and parking area under  
17 the control of an establishment that serves alcohol on its  
18 premises, if more than 50% of the establishment's gross  
19 receipts within the prior 3 months is from the sale of  
20 alcohol. The owner of an establishment who knowingly fails  
21 to prohibit concealed firearms on its premises as provided  
22 in this paragraph or who knowingly makes a false statement  
23 or record to avoid the prohibition on concealed firearms  
24 under this paragraph is subject to the penalty under  
25 subsection (c-5) of Section 10-1 of the Liquor Control Act  
26 of 1934.

1           (10) Any public gathering or special event conducted on  
2 property open to the public that requires the issuance of a  
3 permit from the unit of local government, provided this  
4 prohibition shall not apply to a licensee who must walk  
5 through a public gathering in order to access his or her  
6 residence, place of business, or vehicle.

7           (11) Any building or real property that has been issued  
8 a Special Event Retailer's license as defined in Section  
9 1-3.17.1 of the Liquor Control Act during the time  
10 designated for the sale of alcohol by the Special Event  
11 Retailer's license, or a Special use permit license as  
12 defined in subsection (q) of Section 5-1 of the Liquor  
13 Control Act during the time designated for the sale of  
14 alcohol by the Special use permit license.

15           (12) Any public playground.

16           (13) Any public park, athletic area, or athletic  
17 facility under the control of a municipality or park  
18 district, provided nothing in this Section shall prohibit a  
19 licensee from carrying a concealed firearm while on a trail  
20 or bikeway if only a portion of the trail or bikeway  
21 includes a public park.

22           (14) Any real property under the control of the Cook  
23 County Forest Preserve District.

24           (15) Any building, classroom, laboratory, medical  
25 clinic, hospital, artistic venue, athletic venue,  
26 entertainment venue, officially recognized

1 university-related organization property, whether owned or  
2 leased, and any real property, including parking areas,  
3 sidewalks, and common areas under the control of a public  
4 or private community college, college, or university.

5 (16) Any building, real property, or parking area under  
6 the control of a gaming facility licensed under the  
7 Riverboat Gambling Act or the Illinois Horse Racing Act of  
8 1975, including an inter-track wagering location licensee.

9 (17) Any stadium, arena, or the real property or  
10 parking area under the control of a stadium, arena, or any  
11 collegiate or professional sporting event.

12 (18) Any building, real property, or parking area under  
13 the control of a public library.

14 (19) Any building, real property, or parking area under  
15 the control of an airport.

16 (20) Any building, real property, or parking area under  
17 the control of an amusement park.

18 (21) Any building, real property, or parking area under  
19 the control of a zoo or museum.

20 (22) Any street, driveway, parking area, property,  
21 building, or facility, owned, leased, controlled, or used  
22 by a nuclear energy, storage, weapons, or development site  
23 or facility regulated by the federal Nuclear Regulatory  
24 Commission. The licensee shall not under any circumstance  
25 store a firearm or ammunition in his or her vehicle or in a  
26 compartment or container within a vehicle located anywhere



1 in or on the street, driveway, parking area, property,  
2 building, or facility described in this paragraph.

3 (23) Any area where firearms are prohibited under  
4 federal law.

5 (a-5) Nothing in this Act shall prohibit a public or  
6 private community college, college, or university from:

7 (1) prohibiting persons from carrying a firearm within  
8 a vehicle owned, leased, or controlled by the college or  
9 university;

10 (2) developing resolutions, regulations, or policies  
11 regarding student, employee, or visitor misconduct and  
12 discipline, including suspension and expulsion;

13 (3) developing resolutions, regulations, or policies  
14 regarding the storage or maintenance of firearms, which  
15 must include designated areas where persons can park  
16 vehicles that carry firearms; and

17 (4) permitting the carrying or use of firearms for the  
18 purpose of instruction and curriculum of officially  
19 recognized programs, including but not limited to military  
20 science and law enforcement training programs, or in any  
21 designated area used for hunting purposes or target  
22 shooting.

23 (a-10) The owner of private real property of any type may  
24 prohibit the carrying of concealed firearms on the property  
25 under his or her control. The owner must post a sign in  
26 accordance with subsection (d) of this Section indicating that

1 firearms are prohibited on the property, unless the property is  
2 a private residence.

3 (b) Notwithstanding subsections (a), (a-5), and (a-10) of  
4 this Section except under paragraph (22) or (23) of subsection  
5 (a), any licensee prohibited from carrying a concealed firearm  
6 into the parking area of a prohibited location specified in  
7 subsection (a), (a-5), or (a-10) of this Section shall be  
8 permitted to carry a concealed firearm on or about his or her  
9 person within a vehicle into the parking area and may store a  
10 firearm or ammunition concealed in a case within a locked  
11 vehicle or locked container out of plain view within the  
12 vehicle in the parking area. A licensee may carry a concealed  
13 firearm in the immediate area surrounding his or her vehicle  
14 within a prohibited parking lot area only for the limited  
15 purpose of storing or retrieving a firearm within the vehicle's  
16 trunk, provided the licensee ensures the concealed firearm is  
17 unloaded prior to exiting the vehicle. For purposes of this  
18 subsection, "case" includes a glove compartment or console that  
19 completely encloses the concealed firearm or ammunition, the  
20 trunk of the vehicle, or a firearm carrying box, shipping box,  
21 or other container.

22 (c) A licensee shall not be in violation of this Section  
23 while he or she is traveling along a public right of way that  
24 touches or crosses any of the premises under subsection (a),  
25 (a-5), or (a-10) of this Section if the concealed firearm is  
26 carried on his or her person in accordance with the provisions

1 of this Act or is being transported in a vehicle by the  
2 licensee in accordance with all other applicable provisions of  
3 law.

4 (d) Signs stating that the carrying of firearms is  
5 prohibited shall be clearly and conspicuously posted at the  
6 entrance of a building, premises, or real property specified in  
7 this Section as a prohibited area, unless the building or  
8 premises is a private residence. Signs shall be of a uniform  
9 design as established by the Department and shall be 4 inches  
10 by 6 inches in size. The Department shall adopt rules for  
11 standardized signs to be used under this subsection.

12 Section 70. Violations.

13 (a) A license issued or renewed under this Act shall be  
14 revoked if, at any time, the licensee is found to be ineligible  
15 for a license under this Act or the licensee no longer meets  
16 the eligibility requirements of the Firearm Owners  
17 Identification Card Act.

18 (b) A license shall be suspended if an order of protection,  
19 including an emergency order of protection, plenary order of  
20 protection, or interim order of protection under Article 112A  
21 of the Code of Criminal Procedure of 1963 or under the Illinois  
22 Domestic Violence Act of 1986, is issued against a licensee for  
23 the duration of the order, or if the Department is made aware  
24 of a similar order issued against the licensee in any other  
25 jurisdiction. If an order of protection is issued against a

1 licensee, the licensee shall surrender the license, as  
2 applicable, to the court at the time the order is entered or to  
3 the law enforcement agency or entity serving process at the  
4 time the licensee is served the order. The court, law  
5 enforcement agency, or entity responsible for serving the order  
6 of protection shall notify the Department within 7 days and  
7 transmit the license to the Department.

8 (c) A license is invalid upon expiration of the license,  
9 unless the licensee has submitted an application to renew the  
10 license, and the applicant is otherwise eligible to possess a  
11 license under this Act.

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

17 A licensee in violation of this subsection (d) shall be  
18 guilty of a Class A misdemeanor for a first or second violation  
19 and a Class 4 felony for a third violation. The Department may  
20 suspend a license for up to 6 months for a second violation and  
21 shall permanently revoke a license for a third violation.

22 (e) Except as otherwise provided, a licensee in violation  
23 of this Act shall be guilty of a Class B misdemeanor. A second  
24 or subsequent violation is a Class A misdemeanor. The  
25 Department may suspend a license for up to 6 months for a  
26 second violation and shall permanently revoke a license for 3

1 or more violations of Section 65 of this Act. Any person  
2 convicted of a violation under this Section shall pay a \$150  
3 fee to be deposited into the Mental Health Reporting Fund, plus  
4 any applicable court costs or fees.

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

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

1 search for and seize the concealed carry license in the  
2 possession and under the custody or control of the licensee  
3 whose concealed carry license has been revoked, suspended, or  
4 denied. The observation of a concealed carry license in the  
5 possession of a person whose license has been revoked,  
6 suspended, or denied constitutes a sufficient basis for the  
7 arrest of that person for violation of this subsection. A  
8 violation of this subsection is a Class A misdemeanor.

9 (h) A license issued or renewed under this Act shall be  
10 revoked if, at any time, the licensee is found ineligible for a  
11 Firearm Owner's Identification Card, or the licensee no longer  
12 possesses a valid Firearm Owner's Identification Card. A  
13 licensee whose license is revoked under this subsection (h)  
14 shall surrender his or her concealed carry license as provided  
15 for in subsection (g) of this Section.

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

20 Section 75. Applicant firearm training.

21 (a) Within 60 days of the effective date of this Act, the  
22 Department shall begin approval of firearm training courses and  
23 shall make a list of approved courses available on the  
24 Department's website.

25 (b) An applicant for a new license shall provide proof of

1 completion of a firearms training course or combination of  
2 courses approved by the Department of at least 16 hours, which  
3 includes range qualification time under subsection (c) of this  
4 Section, that covers the following:

5 (1) firearm safety;

6 (2) the basic principles of marksmanship;

7 (3) care, cleaning, loading, and unloading of a  
8 concealable firearm;

9 (4) all applicable State and federal laws relating to  
10 the ownership, storage, carry, and transportation of a  
11 firearm; and

12 (5) instruction on the appropriate and lawful  
13 interaction with law enforcement while transporting or  
14 carrying a concealed firearm.

15 (c) An applicant for a new license shall provide proof of  
16 certification by a certified instructor that the applicant  
17 passed a live fire exercise with a concealable firearm  
18 consisting of:

19 (1) a minimum of 30 rounds; and

20 (2) 10 rounds from a distance of 5 yards; 10 rounds  
21 from a distance of 7 yards; and 10 rounds from a distance  
22 of 10 yards at a B-27 silhouette target approved by the  
23 Department.

24 (d) An applicant for renewal of a license shall provide  
25 proof of completion of a firearms training course or  
26 combination of courses approved by the Department of at least 3

1 hours.

2 (e) A certificate of completion for an applicant's firearm  
3 training course shall not be issued to a student who:

4 (1) does not follow the orders of the certified  
5 firearms instructor;

6 (2) in the judgment of the certified instructor,  
7 handles a firearm in a manner that poses a danger to the  
8 student or to others; or

9 (3) during the range firing portion of testing fails to  
10 hit the target with 70% of the rounds fired.

11 (f) An instructor shall maintain a record of each student's  
12 performance for at least 5 years, and shall make all records  
13 available upon demand of authorized personnel of the  
14 Department.

15 (g) The Department and certified firearms instructor shall  
16 recognize up to 8 hours of training already completed toward  
17 the 16 hour training requirement under this Section if the  
18 training course is approved by the Department and recognized  
19 under the laws of another state. Any remaining hours that the  
20 applicant completes must at least cover the classroom subject  
21 matter of paragraph (4) of subsection (b) of this Section, and  
22 the range qualification in subsection (c) of this Section.

23 (h) A person who has qualified to carry a firearm as an  
24 active law enforcement officer, a person certified as a  
25 firearms instructor by this Act or by the Illinois Law  
26 Enforcement Training Standards Board, or a person who has



1 completed the required training and has been issued a firearm  
2 control card by the Department of Financial and Professional  
3 Regulation shall be exempt from the requirements of this  
4 Section.

5 (i) The Department shall accept 8 hours of training as  
6 completed toward the 16 hour training requirement under this  
7 Section, if the applicant is an active, retired, or honorably  
8 discharged member of the United States Armed Forces.

9 Section 80. Firearms instructor training.

10 (a) Within 60 days of the effective date of this Act, the  
11 Department shall begin approval of certified firearms  
12 instructors and enter certified firearms instructors into an  
13 online registry on the Department's website.

14 (b) A person who is not a certified firearms instructor  
15 shall not teach applicant training courses or advertise or  
16 otherwise represent courses they teach as qualifying their  
17 students to meet the requirements to receive a license under  
18 this Act. Each violation of this subsection is a business  
19 offense with a fine of at least \$1,000 per violation.

20 (c) A person seeking to become a certified firearms  
21 instructor shall:

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

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

24 (3) meet the requirements of Section 25 of this Act,

25 and any additional uniformly applied requirements

1 established by the Department.

2 (d) A person seeking to become a certified firearms  
3 instructor trainer, in addition to the requirements of  
4 subsection (c) of this Section, shall:

5 (1) possess a high school diploma or GED certificate;  
6 and

7 (2) have at least one of the following valid firearms  
8 instructor certifications:

9 (A) certification from a law enforcement agency;

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

12 (C) certification from a firearm instructor  
13 qualification course offered by the Illinois Law  
14 Enforcement Training Standards Board; or

15 (D) certification from an entity approved by the  
16 Department that offers firearm instructor education  
17 and training in the use and safety of firearms.

18 (e) A person may have his or her firearms instructor  
19 certification denied or revoked if he or she does not meet the  
20 requirements to obtain a license under this Act, provides false  
21 or misleading information to the Department, or has had a prior  
22 instructor certification revoked or denied by the Department.

23 Section 85. Background Checks for Sales.

24 A license to carry a concealed firearm issued by this  
25 State shall not exempt the licensee from the requirements of a

1 background check, including a check of the National Instant  
2 Criminal Background Check System, upon purchase or transfer of  
3 a firearm.

4 Section 87. Administrative and judicial review.

5 (a) Whenever an application for a concealed carry license  
6 is denied, whenever the Department fails to act on an  
7 application within 90 days of its receipt, or whenever a  
8 license is revoked or suspended as provided in this Act, the  
9 aggrieved party may appeal to the Director for a hearing upon  
10 the denial, revocation, suspension, or failure to act on the  
11 application, unless the denial was made by the Concealed Carry  
12 Licensing Review Board, in which case the aggrieved party may  
13 petition the circuit court in writing in the county of his or  
14 her residence for a hearing upon the denial.

15 (b) All final administrative decisions of the Department or  
16 the Concealed Carry Licensing Review Board under this Act shall  
17 be subject to judicial review under the provisions of the  
18 Administrative Review Law. The term "administrative decision"  
19 is defined as in Section 3-101 of the Code of Civil Procedure.

20 Section 90. Preemption.

21 The regulation, licensing, possession, registration, and  
22 transportation of handguns and ammunition for handguns by  
23 licensees are exclusive powers and functions of the State. Any  
24 ordinance or regulation, or portion thereof, enacted on or

1 before the effective date of this Act that purports to impose  
2 regulations or restrictions on licensees or handguns and  
3 ammunition for handguns in a manner inconsistent with this Act  
4 shall be invalid in its application to licensees under this Act  
5 on the effective date of this Act. This Section is a denial and  
6 limitation of home rule powers and functions under subsection  
7 (h) of Section 6 of Article VII of the Illinois Constitution.

8 Section 92. Consolidation of concealed carry license and  
9 Firearm Owner's Identification Card.

10 (a) The Director shall create a task force to develop a  
11 plan to incorporate and consolidate the concealed carry license  
12 under this Act and the Firearm Owner's Identification Card  
13 under the Firearm Owners Identification Card Act into a  
14 designation on the Illinois driver's license or Illinois  
15 identification card of a person with authority to possess a  
16 firearm under the Firearm Owners Identification Card Act, or  
17 authority to possess a firearm under the Firearm Owners  
18 Identification Card Act and authority to carry a concealed  
19 firearm under this Act. The plan must provide for an  
20 alternative card for:

21 (1) a non-resident or a resident without an Illinois  
22 driver's license or Illinois identification card, who has  
23 been granted authority under this Act to carry a concealed  
24 firearm in this State; and

25 (2) a resident without an Illinois driver's license or

1 Illinois identification card, who has been granted  
2 authority to possess a firearm under the Firearm Owners  
3 Identification Card Act.

4 The plan shall include statutory changes necessary to  
5 implement it.

6 (b) The task force shall consist of the following members:

7 (1) one member appointed by the Speaker of the House of  
8 Representatives;

9 (2) one member appointed by the House of  
10 Representatives Minority Leader;

11 (3) one member appointed by the President of the  
12 Senate;

13 (4) one member appointed by the Senate Minority Leader;

14 (5) one member appointed by the Secretary of State;

15 (6) one member appointed by the Director of State  
16 Police;

17 (7) one member appointed by the Secretary of State  
18 representing the National Rifle Association;

19 (8) one member appointed by the Governor from the  
20 Department of Natural Resources; and

21 (9) one member appointed by the Governor representing  
22 the Chicago Police Department.

23 The task force shall elect a chairperson from its  
24 membership. Members shall serve without compensation.

25 (c) The task force shall file the plan supported by a  
26 majority of its members with the General Assembly and the

1 Secretary of State on or before March 1, 2014.

2 (d) This Section is repealed on March 2, 2014.

3 Section 95. Procurement; rulemaking.

4 (a) The Department of State Police, in consultation with  
5 and subject to the approval of the Chief Procurement Officer,  
6 may procure a single contract or multiple contracts to  
7 implement the provisions of this Act. A contract or contracts  
8 under this paragraph are not subject to the provisions of the  
9 Illinois Procurement Code, except for Sections 20-60, 20-65,  
10 20-70, and 20-160 and Article 50 of that Code, provided that  
11 the Chief Procurement Officer may, in writing with  
12 justification, waive any certification required under Article  
13 50. This exemption shall be repealed one year from the  
14 effective date of this Act.

15 (b) The Department shall adopt rules to implement the  
16 provisions of this Act. The Department may adopt rules  
17 necessary to implement the provisions of this Act through the  
18 use of emergency rulemaking in accordance with Section 5-45 of  
19 the Illinois Administrative Procedure Act for a period not to  
20 exceed 180 days after the effective date of this Act.

21 Section 100. Short title. Sections 100 through 110 may be  
22 cited as the School Administrator Reporting of Mental Health  
23 Clear and Present Danger Determinations Law.

1           Section 105. Duty of school administrator. It is the duty  
2 of the principal of a public elementary or secondary school, or  
3 his or her designee, and the chief administrative officer of a  
4 private elementary or secondary school or a public or private  
5 community college, college, or university, or his or her  
6 designee, to report to the Department of State Police when a  
7 student is determined to pose a clear and present danger to  
8 himself, herself, or to others, within 24 hours of the  
9 determination as provided in Section 6-103.3 of the Mental  
10 Health and Developmental Disabilities Code. "Clear and present  
11 danger" has the meaning as provided in paragraph (2) of the  
12 definition of "clear and present danger" in Section 1.1 of the  
13 Firearm Owners Identification Card Act.

14           Section 110. Immunity. A principal or chief administrative  
15 officer, or the designee of a principal or chief administrative  
16 officer, making the determination and reporting under Section  
17 105 of this Law shall not be held criminally, civilly, or  
18 professionally liable, except for willful or wanton  
19 misconduct.

20           Section 115. The Open Meetings Act is amended by changing  
21 Section 2 as follows:

22           (5 ILCS 120/2) (from Ch. 102, par. 42)

23           Sec. 2. Open meetings.

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

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

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

13           (1) The appointment, employment, compensation,  
14 discipline, performance, or dismissal of specific  
15 employees of the public body or legal counsel for the  
16 public body, including hearing testimony on a complaint  
17 lodged against an employee of the public body or against  
18 legal counsel for the public body to determine its  
19 validity.

20           (2) Collective negotiating matters between the public  
21 body and its employees or their representatives, or  
22 deliberations concerning salary schedules for one or more  
23 classes of employees.

24           (3) The selection of a person to fill a public office,  
25 as defined in this Act, including a vacancy in a public  
26 office, when the public body is given power to appoint



1 under law or ordinance, or the discipline, performance or  
2 removal of the occupant of a public office, when the public  
3 body is given power to remove the occupant under law or  
4 ordinance.

5 (4) Evidence or testimony presented in open hearing, or  
6 in closed hearing where specifically authorized by law, to  
7 a quasi-adjudicative body, as defined in this Act, provided  
8 that the body prepares and makes available for public  
9 inspection a written decision setting forth its  
10 determinative reasoning.

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

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

17 (7) The sale or purchase of securities, investments, or  
18 investment contracts. This exception shall not apply to the  
19 investment of assets or income of funds deposited into the  
20 Illinois Prepaid Tuition Trust Fund.

21 (8) Security procedures and the use of personnel and  
22 equipment to respond to an actual, a threatened, or a  
23 reasonably potential danger to the safety of employees,  
24 students, staff, the public, or public property.

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to  
2 individual students.

3 (11) Litigation, when an action against, affecting or  
4 on behalf of the particular public body has been filed and  
5 is pending before a court or administrative tribunal, or  
6 when the public body finds that an action is probable or  
7 imminent, in which case the basis for the finding shall be  
8 recorded and entered into the minutes of the closed  
9 meeting.

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

20 (13) Conciliation of complaints of discrimination in  
21 the sale or rental of housing, when closed meetings are  
22 authorized by the law or ordinance prescribing fair housing  
23 practices and creating a commission or administrative  
24 agency for their enforcement.

25 (14) Informant sources, the hiring or assignment of  
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public  
2 body with criminal investigatory responsibilities.

3 (15) Professional ethics or performance when  
4 considered by an advisory body appointed to advise a  
5 licensing or regulatory agency on matters germane to the  
6 advisory body's field of competence.

7 (16) Self evaluation, practices and procedures or  
8 professional ethics, when meeting with a representative of  
9 a statewide association of which the public body is a  
10 member.

11 (17) The recruitment, credentialing, discipline or  
12 formal peer review of physicians or other health care  
13 professionals for a hospital, or other institution  
14 providing medical care, that is operated by the public  
15 body.

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

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

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

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

1 mandated by Section 2.06.

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

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

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

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

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

19 (27) Confidential information, when discussed by one  
20 or more members of an elder abuse fatality review team,  
21 designated under Section 15 of the Elder Abuse and Neglect  
22 Act, while participating in a review conducted by that team  
23 of the death of an elderly person in which abuse or neglect  
24 is suspected, alleged, or substantiated; provided that  
25 before the review team holds a closed meeting, or closes an  
26 open meeting, to discuss the confidential information,

1 each participating review team member seeking to disclose  
2 the confidential information in the closed meeting or  
3 closed portion of the meeting must state on the record  
4 during an open meeting or the open portion of a meeting the  
5 nature of the information to be disclosed and the legal  
6 basis for otherwise holding that information confidential.

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

11 (29) Meetings between internal or external auditors  
12 and governmental audit committees, finance committees, and  
13 their equivalents, when the discussion involves internal  
14 control weaknesses, identification of potential fraud risk  
15 areas, known or suspected frauds, and fraud interviews  
16 conducted in accordance with generally accepted auditing  
17 standards of the United States of America.

18 (30) Meetings and deliberations for decisions of the  
19 Concealed Carry Licensing Review Board under the Firearm  
20 Concealed Carry Act.

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

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

26 "Public office" means a position created by or under the

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

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

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

18 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;  
19 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.  
20 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,  
21 eff. 8-1-12.)

22 Section 120. The Freedom of Information Act is amended by  
23 changing Section 7.5 as follows:

24 (5 ILCS 140/7.5)

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

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

6           (b) Library circulation and order records identifying  
7 library users with specific materials under the Library Records  
8 Confidentiality Act.

9           (c) Applications, related documents, and medical records  
10 received by the Experimental Organ Transplantation Procedures  
11 Board and any and all documents or other records prepared by  
12 the Experimental Organ Transplantation Procedures Board or its  
13 staff relating to applications it has received.

14           (d) Information and records held by the Department of  
15 Public Health and its authorized representatives relating to  
16 known or suspected cases of sexually transmissible disease or  
17 any information the disclosure of which is restricted under the  
18 Illinois Sexually Transmissible Disease Control Act.

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

21           (f) Firm performance evaluations under Section 55 of the  
22 Architectural, Engineering, and Land Surveying Qualifications  
23 Based Selection Act.

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

26           (h) Information the disclosure of which is exempted under

1 the State Officials and Employees Ethics Act, and records of  
2 any lawfully created State or local inspector general's office  
3 that would be exempt if created or obtained by an Executive  
4 Inspector General's office under that Act.

5 (i) Information contained in a local emergency energy plan  
6 submitted to a municipality in accordance with a local  
7 emergency energy plan ordinance that is adopted under Section  
8 11-21.5-5 of the Illinois Municipal Code.

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

12 (k) Law enforcement officer identification information or  
13 driver identification information compiled by a law  
14 enforcement agency or the Department of Transportation under  
15 Section 11-212 of the Illinois Vehicle Code.

16 (l) Records and information provided to a residential  
17 health care facility resident sexual assault and death review  
18 team or the Executive Council under the Abuse Prevention Review  
19 Team Act.

20 (m) Information provided to the predatory lending database  
21 created pursuant to Article 3 of the Residential Real Property  
22 Disclosure Act, except to the extent authorized under that  
23 Article.

24 (n) Defense budgets and petitions for certification of  
25 compensation and expenses for court appointed trial counsel as  
26 provided under Sections 10 and 15 of the Capital Crimes



1 Litigation Act. This subsection (n) shall apply until the  
2 conclusion of the trial of the case, even if the prosecution  
3 chooses not to pursue the death penalty prior to trial or  
4 sentencing.

5 (o) Information that is prohibited from being disclosed  
6 under Section 4 of the Illinois Health and Hazardous Substances  
7 Registry Act.

8 (p) Security portions of system safety program plans,  
9 investigation reports, surveys, schedules, lists, data, or  
10 information compiled, collected, or prepared by or for the  
11 Regional Transportation Authority under Section 2.11 of the  
12 Regional Transportation Authority Act or the St. Clair County  
13 Transit District under the Bi-State Transit Safety Act.

14 (q) Information prohibited from being disclosed by the  
15 Personnel Records Review Act.

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

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

20 (t) All identified or deidentified health information in  
21 the form of health data or medical records contained in, stored  
22 in, submitted to, transferred by, or released from the Illinois  
23 Health Information Exchange, and identified or deidentified  
24 health information in the form of health data and medical  
25 records of the Illinois Health Information Exchange in the  
26 possession of the Illinois Health Information Exchange

1 Authority due to its administration of the Illinois Health  
2 Information Exchange. The terms "identified" and  
3 "deidentified" shall be given the same meaning as in the Health  
4 Insurance Accountability and Portability Act of 1996, Public  
5 Law 104-191, or any subsequent amendments thereto, and any  
6 regulations promulgated thereunder.

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

9 (v) Names and information of people who have applied for or  
10 received Firearm Owner's Identification Cards under the  
11 Firearm Owners Identification Card Act or applied for or  
12 received a concealed carry license under the Firearm Concealed  
13 Carry Act, unless otherwise authorized by the Firearm Concealed  
14 Carry Act; and databases under the Firearm Concealed Carry Act,  
15 records of the Concealed Carry Licensing Review Board under the  
16 Firearm Concealed Carry Act, and law enforcement agency  
17 objections under the Firearm Concealed Carry Act.

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

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

24 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
25 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
26 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,

1 eff. 1-1-13.)

2 Section 122. The Secretary of State Act is amended by  
3 adding Section 13.5 as follows:

4 (15 ILCS 305/13.5 new)

5 Sec. 13.5. Department of State Police access to driver's  
6 license and identification card photographs.

7 The Secretary of State shall allow the Department of State  
8 Police to access the driver's license or Illinois  
9 Identification card photograph, if available, of an applicant  
10 for a firearm concealed carry license under the Firearm  
11 Concealed Carry Act for the purpose of identifying the firearm  
12 concealed carry license applicant and issuing a license to the  
13 applicant.

14 Section 125. The Department of State Police Law of the  
15 Civil Administrative Code of Illinois is amended by changing  
16 Section 2605-300 and by adding Section 2605-595 as follows:

17 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

18 Sec. 2605-300. Records; crime laboratories; personnel. To  
19 do the following:

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

22 (2) Be a central repository for criminal history record

1 information.

2 (3) Procure and file for record information that is  
3 necessary and helpful to plan programs of crime prevention,  
4 law enforcement, and criminal justice.

5 (4) Procure and file for record copies of fingerprints  
6 that may be required by law.

7 (5) Establish general and field crime laboratories.

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

13 (7) Employ polygraph operators, laboratory  
14 technicians, and other specially qualified persons to aid  
15 in the identification of criminal activity.

16 (8) Undertake other identification, information,  
17 laboratory, statistical, or registration activities that  
18 may be required by law.

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

22 (20 ILCS 2605/2605-595 new)

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

24 (a) There is created in the State treasury a special fund  
25 known as the State Police Firearm Services Fund. The Fund shall

1 receive revenue under the Firearm Concealed Carry Act and  
2 Section 5 of the Firearm Owners Identification Card Act. The  
3 Fund may also receive revenue from grants, pass-through grants,  
4 donations, appropriations, and any other legal source.

5 (b) The Department of State Police may use moneys in the  
6 Fund to finance any of its lawful purposes, mandates,  
7 functions, and duties under the Firearm Owners Identification  
8 Card Act and the Firearm Concealed Carry Act, including the  
9 cost of sending notices of expiration of Firearm Owner's  
10 Identification Cards, concealed carry licenses, the prompt and  
11 efficient processing of applications under the Firearm Owners  
12 Identification Card Act and the Firearm Concealed Carry Act,  
13 the improved efficiency and reporting of the LEADS and federal  
14 NICS law enforcement data systems, and support for  
15 investigations required under these Acts and law. Any surplus  
16 funds beyond what is needed to comply with the aforementioned  
17 purposes shall be used by the Department to improve the Law  
18 Enforcement Agencies Data System (LEADS) and criminal history  
19 background check system.

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

23 Section 130. The State Finance Act is amended by adding  
24 Sections 5.826, 5.827, and 6z-98 as follows:

1 (30 ILCS 105/5.826 new)

2 Sec. 5.826. The Mental Health Reporting Fund.

3 (30 ILCS 105/5.827 new)

4 Sec. 5.827. The State Police Firearm Services Fund.

5 (30 ILCS 105/6z-98 new)

6 Sec. 6z-98. The Mental Health Reporting Fund.

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

12 (b) The Department of State Police and Department of Human  
13 Services shall coordinate to use moneys in the Fund to finance  
14 their respective duties of collecting and reporting data on  
15 mental health records and ensuring that mental health firearm  
16 possession prohibitors are enforced as set forth under the  
17 Firearm Concealed Carry Act and the Firearm Owners  
18 Identification Card Act. Any surplus in the Fund beyond what is  
19 necessary to ensure compliance with mental health reporting  
20 under these Acts shall be used by the Department of Human  
21 Services for mental health treatment programs.

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

1 (30 ILCS 105/5.206 rep.)

2 Section 135. The State Finance Act is amended by repealing  
3 Section 5.206.

4 Section 140. The Illinois Explosives Act is amended by  
5 changing Section 2005 as follows:

6 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

7 Sec. 2005. Qualifications for licensure.

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

9 (1) is under 21 years of age;

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

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

14 (4) is a fugitive from justice;

15 (5) is an unlawful user of or addicted to any  
16 controlled substance as defined in Section 102 of the  
17 federal Controlled Substances Act (21 U.S.C. Sec. 802 et  
18 seq.);

19 (6) has been adjudicated a mentally disabled person as  
20 defined in Section 1.1 of the Firearm Owners Identification  
21 Card Act ~~mental defective~~; or

22 (7) is not a legal citizen of the United States.

23 (b) A person who has been granted a "relief from

1 disabilities" regarding criminal convictions and indictments,  
2 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.  
3 845) may receive a license provided all other qualifications  
4 under this Act are met.

5 (Source: P.A. 96-1194, eff. 1-1-11.)

6 Section 142. The Liquor Control Act of 1934 is amended by  
7 changing Section 10-1 as follows:

8 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

9 Sec. 10-1. Violations; penalties. Whereas a substantial  
10 threat to the sound and careful control, regulation, and  
11 taxation of the manufacture, sale, and distribution of  
12 alcoholic liquors exists by virtue of individuals who  
13 manufacture, import, distribute, or sell alcoholic liquors  
14 within the State without having first obtained a valid license  
15 to do so, and whereas such threat is especially serious along  
16 the borders of this State, and whereas such threat requires  
17 immediate correction by this Act, by active investigation and  
18 prosecution by law enforcement officials and prosecutors, and  
19 by prompt and strict enforcement through the courts of this  
20 State to punish violators and to deter such conduct in the  
21 future:

22 (a) Any person who manufactures, imports for distribution  
23 or use, or distributes or sells alcoholic liquor at any place  
24 within the State without having first obtained a valid license



1 to do so under the provisions of this Act shall be guilty of a  
2 business offense and fined not more than \$1,000 for the first  
3 such offense and shall be guilty of a Class 4 felony for each  
4 subsequent offense.

5 (b) (1) Any retailer, licensed in this State, who knowingly  
6 causes to furnish, give, sell, or otherwise being within the  
7 State, any alcoholic liquor destined to be used, distributed,  
8 consumed or sold in another state, unless such alcoholic liquor  
9 was received in this State by a duly licensed distributor, or  
10 importing distributors shall have his license suspended for 7  
11 days for the first offense and for the second offense, shall  
12 have his license revoked by the Commission.

13 (2) In the event the Commission receives a certified copy  
14 of a final order from a foreign jurisdiction that an Illinois  
15 retail licensee has been found to have violated that foreign  
16 jurisdiction's laws, rules, or regulations concerning the  
17 importation of alcoholic liquor into that foreign  
18 jurisdiction, the violation may be grounds for the Commission  
19 to revoke, suspend, or refuse to issue or renew a license, to  
20 impose a fine, or to take any additional action provided by  
21 this Act with respect to the Illinois retail license or  
22 licensee. Any such action on the part of the Commission shall  
23 be in accordance with this Act and implementing rules.

24 For the purposes of paragraph (2): (i) "foreign  
25 jurisdiction" means a state, territory, or possession of the  
26 United States, the District of Columbia, or the Commonwealth of

1 Puerto Rico, and (ii) "final order" means an order or judgment  
2 of a court or administrative body that determines the rights of  
3 the parties respecting the subject matter of the proceeding,  
4 that remains in full force and effect, and from which no appeal  
5 can be taken.

6 (c) Any person who shall make any false statement or  
7 otherwise violates any of the provisions of this Act in  
8 obtaining any license hereunder, or who having obtained a  
9 license hereunder shall violate any of the provisions of this  
10 Act with respect to the manufacture, possession, distribution  
11 or sale of alcoholic liquor, or with respect to the maintenance  
12 of the licensed premises, or shall violate any other provision  
13 of this Act, shall for a first offense be guilty of a petty  
14 offense and fined not more than \$500, and for a second or  
15 subsequent offense shall be guilty of a Class B misdemeanor.

16 (c-5) Any owner of an establishment that serves alcohol on  
17 its premises, if more than 50% of the establishment's gross  
18 receipts within the prior 3 months is from the sale of alcohol,  
19 who knowingly fails to prohibit concealed firearms on its  
20 premises or who knowingly makes a false statement or record to  
21 avoid the prohibition of concealed firearms on its premises  
22 under the Firearm Concealed Carry Act shall be guilty of a  
23 business offense with a fine up to \$5,000.

24 (d) Each day any person engages in business as a  
25 manufacturer, foreign importer, importing distributor,  
26 distributor or retailer in violation of the provisions of this

1 Act shall constitute a separate offense.

2 (e) Any person, under the age of 21 years who, for the  
3 purpose of buying, accepting or receiving alcoholic liquor from  
4 a licensee, represents that he is 21 years of age or over shall  
5 be guilty of a Class A misdemeanor.

6 (f) In addition to the penalties herein provided, any  
7 person licensed as a wine-maker in either class who  
8 manufactures more wine than authorized by his license shall be  
9 guilty of a business offense and shall be fined \$1 for each  
10 gallon so manufactured.

11 (g) A person shall be exempt from prosecution for a  
12 violation of this Act if he is a peace officer in the  
13 enforcement of the criminal laws and such activity is approved  
14 in writing by one of the following:

15 (1) In all counties, the respective State's Attorney;

16 (2) The Director of State Police under Section 2605-10,  
17 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,  
18 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,  
19 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,  
20 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,  
21 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,  
22 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,  
23 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the  
24 Department of State Police Law (20 ILCS 2605/2605-10,  
25 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,  
26 2605/2605-110, 2605/2605-115, 2605/2605-120,

1           2605/2605-130,           2605/2605-140,           2605/2605-190,  
2           2605/2605-200,           2605/2605-205,           2605/2605-210,  
3           2605/2605-215,           2605/2605-250,           2605/2605-275,  
4           2605/2605-300,           2605/2605-305,           2605/2605-315,  
5           2605/2605-325,           2605/2605-335,           2605/2605-340,  
6           2605/2605-350,           2605/2605-355,           2605/2605-360,  
7           2605/2605-365,           2605/2605-375,           2605/2605-390,  
8           2605/2605-400,           2605/2605-405,           2605/2605-420,  
9           2605/2605-430,           2605/2605-435,           2605/2605-500,  
10          2605/2605-525, or 2605/2605-550); or

11           (3) In cities over 1,000,000, the Superintendent of  
12          Police.

13          (Source: P.A. 90-739, eff. 8-13-98; 91-239, eff. 1-1-00.)

14          Section 145. The Mental Health and Developmental  
15          Disabilities Code is amended by changing Section 6-103.1 and by  
16          adding Sections 6-103.2 and 6-103.3 as follows:

17           (405 ILCS 5/6-103.1)

18           Sec. 6-103.1. Adjudication as a mentally disabled person  
19          ~~mental defective~~.

20           When a person has been adjudicated as a mentally disabled  
21          person ~~mental defective~~ as defined in Section 1.1 of the  
22          Firearm Owners Identification Card Act, including, but not  
23          limited to, an adjudication as a disabled person as defined in  
24          Section 11a-2 of the Probate Act of 1975, the court shall

1 direct the circuit court clerk to ~~immediately~~ notify the  
2 Department of State Police, Firearm Owner's Identification  
3 (FOID) Office, in a form and manner prescribed by the  
4 Department of State Police, and shall forward a copy of the  
5 court order to the Department no later than 7 days after the  
6 entry of the order. Upon receipt of the order, the Department  
7 of State Police shall provide notification to the National  
8 Instant Criminal Background Check System.

9 (Source: P.A. 97-1131, eff. 1-1-13.)

10 (405 ILCS 5/6-103.2 new)

11 Sec. 6-103.2. Developmental disability; notice.

12 For purposes of this Section, if a person is determined to  
13 be developmentally disabled as defined in Section 1.1 of the  
14 Firearm Owners Identification Card Act by a physician, clinical  
15 psychologist, or qualified examiner, whether practicing at a  
16 public or by a private mental health facility or developmental  
17 disability facility, the physician, clinical psychologist, or  
18 qualified examiner shall notify the Department of Human  
19 Services within 24 hours of making the determination that the  
20 person has a developmental disability. The Department of Human  
21 Services shall immediately update its records and information  
22 relating to mental health and developmental disabilities, and  
23 if appropriate, shall notify the Department of State Police in  
24 a form and manner prescribed by the Department of State Police.  
25 Information disclosed under this Section shall remain

1 privileged and confidential, and shall not be redisclosed,  
2 except as required under subsection (e) of Section 3.1 of the  
3 Firearm Owners Identification Card Act, nor used for any other  
4 purpose. The method of providing this information shall  
5 guarantee that the information is not released beyond that  
6 which is necessary for the purpose of this Section and shall be  
7 provided by rule by the Department of Human Services. The  
8 identity of the person reporting under this Section shall not  
9 be disclosed to the subject of the report.

10 The physician, clinical psychologist, or qualified  
11 examiner making the determination and his or her employer may  
12 not be held criminally, civilly, or professionally liable for  
13 making or not making the notification required under this  
14 Section, except for willful or wanton misconduct.

15 (405 ILCS 5/6-103.3 new)

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

17 If a person is determined to pose a clear and present  
18 danger to himself, herself, or to others by a physician,  
19 clinical psychologist, or qualified examiner, whether employed  
20 by the State, by any public or private mental health facility  
21 or part thereof, or by a law enforcement official or a school  
22 administrator, then the physician, clinical psychologist,  
23 qualified examiner shall notify the Department of Human  
24 Services and a law enforcement official or school administrator  
25 shall notify the Department of State Police, within 24 hours of

1 making the determination that the person poses a clear and  
2 present danger. The Department of Human Services shall  
3 immediately update its records and information relating to  
4 mental health and developmental disabilities, and if  
5 appropriate, shall notify the Department of State Police in a  
6 form and manner prescribed by the Department of State Police.  
7 Information disclosed under this Section shall remain  
8 privileged and confidential, and shall not be redisclosed,  
9 except as required under subsection (e) of Section 3.1 of the  
10 Firearm Owners Identification Card Act, nor used for any other  
11 purpose. The method of providing this information shall  
12 guarantee that the information is not released beyond that  
13 which is necessary for the purpose of this Section and shall be  
14 provided by rule by the Department of Human Services. The  
15 identity of the person reporting under this Section shall not  
16 be disclosed to the subject of the report. The physician,  
17 clinical psychologist, qualified examiner, law enforcement  
18 official, or school administrator making the determination and  
19 his or her employer shall not be held criminally, civilly, or  
20 professionally liable for making or not making the notification  
21 required under this Section, except for willful or wanton  
22 misconduct. This Section does not apply to a law enforcement  
23 official, if making the notification under this Section will  
24 interfere with an ongoing or pending criminal investigation.

25 For the purposes of this Section:

26 "Clear and present danger" has the meaning ascribed to

1 it in Section 1.1 of the Firearm Owners Identification Card  
2 Act.

3 "School administrator" means the person required to  
4 report under the School Administrator Reporting of Mental  
5 Health Clear and Present Danger Determinations Law.

6 Section 150. The Firearm Owners Identification Card Act is  
7 amended by changing Sections 1.1, 3.1, 4, 5, 8, 8.1, 9, 10,  
8 13.1, and 13.2 and by adding Sections 5.1 and 9.5 as follows:

9 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

10 (Text of Section before amendment by P.A. 97-1167)

11 Sec. 1.1. For purposes of this Act:

12 "Addicted to narcotics" means a person who has been:

13 (1) convicted of an offense involving the use or  
14 possession of cannabis, a controlled substance, or  
15 methamphetamine within the past year; or

16 (2) determined by the Department of State Police to be  
17 addicted to narcotics based upon federal law or federal  
18 guidelines.

19 "Addicted to narcotics" does not include possession or use  
20 of a prescribed controlled substance under the direction and  
21 authority of a physician or other person authorized to  
22 prescribe the controlled substance when the controlled  
23 substance is used in the prescribed manner.

24 "Adjudicated" ~~Has been adjudicated~~ as a mentally disabled



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

6 (1) presents a clear and present ~~is a~~ danger to  
7 himself, herself, or to others;

8 (2) lacks the mental capacity to manage his or her own  
9 affairs or is adjudicated a disabled person as defined in  
10 Section 11a-2 of the Probate Act of 1975;

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

13 (3.5) is guilty but mentally ill, as provided in  
14 Section 5-2-6 of the Unified Code of Corrections;

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

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

20 (6) is a sexually violent person under subsection (f)  
21 of Section 5 of the Sexually Violent Persons Commitment  
22 Act;

23 (7) has been found to be a sexually dangerous person  
24 under the Sexually Dangerous Persons Act;

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

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

3           (10) is subject to involuntary admission as an  
4           inpatient as defined in Section 1-119 of the Mental Health  
5           and Development Disabilities Code;

6           (11) is subject to involuntary admission as an  
7           outpatient as defined in Section 1-119.1 of the Mental  
8           Health and Developmental Disabilities Code;

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

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

14           "Clear and present danger" means a person who:

15           (1) communicates a serious threat of physical violence  
16           against a reasonably identifiable victim or poses a clear  
17           and imminent risk of serious physical injury to himself,  
18           herself, or another person as determined by a physician,  
19           clinical psychologist, or qualified examiner; or

20           (2) demonstrates threatening physical or verbal  
21           behavior, such as violent, suicidal, or assaultive  
22           threats, actions, or other behavior, as determined by a  
23           physician, clinical psychologist, qualified examiner,  
24           school administrator, or law enforcement official.

25           "Clinical psychologist" has the meaning provided in  
26           Section 1-103 of the Mental Health and Developmental

1 Disabilities Code.

2 "Controlled substance" means a controlled substance or  
3 controlled substance analog as defined in the Illinois  
4 Controlled Substances Act.

5 "Counterfeit" means to copy or imitate, without legal  
6 authority, with intent to deceive.

7 "Developmentally disabled" means a disability which is  
8 attributable to any other condition which results in impairment  
9 similar to that caused by an intellectual disability and which  
10 requires services similar to those required by intellectually  
11 disabled persons. The disability must originate before the age  
12 of 18 years, be expected to continue indefinitely, and  
13 constitute a substantial handicap.

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

17 "Firearm" means any device, by whatever name known, which  
18 is designed to expel a projectile or projectiles by the action  
19 of an explosion, expansion of gas or escape of gas; excluding,  
20 however:

21 (1) any pneumatic gun, spring gun, paint ball gun, or  
22 B-B gun which expels a single globular projectile not  
23 exceeding .18 inch in diameter or which has a maximum  
24 muzzle velocity of less than 700 feet per second;

25 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
26 B-B gun which expels breakable paint balls containing

1 washable marking colors;

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

5 (3) any device used exclusively for the firing of stud  
6 cartridges, explosive rivets or similar industrial  
7 ammunition; and

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

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

17 (1) any ammunition exclusively designed for use with a  
18 device used exclusively for signalling or safety and  
19 required or recommended by the United States Coast Guard or  
20 the Interstate Commerce Commission; and

21 (2) any ammunition designed exclusively for use with a  
22 stud or rivet driver or other similar industrial  
23 ammunition.

24 "Gun show" means an event or function:

25 (1) at which the sale and transfer of firearms is the  
26 regular and normal course of business and where 50 or more

1 firearms are displayed, offered, or exhibited for sale,  
2 transfer, or exchange; or

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

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

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

15 "Gun show promoter" means a person who organizes or  
16 operates a gun show.

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

22 "Intellectually disabled" means significantly subaverage  
23 general intellectual functioning which exists concurrently  
24 with impairment in adaptive behavior and which originates  
25 before the age of 18 years.

26 "Involuntarily admitted" has the meaning as prescribed in

1 Sections 1-119 and 1-119.1 of the Mental Health and  
2 Developmental Disabilities Code.

3 "Mental health facility" means any licensed private  
4 hospital or hospital affiliate, institution, or facility, or  
5 part thereof, and any facility, or part thereof, operated by  
6 the State or a political subdivision thereof which provide  
7 treatment of persons with mental illness and includes all  
8 hospitals, institutions, clinics, evaluation facilities,  
9 mental health centers, colleges, universities, long-term care  
10 facilities, and nursing homes, or parts thereof, which provide  
11 treatment of persons with mental illness whether or not the  
12 primary purpose is to provide treatment of persons with mental  
13 illness.

14 "Patient" means:

15 (1) a person who voluntarily receives mental health  
16 treatment as an in-patient or resident of any public or  
17 private mental health facility, unless the treatment was  
18 solely for an alcohol abuse disorder and no other secondary  
19 substance abuse disorder or mental illness; or

20 (2) a person who voluntarily receives mental health  
21 treatment as an out-patient or is provided services by a  
22 public or private mental health facility, and who poses a  
23 clear and present danger to himself, herself, or to others.

24 "Physician" has the meaning as defined in Section 1-120 of  
25 the Mental Health and Developmental Disabilities Code.

26 "Qualified examiner" has the meaning provided in Section

1 1-122 of the Mental Health and Developmental Disabilities Code.

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

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

9 "Stun gun or taser" has the meaning ascribed to it in  
10 Section 24-1 of the Criminal Code of 2012.

11 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13.)

12 (Text of Section after amendment by P.A. 97-1167)

13 Sec. 1.1. For purposes of this Act:

14 "Addicted to narcotics" means a person who has been:

15 (1) convicted of an offense involving the use or  
16 possession of cannabis, a controlled substance, or  
17 methamphetamine within the past year; or

18 (2) determined by the Department of State Police to be  
19 addicted to narcotics based upon federal law or federal  
20 guidelines.

21 "Addicted to narcotics" does not include possession or use  
22 of a prescribed controlled substance under the direction and  
23 authority of a physician or other person authorized to  
24 prescribe the controlled substance when the controlled  
25 substance is used in the prescribed manner.

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

7           (1) presents a clear and present ~~is a~~ danger to  
8 himself, herself, or to others;

9           (2) lacks the mental capacity to manage his or her own  
10 affairs or is adjudicated a disabled person as defined in  
11 Section 11a-2 of the Probate Act of 1975;

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

14           (3.5) is guilty but mentally ill, as provided in  
15 Section 5-2-6 of the Unified Code of Corrections;

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

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

21           (6) is a sexually violent person under subsection (f)  
22 of Section 5 of the Sexually Violent Persons Commitment  
23 Act;

24           (7) is a sexually dangerous person under the Sexually  
25 Dangerous Persons Act;

26           (8) is unfit to stand trial under the Juvenile Court



1 Act of 1987;

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

4 (10) is subject to involuntary admission as an  
5 inpatient as defined in Section 1-119 of the Mental Health  
6 and Developmental Disabilities Code;

7 (11) is subject to involuntary admission as an  
8 outpatient as defined in Section 1-119.1 of the Mental  
9 Health and Developmental Disabilities Code;

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

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

15 "Clear and present danger" means a person who:

16 (1) communicates a serious threat of physical violence  
17 against a reasonably identifiable victim or poses a clear  
18 and imminent risk of serious physical injury to himself,  
19 herself, or another person as determined by a physician,  
20 clinical psychologist, or qualified examiner; or

21 (2) demonstrates threatening physical or verbal  
22 behavior, such as violent, suicidal, or assaultive  
23 threats, actions, or other behavior, as determined by a  
24 physician, clinical psychologist, qualified examiner,  
25 school administrator, or law enforcement official.

26 "Clinical psychologist" has the meaning provided in

1 Section 1-103 of the Mental Health and Developmental  
2 Disabilities Code.

3 "Controlled substance" means a controlled substance or  
4 controlled substance analog as defined in the Illinois  
5 Controlled Substances Act.

6 "Counterfeit" means to copy or imitate, without legal  
7 authority, with intent to deceive.

8 "Developmentally disabled" means a disability which is  
9 attributable to any other condition which results in impairment  
10 similar to that caused by an intellectual disability and which  
11 requires services similar to those required by intellectually  
12 disabled persons. The disability must originate before the age  
13 of 18 years, be expected to continue indefinitely, and  
14 constitute a substantial handicap.

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

18 "Firearm" means any device, by whatever name known, which  
19 is designed to expel a projectile or projectiles by the action  
20 of an explosion, expansion of gas or escape of gas; excluding,  
21 however:

22 (1) any pneumatic gun, spring gun, paint ball gun, or  
23 B-B gun which expels a single globular projectile not  
24 exceeding .18 inch in diameter or which has a maximum  
25 muzzle velocity of less than 700 feet per second;

26 (1.1) any pneumatic gun, spring gun, paint ball gun, or

1 B-B gun which expels breakable paint balls containing  
2 washable marking colors;

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

6 (3) any device used exclusively for the firing of stud  
7 cartridges, explosive rivets or similar industrial  
8 ammunition; and

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

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

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

22 (2) any ammunition designed exclusively for use with a  
23 stud or rivet driver or other similar industrial  
24 ammunition.

25 "Gun show" means an event or function:

26 (1) at which the sale and transfer of firearms is the

1 regular and normal course of business and where 50 or more  
2 firearms are displayed, offered, or exhibited for sale,  
3 transfer, or exchange; or

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

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

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

16 "Gun show promoter" means a person who organizes or  
17 operates a gun show.

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

23 "Intellectually disabled" means significantly subaverage  
24 general intellectual functioning which exists concurrently  
25 with impairment in adaptive behavior and which originates  
26 before the age of 18 years.

1       "Involuntarily admitted" has the meaning as prescribed in  
2       Sections 1-119 and 1-119.1 of the Mental Health and  
3       Developmental Disabilities Code.

4       "Mental health facility institution" means any licensed  
5       private hospital or hospital affiliate, institution, or  
6       facility, or part thereof, and any facility, or part thereof,  
7       operated by the State or a political subdivision thereof which  
8       provide clinic, evaluation facility, mental health center, or  
9       part thereof, which is used primarily for the care or treatment  
10       of persons with mental illness and includes all hospitals,  
11       institutions, clinics, evaluation facilities, mental health  
12       centers, colleges, universities, long-term care facilities,  
13       and nursing homes, or parts thereof, which provide treatment of  
14       persons with mental illness whether or not the primary purpose  
15       is to provide treatment of persons with mental illness.

16       "Patient" means:

17       (1) a person who voluntarily receives mental health  
18       treatment as an in-patient or resident of any public or  
19       private mental health facility, unless the treatment was  
20       solely for an alcohol abuse disorder and no other secondary  
21       substance abuse disorder or mental illness; or

22       (2) a person who voluntarily receives mental health  
23       treatment as an out-patient or is provided services by a  
24       public or private mental health facility, and who poses a  
25       clear and present danger to himself, herself, or to others.

26       "Physician" has the meaning as defined in Section 1-120 of

1 the Mental Health and Developmental Disabilities Code.

2 "Qualified examiner" has the meaning provided in Section  
3 1-122 of the Mental Health and Developmental Disabilities Code.

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

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

13 "School administrator" means the person required to report  
14 under the School Administrator Reporting of Mental Health Clear  
15 and Present Danger Determinations Law.

16 "Stun gun or taser" has the meaning ascribed to it in  
17 Section 24-1 of the Criminal Code of 2012.

18 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;  
19 97-1167, eff. 6-1-13.)

20 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

21 Sec. 3.1. Dial up system.

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

1     stun gun, or taser under the provisions of this Act. The  
2     Department of State Police may utilize existing technology  
3     which allows the caller to be charged a fee not to exceed \$2.  
4     Fees collected by the Department of State Police shall be  
5     deposited in the State Police Services Fund and used to provide  
6     the service.

7           (b) Upon receiving a request from a federally licensed  
8     firearm dealer, gun show promoter, or gun show vendor, the  
9     Department of State Police shall immediately approve, or within  
10    the time period established by Section 24-3 of the Criminal  
11    Code of 2012 regarding the delivery of firearms, stun guns, and  
12    tasers notify the inquiring dealer, gun show promoter, or gun  
13    show vendor of any objection that would disqualify the  
14    transferee from acquiring or possessing a firearm, stun gun, or  
15    taser. In conducting the inquiry, the Department of State  
16    Police shall initiate and complete an automated search of its  
17    criminal history record information files and those of the  
18    Federal Bureau of Investigation, including the National  
19    Instant Criminal Background Check System, and of the files of  
20    the Department of Human Services relating to mental health and  
21    developmental disabilities to obtain any felony conviction or  
22    patient hospitalization information which would disqualify a  
23    person from obtaining or require revocation of a currently  
24    valid Firearm Owner's Identification Card.

25           (c) If receipt of a firearm would not violate Section 24-3  
26    of the Criminal Code of 2012, federal law, or this Act the

1 Department of State Police shall:

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

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

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

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

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

23 (3) The Department of State Police shall provide notice of  
24 the disqualification of a person under subsection (b) of this  
25 Section or the revocation of a person's Firearm Owner's  
26 Identification Card under Section 8 of this Act, and the reason



1 for the disqualification or revocation, to all law enforcement  
2 agencies with jurisdiction to assist with the seizure of the  
3 person's Firearm Owner's Identification Card.

4 (f) The Department of State Police shall adopt ~~promulgate~~  
5 rules not inconsistent with this Section to implement this  
6 system.

7 (Source: P.A. 97-1150, eff. 1-25-13.)

8 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

9 (Text of Section before amendment by P.A. 97-1167)

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

12 (1) Make application on blank forms prepared and  
13 furnished at convenient locations throughout the State by  
14 the Department of State Police, or by electronic means, if  
15 and when made available by the Department of State Police;  
16 and

17 (2) Submit evidence to the Department of State Police  
18 that:

19 (i) He or she is 21 years of age or over, or if he  
20 or she is under 21 years of age that he or she has the  
21 written consent of his or her parent or legal guardian  
22 to possess and acquire firearms and firearm ammunition  
23 and that he or she has never been convicted of a  
24 misdemeanor other than a traffic offense or adjudged  
25 delinquent, provided, however, that such parent or

1 legal guardian is not an individual prohibited from  
2 having a Firearm Owner's Identification Card and files  
3 an affidavit with the Department as prescribed by the  
4 Department stating that he or she is not an individual  
5 prohibited from having a Card;

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

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

9 (iv) He or she has not been a patient in a mental  
10 health facility ~~institution~~ within the past 5 years or,  
11 if he or she has been a patient in a mental health  
12 facility more than 5 years ago submit the certification  
13 required under subsection (u) of Section 8 of this Act  
14 ~~and he or she has not been adjudicated as a mental~~  
15 ~~defective;~~

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

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

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

23 (viii) He or she has not been convicted within the  
24 past 5 years of battery, assault, aggravated assault,  
25 violation of an order of protection, or a substantially  
26 similar offense in another jurisdiction, in which a

1 firearm was used or possessed;

2 (ix) He or she has not been convicted of domestic  
3 battery, aggravated domestic battery, or a  
4 substantially similar offense in another jurisdiction  
5 committed before, on or after January 1, 2012 (the  
6 effective date of Public Act 97-158). If the applicant  
7 knowingly and intelligently waives the right to have an  
8 offense described in this clause (ix) tried by a jury,  
9 and by guilty plea or otherwise, results in a  
10 conviction for an offense in which a domestic  
11 relationship is not a required element of the offense  
12 but in which a determination of the applicability of 18  
13 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the  
14 Code of Criminal Procedure of 1963, an entry by the  
15 court of a judgment of conviction for that offense  
16 shall be grounds for denying the issuance of a Firearm  
17 Owner's Identification Card under this Section;

18 (x) (Blank);

19 (xi) He or she is not an alien who has been  
20 admitted to the United States under a non-immigrant  
21 visa (as that term is defined in Section 101(a)(26) of  
22 the Immigration and Nationality Act (8 U.S.C.  
23 1101(a)(26))), or that he or she is an alien who has  
24 been lawfully admitted to the United States under a  
25 non-immigrant visa if that alien is:

26 (1) admitted to the United States for lawful

1 hunting or sporting purposes;

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

4 (A) accredited to the United States  
5 Government or the Government's mission to an  
6 international organization having its  
7 headquarters in the United States; or

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

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

13 (4) a foreign law enforcement officer of a  
14 friendly foreign government entering the United  
15 States on official business; or

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

19 (xii) He or she is not a minor subject to a  
20 petition filed under Section 5-520 of the Juvenile  
21 Court Act of 1987 alleging that the minor is a  
22 delinquent minor for the commission of an offense that  
23 if committed by an adult would be a felony;

24 (xiii) He or she is not an adult who had been  
25 adjudicated a delinquent minor under the Juvenile  
26 Court Act of 1987 for the commission of an offense that

1 if committed by an adult would be a felony; and  
2 (xiv) He or she is a resident of the State of  
3 Illinois; ~~and~~  
4 (xv) He or she has not been adjudicated as a  
5 mentally disabled person;  
6 (xvi) He or she has not been involuntarily admitted  
7 into a mental health facility; and  
8 (xvii) He or she is not developmentally disabled;  
9 and

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

24 (a-5) Each applicant for a Firearm Owner's Identification  
25 Card who is over the age of 18 shall furnish to the Department  
26 of State Police either his or her Illinois driver's license

1 number or Illinois Identification Card number, except as  
2 provided in subsection (a-10).

3 (a-10) Each applicant for a Firearm Owner's Identification  
4 Card, who is employed as a law enforcement officer, an armed  
5 security officer in Illinois, or by the United States Military  
6 permanently assigned in Illinois and who is not an Illinois  
7 resident, shall furnish to the Department of State Police his  
8 or her driver's license number or state identification card  
9 number from his or her state of residence. The Department of  
10 State Police may adopt ~~promulgate~~ rules to enforce the  
11 provisions of this subsection (a-10).

12 (a-15) If an applicant applying for a Firearm Owner's  
13 Identification Card moves from the residence address named in  
14 the application, he or she shall immediately notify in a form  
15 and manner prescribed by the Department of State Police of that  
16 change of address.

17 (a-20) Each applicant for a Firearm Owner's Identification  
18 Card shall furnish to the Department of State Police his or her  
19 photograph. An applicant who is 21 years of age or older  
20 seeking a religious exemption to the photograph requirement  
21 must furnish with the application an approved copy of United  
22 States Department of the Treasury Internal Revenue Service Form  
23 4029. In lieu of a photograph, an applicant regardless of age  
24 seeking a religious exemption to the photograph requirement  
25 shall submit fingerprints on a form and manner prescribed by  
26 the Department with his or her application.

1 (b) Each application form shall include the following  
2 statement printed in bold type: "Warning: Entering false  
3 information on an application for a Firearm Owner's  
4 Identification Card is punishable as a Class 2 felony in  
5 accordance with subsection (d-5) of Section 14 of the Firearm  
6 Owners Identification Card Act."

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

11 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
12 eff. 7-13-12; 97-1131, eff. 1-1-13.)

13 (Text of Section after amendment by P.A. 97-1167)

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

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

21 (2) Submit evidence to the Department of State Police  
22 that:

23 (i) He or she is 21 years of age or over, or if he  
24 or she is under 21 years of age that he or she has the  
25 written consent of his or her parent or legal guardian

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

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

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

13 (iv) He or she has not been a patient in a mental  
14 health facility ~~institution~~ within the past 5 years or,  
15 if he or she has been a patient in a mental health  
16 facility more than 5 years ago submit the certification  
17 required under subsection (u) of Section 8 of this Act;

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). If the applicant  
9 knowingly and intelligently waives the right to have an  
10 offense described in this clause (ix) tried by a jury,  
11 and by guilty plea or otherwise, results in a  
12 conviction for an offense in which a domestic  
13 relationship is not a required element of the offense  
14 but in which a determination of the applicability of 18  
15 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the  
16 Code of Criminal Procedure of 1963, an entry by the  
17 court of a judgment of conviction for that offense  
18 shall be grounds for denying the issuance of a Firearm  
19 Owner's Identification Card under this Section;

20 (x) (Blank);

21 (xi) He or she is not an alien who has been  
22 admitted to the United States under a non-immigrant  
23 visa (as that term is defined in Section 101(a)(26) of  
24 the Immigration and Nationality Act (8 U.S.C.  
25 1101(a)(26))), or that he or she is an alien who has  
26 been lawfully admitted to the United States under a

1 non-immigrant visa if that alien is:

2 (1) admitted to the United States for lawful  
3 hunting or sporting purposes;

4 (2) an official representative of a foreign  
5 government who is:

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

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

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

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

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

21 (xii) He or she is not a minor subject to a  
22 petition filed under Section 5-520 of the Juvenile  
23 Court Act of 1987 alleging that the minor is a  
24 delinquent minor for the commission of an offense that  
25 if committed by an adult would be a felony;

26 (xiii) He or she is not an adult who had been

1 adjudicated a delinquent minor under the Juvenile  
2 Court Act of 1987 for the commission of an offense that  
3 if committed by an adult would be a felony;

4 (xiv) He or she is a resident of the State of  
5 Illinois; ~~and~~

6 (xv) He or she has not been adjudicated as a  
7 mentally disabled person ~~mental-defective; and~~

8 (xvi) He or she has not been involuntarily admitted  
9 into a mental health facility; and

10 (xvii) He or she is not developmentally disabled;  
11 and

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

26 (a-5) Each applicant for a Firearm Owner's Identification

1 Card who is over the age of 18 shall furnish to the Department  
2 of State Police either his or her Illinois driver's license  
3 number or Illinois Identification Card number, except as  
4 provided in subsection (a-10).

5 (a-10) Each applicant for a Firearm Owner's Identification  
6 Card, who is employed as a law enforcement officer, an armed  
7 security officer in Illinois, or by the United States Military  
8 permanently assigned in Illinois and who is not an Illinois  
9 resident, shall furnish to the Department of State Police his  
10 or her driver's license number or state identification card  
11 number from his or her state of residence. The Department of  
12 State Police may adopt ~~promulgate~~ rules to enforce the  
13 provisions of this subsection (a-10).

14 (a-15) If an applicant applying for a Firearm Owner's  
15 Identification Card moves from the residence address named in  
16 the application, he or she shall immediately notify in a form  
17 and manner prescribed by the Department of State Police of that  
18 change of address.

19 (a-20) Each applicant for a Firearm Owner's Identification  
20 Card shall furnish to the Department of State Police his or her  
21 photograph. An applicant who is 21 years of age or older  
22 seeking a religious exemption to the photograph requirement  
23 must furnish with the application an approved copy of United  
24 States Department of the Treasury Internal Revenue Service Form  
25 4029. In lieu of a photograph, an applicant regardless of age  
26 seeking a religious exemption to the photograph requirement

1 shall submit fingerprints on a form and manner prescribed by  
2 the Department with his or her application.

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

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

13 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
14 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13.)

15 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

16 Sec. 5. The Department of State Police shall either approve  
17 or deny all applications within 30 days from the date they are  
18 received, and every applicant found qualified under ~~pursuant to~~  
19 Section 8 of this Act by the Department shall be entitled to a  
20 Firearm Owner's Identification Card upon the payment of a \$10  
21 fee. Any applicant who is an active duty member of the Armed  
22 Forces of the United States, a member of the Illinois National  
23 Guard, or a member of the Reserve Forces of the United States  
24 is exempt from the application fee. \$6 of each fee derived from  
25 the issuance of Firearm Owner's Identification Cards, or

1 renewals thereof, shall be deposited in the Wildlife and Fish  
2 Fund in the State Treasury; \$1 of the ~~such~~ fee shall be  
3 deposited in the State Police Services Fund and \$3 of the ~~such~~  
4 fee shall be deposited in the State Police Firearm Services  
5 Fund. Firearm Owner's Notification Fund. Monies in the Firearm  
6 Owner's Notification Fund shall be used exclusively to pay for  
7 the cost of sending notices of expiration of Firearm Owner's  
8 Identification Cards under Section 13.2 of this Act. Excess  
9 monies in the Firearm Owner's Notification Fund shall be used  
10 to ensure the prompt and efficient processing of applications  
11 received under Section 4 of this Act.

12 (Source: P.A. 95-581, eff. 6-1-08; 96-91, eff. 7-27-09.)

13 (430 ILCS 65/5.1 new)

14 Sec. 5.1. State Police Firearm Services Fund. All moneys  
15 remaining in the Firearm Owner's Notification Fund on the  
16 effective date of this amendatory Act of the 98th General  
17 Assembly shall be transferred into the State Police Firearm  
18 Services Fund, a special fund created in the State treasury, to  
19 be expended by the Department of State Police, for the purposes  
20 specified in this Act and Section 2605-595 of the Department of  
21 State Police Law of the Civil Administrative Code of Illinois.

22 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

23 (Text of Section before amendment by P.A. 97-1167)

24 Sec. 8. The Department of State Police has authority to

1 deny an application for or to revoke and seize a Firearm  
2 Owner's Identification Card previously issued under this Act  
3 only if the Department finds that the applicant or the person  
4 to whom such card was issued is or was at the time of issuance:

5 (a) A person under 21 years of age who has been convicted  
6 of a misdemeanor other than a traffic offense or adjudged  
7 delinquent;

8 (b) A person under 21 years of age who does not have the  
9 written consent of his parent or guardian to acquire and  
10 possess firearms and firearm ammunition, or whose parent or  
11 guardian has revoked such written consent, or where such parent  
12 or guardian does not qualify to have a Firearm Owner's  
13 Identification Card;

14 (c) A person convicted of a felony under the laws of this  
15 or any other jurisdiction;

16 (d) A person addicted to narcotics;

17 (e) A person who has been a patient of a mental health  
18 facility institution within the past 5 years or a person who  
19 has been a patient in a mental health facility more than 5  
20 years ago who has not received the certification required under  
21 subsection (u) of this Section. An active law enforcement  
22 officer employed by a unit of government who is denied,  
23 revoked, or has his or her Firearm Owner's Identification Card  
24 seized under this subsection (e) may obtain relief as described  
25 in subsection (c-5) of Section 10 of this Act if the officer  
26 did not act in a manner threatening to the officer, another

1 person, or the public as determined by the treating clinical  
2 psychologist or physician, and the officer seeks mental health  
3 treatment ~~or has been adjudicated as a mental defective;~~

4 (f) A person whose mental condition is of such a nature  
5 that it poses a clear and present danger to the applicant, any  
6 other person or persons or the community;

7 ~~For the purposes of this Section, "mental condition" means~~  
8 ~~a state of mind manifested by violent, suicidal, threatening or~~  
9 ~~assaultive behavior.~~

10 (g) A person who is intellectually disabled;

11 (h) A person who intentionally makes a false statement in  
12 the Firearm Owner's Identification Card application;

13 (i) An alien who is unlawfully present in the United States  
14 under the laws of the United States;

15 (i-5) An alien who has been admitted to the United States  
16 under a non-immigrant visa (as that term is defined in Section  
17 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
18 1101(a)(26))), except that this subsection (i-5) does not apply  
19 to any alien who has been lawfully admitted to the United  
20 States under a non-immigrant visa if that alien is:

21 (1) admitted to the United States for lawful hunting or  
22 sporting purposes;

23 (2) an official representative of a foreign government  
24 who is:

25 (A) accredited to the United States Government or  
26 the Government's mission to an international



1 organization having its headquarters in the United  
2 States; or

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

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

8 (4) a foreign law enforcement officer of a friendly  
9 foreign government entering the United States on official  
10 business; or

11 (5) one who has received a waiver from the Attorney  
12 General of the United States pursuant to 18 U.S.C.  
13 922(y)(3);

14 (j) (Blank);

15 (k) A person who has been convicted within the past 5 years  
16 of battery, assault, aggravated assault, violation of an order  
17 of protection, or a substantially similar offense in another  
18 jurisdiction, in which a firearm was used or possessed;

19 (l) A person who has been convicted of domestic battery,  
20 aggravated domestic battery, or a substantially similar  
21 offense in another jurisdiction committed before, on or after  
22 January 1, 2012 (the effective date of Public Act 97-158). If  
23 the applicant or person who has been previously issued a  
24 Firearm Owner's Identification Card under this Act knowingly  
25 and intelligently waives the right to have an offense described  
26 in this paragraph (l) tried by a jury, and by guilty plea or

1 otherwise, results in a conviction for an offense in which a  
2 domestic relationship is not a required element of the offense  
3 but in which a determination of the applicability of 18 U.S.C.  
4 922(g)(9) is made under Section 112A-11.1 of the Code of  
5 Criminal Procedure of 1963, an entry by the court of a judgment  
6 of conviction for that offense shall be grounds for denying an  
7 application for and for revoking and seizing a Firearm Owner's  
8 Identification Card previously issued to the person under this  
9 Act;

10 (m) (Blank);

11 (n) A person who is prohibited from acquiring or possessing  
12 firearms or firearm ammunition by any Illinois State statute or  
13 by federal law;

14 (o) A minor subject to a petition filed under Section 5-520  
15 of the Juvenile Court Act of 1987 alleging that the minor is a  
16 delinquent minor for the commission of an offense that if  
17 committed by an adult would be a felony;

18 (p) An adult who had been adjudicated a delinquent minor  
19 under the Juvenile Court Act of 1987 for the commission of an  
20 offense that if committed by an adult would be a felony; ~~or~~

21 (q) A person who is not a resident of the State of  
22 Illinois, except as provided in subsection (a-10) of Section  
23 4.1-

24 (r) A person who has been adjudicated as a mentally  
25 disabled person;

26 (s) A person who has been found to be developmentally

1 disabled;

2 (t) A person involuntarily admitted into a mental health  
3 facility;

4 (u) A person who has had his or her Firearm Owner's  
5 Identification Card revoked or denied under subsection (e) of  
6 this Section or item (iv) of Section 4 of this Act because he  
7 or she was a patient in a mental health facility as provided in  
8 item (2) of subsection (e) of this Section, shall not be  
9 permitted to obtain a Firearm Owner's Identification Card,  
10 after the 5 year period has lapsed, unless he or she has  
11 received a mental health evaluation by a physician, clinical  
12 psychologist, or qualified examiner as those terms are defined  
13 in the Mental Health and Developmental Disabilities Code, and  
14 has received a certification that he or she is not a clear and  
15 present danger to himself, herself, or others. The physician,  
16 clinical psychologist, or qualified examiner making the  
17 certification and his or her employer shall not be held  
18 criminally, civilly, or professionally liable for making or not  
19 making the certification required under this subsection,  
20 except for willful or wanton misconduct. This subsection does  
21 not apply to a person whose firearm possession rights have been  
22 restored through administrative or judicial action under  
23 Section 10 or 11 of this Act; or

24 (v) Upon revocation of a person's Firearm Owner's  
25 Identification Card, the Department of State Police shall  
26 provide notice to the person and the person shall comply with

1 Section 9.5 of this Act.

2 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
3 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

4 (Text of Section after amendment by P.A. 97-1167)

5 Sec. 8. The Department of State Police has authority to  
6 deny an application for or to revoke and seize a Firearm  
7 Owner's Identification Card previously issued under this Act  
8 only if the Department finds that the applicant or the person  
9 to whom such card was issued is or was at the time of issuance:

10 (a) A person under 21 years of age who has been convicted  
11 of a misdemeanor other than a traffic offense or adjudged  
12 delinquent;

13 (b) A person under 21 years of age who does not have the  
14 written consent of his parent or guardian to acquire and  
15 possess firearms and firearm ammunition, or whose parent or  
16 guardian has revoked such written consent, or where such parent  
17 or guardian does not qualify to have a Firearm Owner's  
18 Identification Card;

19 (c) A person convicted of a felony under the laws of this  
20 or any other jurisdiction;

21 (d) A person addicted to narcotics;

22 (e) A person who has been a patient of a mental health  
23 facility ~~institution~~ within the past 5 years or a person who  
24 has been a patient in a mental health facility more than 5  
25 years ago who has not received the certification required under

1 subsection (u) of this Section. An active law enforcement  
2 officer employed by a unit of government who is denied,  
3 revoked, or has his or her Firearm Owner's Identification Card  
4 seized under this subsection (e) may obtain relief as described  
5 in subsection (c-5) of Section 10 of this Act if the officer  
6 did not act in a manner threatening to the officer, another  
7 person, or the public as determined by the treating clinical  
8 psychologist or physician, and the officer seeks mental health  
9 treatment;

10 (f) A person whose mental condition is of such a nature  
11 that it poses a clear and present danger to the applicant, any  
12 other person or persons or the community;

13 ~~For the purposes of this Section, "mental condition" means~~  
14 ~~a state of mind manifested by violent, suicidal, threatening or~~  
15 ~~assaultive behavior.~~

16 (g) A person who is intellectually disabled;

17 (h) A person who intentionally makes a false statement in  
18 the Firearm Owner's Identification Card application;

19 (i) An alien who is unlawfully present in the United States  
20 under the laws of the United States;

21 (i-5) An alien who has been admitted to the United States  
22 under a non-immigrant visa (as that term is defined in Section  
23 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
24 1101(a)(26))), except that this subsection (i-5) does not apply  
25 to any alien who has been lawfully admitted to the United  
26 States under a non-immigrant visa if that alien is:

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

3 (2) an official representative of a foreign government  
4 who is:

5 (A) accredited to the United States Government or  
6 the Government's mission to an international  
7 organization having its headquarters in the United  
8 States; or

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

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

14 (4) a foreign law enforcement officer of a friendly  
15 foreign government entering the United States on official  
16 business; or

17 (5) one who has received a waiver from the Attorney  
18 General of the United States pursuant to 18 U.S.C.  
19 922(y)(3);

20 (j) (Blank);

21 (k) A person who has been convicted within the past 5 years  
22 of battery, assault, aggravated assault, violation of an order  
23 of protection, or a substantially similar offense in another  
24 jurisdiction, in which a firearm was used or possessed;

25 (l) A person who has been convicted of domestic battery,  
26 aggravated domestic battery, or a substantially similar

1 offense in another jurisdiction committed before, on or after  
2 January 1, 2012 (the effective date of Public Act 97-158). If  
3 the applicant or person who has been previously issued a  
4 Firearm Owner's Identification Card under this Act knowingly  
5 and intelligently waives the right to have an offense described  
6 in this paragraph (l) tried by a jury, and by guilty plea or  
7 otherwise, results in a conviction for an offense in which a  
8 domestic relationship is not a required element of the offense  
9 but in which a determination of the applicability of 18 U.S.C.  
10 922(g)(9) is made under Section 112A-11.1 of the Code of  
11 Criminal Procedure of 1963, an entry by the court of a judgment  
12 of conviction for that offense shall be grounds for denying an  
13 application for and for revoking and seizing a Firearm Owner's  
14 Identification Card previously issued to the person under this  
15 Act;

16 (m) (Blank);

17 (n) A person who is prohibited from acquiring or possessing  
18 firearms or firearm ammunition by any Illinois State statute or  
19 by federal law;

20 (o) A minor subject to a petition filed under Section 5-520  
21 of the Juvenile Court Act of 1987 alleging that the minor is a  
22 delinquent minor for the commission of an offense that if  
23 committed by an adult would be a felony;

24 (p) An adult who had been adjudicated a delinquent minor  
25 under the Juvenile Court Act of 1987 for the commission of an  
26 offense that if committed by an adult would be a felony;

1 (q) A person who is not a resident of the State of  
2 Illinois, except as provided in subsection (a-10) of Section 4;

3 ~~or~~

4 (r) A person who has been adjudicated as a mentally  
5 disabled person; mental defective.

6 (s) A person who has been found to be developmentally  
7 disabled;

8 (t) A person involuntarily admitted into a mental health  
9 facility;

10 (u) A person who has had his or her Firearm Owner's  
11 Identification Card revoked or denied under subsection (e) of  
12 this Section or item (iv) of Section 4 of this Act because he  
13 or she was a patient in a mental health facility as provided in  
14 item (2) of subsection (e) of this Section, shall not be  
15 permitted to obtain a Firearm Owner's Identification Card,  
16 after the 5 year period has lapsed, unless he or she has  
17 received a mental health evaluation by a physician, clinical  
18 psychologist, or qualified examiner as those terms are defined  
19 in the Mental Health and Developmental Disabilities Code, and  
20 has received a certification that he or she is not a clear and  
21 present danger to himself, herself, or others. The physician,  
22 clinical psychologist, or qualified examiner making the  
23 certification and his or her employer shall not be held  
24 criminally, civilly, or professionally liable for making or not  
25 making the certification required under this subsection,  
26 except for willful or wanton misconduct. This subsection does



1 not apply to a person whose firearm possession rights have been  
2 restored through administrative or judicial action under  
3 Section 10 or 11 of this Act; or

4 (v) Upon revocation of a person's Firearm Owner's  
5 Identification Card, the Department of State Police shall  
6 provide notice to the person and the person shall comply with  
7 Section 9.5 of this Act.

8 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
9 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;  
10 97-1167, eff. 6-1-13.)

11 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

12 Sec. 8.1. Notifications to the Circuit Clerk to notify  
13 Department of State Police.

14 (a) The Circuit Clerk shall, in the form and manner  
15 required by the Supreme Court, notify the Department of State  
16 Police of all final dispositions of cases for which the  
17 Department has received information reported to it under  
18 Sections 2.1 and 2.2 of the Criminal Identification Act.

19 (b) Upon adjudication of any individual as a mentally  
20 disabled person ~~mental defective~~, as defined in Section 1.1 of  
21 this Act or a finding that a person has been involuntarily  
22 admitted ~~or as provided in paragraph (3.5) of subsection (c) of~~  
23 ~~Section 104-26 of the Code of Criminal Procedure of 1963~~, the  
24 court shall direct the circuit court clerk to immediately  
25 notify the Department of State Police, Firearm Owner's

1 Identification (FOID) department, and shall forward a copy of  
2 the court order to the Department.

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

12 (d) If a person is determined to pose a clear and present  
13 danger to himself, herself, or to others by a physician,  
14 clinical psychologist, qualified examiner, law enforcement  
15 official, or school administrator, or is determined to be  
16 developmentally disabled by a physician, clinical  
17 psychologist, or qualified examiner, whether employed by the  
18 State or by a private mental health facility, then the  
19 physician, clinical psychologist, or qualified examiner shall,  
20 within 24 hours of making the determination, notify the  
21 Department of Human Services that the person poses a clear and  
22 present danger. The Department of Human Services shall  
23 immediately update its records and information relating to  
24 mental health and developmental disabilities, and if  
25 appropriate, shall notify the Department of State Police in a  
26 form and manner prescribed by the Department of State Police.

1 The Department of State Police shall determine whether to  
2 revoke the person's Firearm Owner's Identification Card under  
3 Section 8 of this Act. Any information disclosed under this  
4 subsection shall remain privileged and confidential, and shall  
5 not be redisclosed, except as required under subsection (e) of  
6 Section 3.1 of this Act, nor used for any other purpose. The  
7 method of providing this information shall guarantee that the  
8 information is not released beyond what is necessary for the  
9 purpose of this Section and shall be provided by rule by the  
10 Department of Human Services. The identity of the person  
11 reporting under this Section shall not be disclosed to the  
12 subject of the report. The physician, clinical psychologist,  
13 qualified examiner, law enforcement official, or school  
14 administrator making the determination and his or her employer  
15 shall not be held criminally, civilly, or professionally liable  
16 for making or not making the notification required under this  
17 subsection, except for willful or wanton misconduct.

18 (e) The Department of State Police shall adopt rules to  
19 implement this Section.

20 (Source: P.A. 97-1131, eff. 1-1-13.)

21 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

22 Sec. 9. Every person whose application for a Firearm  
23 Owner's Identification Card is denied, and every holder of such  
24 a Card whose Card is revoked or seized, shall receive a written  
25 notice from the Department of State Police stating specifically

1 the grounds upon which his application has been denied or upon  
2 which his Identification Card has been revoked. The written  
3 notice shall include the requirements of Section 9.5 of this  
4 Act and the persons's right to administrative or judicial  
5 review under Section 10 and 11 of this Act. A copy of the  
6 written notice shall be provided to the sheriff and law  
7 enforcement agency where the person resides.

8 (Source: P.A. 97-1131, eff. 1-1-13.)

9 (430 ILCS 65/9.5 new)

10 Sec. 9.5. Revocation of Firearm Owner's Identification  
11 Card.

12 (a) A person who receives a revocation notice under Section  
13 9 of this Act shall, within 48 hours of receiving notice of the  
14 revocation:

15 (1) surrender his or her Firearm Owner's  
16 Identification Card to the local law enforcement agency  
17 where the person resides. The local law enforcement agency  
18 shall provide the person a receipt and transmit the Firearm  
19 Owner's Identification Card to the Department of State  
20 Police; and

21 (2) complete a Firearm Disposition Record on a form  
22 prescribed by the Department of State Police and place his  
23 or her firearms in the location or with the person reported  
24 in the Firearm Disposition Record. The form shall require  
25 the person to disclose:

1           (A) the make, model, and serial number of each  
2           firearm owned by or under the custody and control of  
3           the revoked person;

4           (B) the location where each firearm will be  
5           maintained during the prohibited term; and

6           (C) if any firearm will be transferred to the  
7           custody of another person, the name, address and  
8           Firearm Owner's Identification Card number of the  
9           transferee.

10          (b) The local law enforcement agency shall provide a copy  
11          of the Firearm Disposition Record to the person whose Firearm  
12          Owner's Identification Card has been revoked and to the  
13          Department of State Police.

14          (c) If the person whose Firearm Owner's Identification Card  
15          has been revoked fails to comply with the requirements of this  
16          Section, the sheriff or law enforcement agency where the person  
17          resides may petition the circuit court to issue a warrant to  
18          search for and seize the Firearm Owner's Identification Card  
19          and firearms in the possession or under the custody or control  
20          of the person whose Firearm Owner's Identification Card has  
21          been revoked.

22          (d) A violation of subsection (a) of this Section is a  
23          Class A misdemeanor.

24          (e) The observation of a Firearm Owner's Identification  
25          Card in the possession of a person whose Firearm Owner's  
26          Identification Card has been revoked constitutes a sufficient

1 basis for the arrest of that person for violation of this  
2 Section.

3 (f) Within 30 days after the effective date of this  
4 amendatory Act of the 98th General Assembly, the Department of  
5 State Police shall provide written notice of the requirements  
6 of this Section to persons whose Firearm Owner's Identification  
7 Cards have been revoked, suspended, or expired and who have  
8 failed to surrender their cards to the Department.

9 (g) A person whose Firearm Owner's Identification Card has  
10 been revoked and who received notice under subsection (f) shall  
11 comply with the requirements of this Section within 48 hours of  
12 receiving notice.

13 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

14 (Text of Section before amendment by P.A. 97-1167)

15 Sec. 10. Appeal to director; hearing; relief from firearm  
16 prohibitions.

17 (a) Whenever an application for a Firearm Owner's  
18 Identification Card is denied, whenever the Department fails to  
19 act on an application within 30 days of its receipt, or  
20 whenever such a Card is revoked or seized as provided for in  
21 Section 8 of this Act, the aggrieved party may appeal to the  
22 Director of State Police for a hearing upon such denial,  
23 revocation or seizure, unless the denial, revocation, or  
24 seizure was based upon a forcible felony, stalking, aggravated  
25 stalking, domestic battery, any violation of the Illinois

1 Controlled Substances Act, the Methamphetamine Control and  
2 Community Protection Act, or the Cannabis Control Act that is  
3 classified as a Class 2 or greater felony, any felony violation  
4 of Article 24 of the Criminal Code of 1961 or the Criminal Code  
5 of 2012, or any adjudication as a delinquent minor for the  
6 commission of an offense that if committed by an adult would be  
7 a felony, in which case the aggrieved party may petition the  
8 circuit court in writing in the county of his or her residence  
9 for a hearing upon such denial, revocation, or seizure.

10 (b) At least 30 days before any hearing in the circuit  
11 court, the petitioner shall serve the relevant State's Attorney  
12 with a copy of the petition. The State's Attorney may object to  
13 the petition and present evidence. At the hearing the court  
14 shall determine whether substantial justice has been done.  
15 Should the court determine that substantial justice has not  
16 been done, the court shall issue an order directing the  
17 Department of State Police to issue a Card. However, the court  
18 shall not issue the order if the petitioner is otherwise  
19 prohibited from obtaining, possessing, or using a firearm under  
20 federal law.

21 (c) Any person prohibited from possessing a firearm under  
22 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or  
23 acquiring a Firearm Owner's Identification Card under Section 8  
24 of this Act may apply to the Director of State Police or  
25 petition the circuit court in the county where the petitioner  
26 resides, whichever is applicable in accordance with subsection

1 (a) of this Section, requesting relief from such prohibition  
2 and the Director or court may grant such relief if it is  
3 established by the applicant to the court's or Director's  
4 satisfaction that:

5 (0.05) when in the circuit court, the State's Attorney  
6 has been served with a written copy of the petition at  
7 least 30 days before any such hearing in the circuit court  
8 and at the hearing the State's Attorney was afforded an  
9 opportunity to present evidence and object to the petition;

10 (1) the applicant has not been convicted of a forcible  
11 felony under the laws of this State or any other  
12 jurisdiction within 20 years of the applicant's  
13 application for a Firearm Owner's Identification Card, or  
14 at least 20 years have passed since the end of any period  
15 of imprisonment imposed in relation to that conviction;

16 (2) the circumstances regarding a criminal conviction,  
17 where applicable, the applicant's criminal history and his  
18 reputation are such that the applicant will not be likely  
19 to act in a manner dangerous to public safety;

20 (3) granting relief would not be contrary to the public  
21 interest; and

22 (4) granting relief would not be contrary to federal  
23 law.

24 (c-5) (1) An active law enforcement officer employed by  
25 a unit of government, who is denied, revoked, or has his or  
26 her Firearm Owner's Identification Card seized under



1 subsection (e) of Section 8 of this Act may apply to the  
2 Director of State Police requesting relief if the officer  
3 did not act in a manner threatening to the officer, another  
4 person, or the public as determined by the treating  
5 clinical psychologist or physician, and as a result of his  
6 or her work is referred by the employer for or voluntarily  
7 seeks mental health evaluation or treatment by a licensed  
8 clinical psychologist, psychiatrist, or qualified  
9 examiner, and:

10 (A) the officer has not received treatment  
11 involuntarily at a mental health facility, regardless  
12 of the length of admission; or has not been voluntarily  
13 admitted to a mental health facility for more than 30  
14 days and not for more than one incident within the past  
15 5 years; and

16 (B) the officer has not left the mental institution  
17 against medical advice.

18 (2) The Director of State Police shall grant expedited  
19 relief to active law enforcement officers described in  
20 paragraph (1) of this subsection (c-5) upon a determination  
21 by the Director that the officer's possession of a firearm  
22 does not present a threat to themselves, others, or public  
23 safety. The Director shall act on the request for relief  
24 within 30 business days of receipt of:

25 (A) a notarized statement from the officer in the  
26 form prescribed by the Director detailing the

1 circumstances that led to the hospitalization;

2 (B) all documentation regarding the admission,  
3 evaluation, treatment and discharge from the treating  
4 licensed clinical psychologist or psychiatrist of the  
5 officer;

6 (C) a psychological fitness for duty evaluation of  
7 the person completed after the time of discharge; and

8 (D) written confirmation in the form prescribed by  
9 the Director from the treating licensed clinical  
10 psychologist or psychiatrist that the provisions set  
11 forth in paragraph (1) of this subsection (c-5) have  
12 been met, the person successfully completed treatment,  
13 and their professional opinion regarding the person's  
14 ability to possess firearms.

15 (3) Officers eligible for the expedited relief in  
16 paragraph (2) of this subsection (c-5) have the burden of  
17 proof on eligibility and must provide all information  
18 required. The Director may not consider granting expedited  
19 relief until the proof and information is received.

20 (4) "Clinical psychologist", "psychiatrist", and  
21 "qualified examiner" shall have the same meaning as  
22 provided in Chapter 1 of the Mental Health and  
23 Developmental Disabilities Code.

24 (d) When a minor is adjudicated delinquent for an offense  
25 which if committed by an adult would be a felony, the court  
26 shall notify the Department of State Police.

1 (e) The court shall review the denial of an application or  
2 the revocation of a Firearm Owner's Identification Card of a  
3 person who has been adjudicated delinquent for an offense that  
4 if committed by an adult would be a felony if an application  
5 for relief has been filed at least 10 years after the  
6 adjudication of delinquency and the court determines that the  
7 applicant should be granted relief from disability to obtain a  
8 Firearm Owner's Identification Card. If the court grants  
9 relief, the court shall notify the Department of State Police  
10 that the disability has been removed and that the applicant is  
11 eligible to obtain a Firearm Owner's Identification Card.

12 (f) Any person who is subject to the disabilities of 18  
13 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act  
14 of 1968 because of an adjudication or commitment that occurred  
15 under the laws of this State or who was determined to be  
16 subject to the provisions of subsections (e), (f), or (g) of  
17 Section 8 of this Act may apply to the Department of State  
18 Police requesting relief from that prohibition. The Director  
19 shall grant the relief if it is established by a preponderance  
20 of the evidence that the person will not be likely to act in a  
21 manner dangerous to public safety and that granting relief  
22 would not be contrary to the public interest. In making this  
23 determination, the Director shall receive evidence concerning  
24 (i) the circumstances regarding the firearms disabilities from  
25 which relief is sought; (ii) the petitioner's mental health and  
26 criminal history records, if any; (iii) the petitioner's

1 reputation, developed at a minimum through character witness  
2 statements, testimony, or other character evidence; and (iv)  
3 changes in the petitioner's condition or circumstances since  
4 the disqualifying events relevant to the relief sought. If  
5 relief is granted under this subsection or by order of a court  
6 under this Section, the Director shall as soon as practicable  
7 but in no case later than 15 business days, update, correct,  
8 modify, or remove the person's record in any database that the  
9 Department of State Police makes available to the National  
10 Instant Criminal Background Check System and notify the United  
11 States Attorney General that the basis for the record being  
12 made available no longer applies. The Department of State  
13 Police shall adopt rules for the administration of this Section  
14 ~~subsection (f)~~.

15 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;  
16 97-1150, eff. 1-25-13.)

17 (Text of Section after amendment by P.A. 97-1167)

18 Sec. 10. Appeal to director; hearing; relief from firearm  
19 prohibitions.

20 (a) Whenever an application for a Firearm Owner's  
21 Identification Card is denied, whenever the Department fails to  
22 act on an application within 30 days of its receipt, or  
23 whenever such a Card is revoked or seized as provided for in  
24 Section 8 of this Act, the aggrieved party may appeal to the  
25 Director of State Police for a hearing upon such denial,

1 revocation or seizure, unless the denial, revocation, or  
2 seizure was based upon a forcible felony, stalking, aggravated  
3 stalking, domestic battery, any violation of the Illinois  
4 Controlled Substances Act, the Methamphetamine Control and  
5 Community Protection Act, or the Cannabis Control Act that is  
6 classified as a Class 2 or greater felony, any felony violation  
7 of Article 24 of the Criminal Code of 1961 or the Criminal Code  
8 of 2012, or any adjudication as a delinquent minor for the  
9 commission of an offense that if committed by an adult would be  
10 a felony, in which case the aggrieved party may petition the  
11 circuit court in writing in the county of his or her residence  
12 for a hearing upon such denial, revocation, or seizure.

13 (b) At least 30 days before any hearing in the circuit  
14 court, the petitioner shall serve the relevant State's Attorney  
15 with a copy of the petition. The State's Attorney may object to  
16 the petition and present evidence. At the hearing the court  
17 shall determine whether substantial justice has been done.  
18 Should the court determine that substantial justice has not  
19 been done, the court shall issue an order directing the  
20 Department of State Police to issue a Card. However, the court  
21 shall not issue the order if the petitioner is otherwise  
22 prohibited from obtaining, possessing, or using a firearm under  
23 federal law.

24 (c) Any person prohibited from possessing a firearm under  
25 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or  
26 acquiring a Firearm Owner's Identification Card under Section 8

1 of this Act may apply to the Director of State Police or  
2 petition the circuit court in the county where the petitioner  
3 resides, whichever is applicable in accordance with subsection  
4 (a) of this Section, requesting relief from such prohibition  
5 and the Director or court may grant such relief if it is  
6 established by the applicant to the court's or Director's  
7 satisfaction that:

8 (0.05) when in the circuit court, the State's Attorney  
9 has been served with a written copy of the petition at  
10 least 30 days before any such hearing in the circuit court  
11 and at the hearing the State's Attorney was afforded an  
12 opportunity to present evidence and object to the petition;

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

19 (2) the circumstances regarding a criminal conviction,  
20 where applicable, the applicant's criminal history and his  
21 reputation are such that the applicant will not be likely  
22 to act in a manner dangerous to public safety;

23 (3) granting relief would not be contrary to the public  
24 interest; and

25 (4) granting relief would not be contrary to federal  
26 law.

1 (c-5) (1) An active law enforcement officer employed by  
2 a unit of government, who is denied, revoked, or has his or  
3 her Firearm Owner's Identification Card seized under  
4 subsection (e) of Section 8 of this Act may apply to the  
5 Director of State Police requesting relief if the officer  
6 did not act in a manner threatening to the officer, another  
7 person, or the public as determined by the treating  
8 clinical psychologist or physician, and as a result of his  
9 or her work is referred by the employer for or voluntarily  
10 seeks mental health evaluation or treatment by a licensed  
11 clinical psychologist, psychiatrist, or qualified  
12 examiner, and:

13 (A) the officer has not received treatment  
14 involuntarily at a mental health facility ~~institution~~,  
15 regardless of the length of admission; or has not been  
16 voluntarily admitted to a mental health facility  
17 ~~institution~~ for more than 30 days and not for more than  
18 one incident within the past 5 years; and

19 (B) the officer has not left the mental institution  
20 against medical advice.

21 (2) The Director of State Police shall grant expedited  
22 relief to active law enforcement officers described in  
23 paragraph (1) of this subsection (c-5) upon a determination  
24 by the Director that the officer's possession of a firearm  
25 does not present a threat to themselves, others, or public  
26 safety. The Director shall act on the request for relief

1 within 30 business days of receipt of:

2 (A) a notarized statement from the officer in the  
3 form prescribed by the Director detailing the  
4 circumstances that led to the hospitalization;

5 (B) all documentation regarding the admission,  
6 evaluation, treatment and discharge from the treating  
7 licensed clinical psychologist or psychiatrist of the  
8 officer;

9 (C) a psychological fitness for duty evaluation of  
10 the person completed after the time of discharge; and

11 (D) written confirmation in the form prescribed by  
12 the Director from the treating licensed clinical  
13 psychologist or psychiatrist that the provisions set  
14 forth in paragraph (1) of this subsection (c-5) have  
15 been met, the person successfully completed treatment,  
16 and their professional opinion regarding the person's  
17 ability to possess firearms.

18 (3) Officers eligible for the expedited relief in  
19 paragraph (2) of this subsection (c-5) have the burden of  
20 proof on eligibility and must provide all information  
21 required. The Director may not consider granting expedited  
22 relief until the proof and information is received.

23 (4) "Clinical psychologist", "psychiatrist", and  
24 "qualified examiner" shall have the same meaning as  
25 provided in Chapter 1 of the Mental Health and  
26 Developmental Disabilities Code.



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

4           (e) The court shall review the denial of an application or  
5 the revocation of a Firearm Owner's Identification Card of a  
6 person who has been adjudicated delinquent for an offense that  
7 if committed by an adult would be a felony if an application  
8 for relief has been filed at least 10 years after the  
9 adjudication of delinquency and the court determines that the  
10 applicant should be granted relief from disability to obtain a  
11 Firearm Owner's Identification Card. If the court grants  
12 relief, the court shall notify the Department of State Police  
13 that the disability has been removed and that the applicant is  
14 eligible to obtain a Firearm Owner's Identification Card.

15           (f) Any person who is subject to the disabilities of 18  
16 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act  
17 of 1968 because of an adjudication or commitment that occurred  
18 under the laws of this State or who was determined to be  
19 subject to the provisions of subsections (e), (f), or (g) of  
20 Section 8 of this Act may apply to the Department of State  
21 Police requesting relief from that prohibition. The Director  
22 shall grant the relief if it is established by a preponderance  
23 of the evidence that the person will not be likely to act in a  
24 manner dangerous to public safety and that granting relief  
25 would not be contrary to the public interest. In making this  
26 determination, the Director shall receive evidence concerning

1 (i) the circumstances regarding the firearms disabilities from  
2 which relief is sought; (ii) the petitioner's mental health and  
3 criminal history records, if any; (iii) the petitioner's  
4 reputation, developed at a minimum through character witness  
5 statements, testimony, or other character evidence; and (iv)  
6 changes in the petitioner's condition or circumstances since  
7 the disqualifying events relevant to the relief sought. If  
8 relief is granted under this subsection or by order of a court  
9 under this Section, the Director shall as soon as practicable  
10 but in no case later than 15 business days, update, correct,  
11 modify, or remove the person's record in any database that the  
12 Department of State Police makes available to the National  
13 Instant Criminal Background Check System and notify the United  
14 States Attorney General that the basis for the record being  
15 made available no longer applies. The Department of State  
16 Police shall adopt rules for the administration of this Section  
17 ~~subsection (f)~~.

18 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;  
19 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)

20 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

21 Sec. 13.1. Preemption.

22 (a) Except as otherwise provided in the Firearm Concealed  
23 Carry Act and subsections (b) and (c) of this Section, the ~~The~~  
24 provisions of any ordinance enacted by any municipality which  
25 requires registration or imposes greater restrictions or

1 limitations on the acquisition, possession and transfer of  
2 firearms than are imposed by this Act, are not invalidated or  
3 affected by this Act.

4 (b) Notwithstanding subsection (a) of this Section, the  
5 regulation, licensing, possession, and registration of  
6 handguns and ammunition for a handgun, and the transportation  
7 of any firearm and ammunition by a holder of a valid Firearm  
8 Owner's Identification Card issued by the Department of State  
9 Police under this Act are exclusive powers and functions of  
10 this State. Any ordinance or regulation, or portion of that  
11 ordinance or regulation, enacted on or before the effective  
12 date of this amendatory Act of the 98th General Assembly that  
13 purports to impose regulations or restrictions on a holder of a  
14 valid Firearm Owner's Identification Card issued by the  
15 Department of State Police under this Act in a manner that is  
16 inconsistent with this Act, on the effective date of this  
17 amendatory Act of the 98th General Assembly, shall be invalid  
18 in its application to a holder of a valid Firearm Owner's  
19 Identification Card issued by the Department of State Police  
20 under this Act.

21 (c) Notwithstanding subsection (a) of this Section, the  
22 regulation of the possession or ownership of assault weapons  
23 are exclusive powers and functions of this State. Any ordinance  
24 or regulation, or portion of that ordinance or regulation, that  
25 purports to regulate the possession or ownership of assault  
26 weapons in a manner that is inconsistent with this Act, shall

1 be invalid unless the ordinance or regulation is enacted on,  
2 before, or within 10 days after the effective date of this  
3 amendatory Act of the 98th General Assembly. Any ordinance or  
4 regulation described in this subsection (c) enacted more than  
5 10 days after the effective date of this amendatory Act of the  
6 98th General Assembly is invalid. An ordinance enacted on,  
7 before, or within 10 days after the effective date of this  
8 amendatory Act of the 98th General Assembly may be amended. The  
9 enactment or amendment of ordinances under this subsection (c)  
10 are subject to the submission requirements of Section 13.3. For  
11 the purposes of this subsection, "assault weapons" means  
12 firearms designated by either make or model or by a test or  
13 list of cosmetic features that cumulatively would place the  
14 firearm into a definition of "assault weapon" under the  
15 ordinance.

16 (d) For the purposes of this Section, "handgun" has the  
17 meaning ascribed to it in Section 5 of the Firearm Concealed  
18 Carry Act.

19 (e) This Section is a denial and limitation of home rule  
20 powers and functions under subsection (h) of Section 6 of  
21 Article VII of the Illinois Constitution.

22 (Source: P.A. 76-1939.)

23 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

24 Sec. 13.2. The Department of State Police shall, 60 days  
25 prior to the expiration of a Firearm Owner's Identification

1 Card, forward by first class mail to each person whose card is  
2 to expire a notification of the expiration of the card and an  
3 application which may be used to apply for renewal of the card.  
4 It is the obligation of the holder of a Firearm Owner's  
5 Identification Card to notify the Department of State Police of  
6 any address change since the issuance of the Firearm Owner's  
7 Identification Card. Whenever any person moves from the  
8 residence address named on his or her card, the person shall  
9 within 21 calendar days thereafter notify in a form and manner  
10 prescribed by the Department of his or her old and new  
11 residence addresses and the card number held by him or her. Any  
12 person whose legal name has changed from the name on the card  
13 that he or she has been previously issued must apply for a  
14 corrected card within 30 calendar days after the change. The  
15 cost for a corrected card shall be \$5 which shall be deposited  
16 into the State Police Firearm Services Fund ~~Firearm Owner's~~  
17 ~~Notification Fund~~.

18 (Source: P.A. 97-1131, eff. 1-1-13.)

19 Section 155. The Criminal Code of 2012 is amended by  
20 changing Sections 24-1.6 and 24-2 as follows:

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:

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

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

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

20           (A) the firearm, other than a pistol, revolver, or  
21 handgun, possessed was uncased, loaded, and  
22 immediately accessible at the time of the offense; or

23           (A-5) the pistol, revolver, or handgun possessed  
24 was uncased, loaded, and immediately accessible at the  
25 time of the offense and the person possessing the  
26 pistol, revolver, or handgun has not been issued a

1 currently valid license under the Firearm Concealed  
2 Carry Act; or

3 (B) the firearm, other than a pistol, revolver, or  
4 handgun, possessed was uncased, unloaded, and the  
5 ammunition for the weapon was immediately accessible  
6 at the time of the offense; or

7 (B-5) the pistol, revolver, or handgun possessed  
8 was uncased, unloaded, and the ammunition for the  
9 weapon was immediately accessible at the time of the  
10 offense and the person possessing the pistol,  
11 revolver, or handgun has not been issued a currently  
12 valid license under the Firearm Concealed Carry Act; or

13 (C) the person possessing the firearm has not been  
14 issued a currently valid Firearm Owner's  
15 Identification Card; or

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

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

26 (F) (blank); or

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

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

8 (I) the person possessing the weapon was under 21  
9 years of age and in possession of a handgun ~~as defined~~  
10 ~~in Section 24-3~~, unless the person under 21 is engaged  
11 in lawful activities under the Wildlife Code or  
12 described in subsection 24-2(b)(1), (b)(3), or  
13 24-2(f).

14 (a-5) "Handgun" as used in this Section has the meaning  
15 given to it in Section 5 of the Firearm Concealed Carry Act.

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

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

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

21 (ii) are not immediately accessible; or

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

26 (d) Sentence.



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

6           (2) Except as otherwise provided in paragraphs (3) and  
7 (4) of this subsection (d), a first offense of aggravated  
8 unlawful use of a weapon committed with a firearm by a  
9 person 18 years of age or older where the factors listed in  
10 both items (A) and (C) or both items (A-5) and (C) of  
11 paragraph (3) of subsection (a) are present is a Class 4  
12 felony, for which the person shall be sentenced to a term  
13 of imprisonment of not less than one year and not more than  
14 3 years.

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

20           (4) Aggravated unlawful use of a weapon while wearing  
21 or in possession of body armor as defined in Section 33F-1  
22 by a person who has not been issued a valid Firearms  
23 Owner's Identification Card in accordance with Section 5 of  
24 the Firearm Owners Identification Card Act is a Class X  
25 felony.

26           (e) The possession of each firearm in violation of this

1 Section constitutes a single and separate violation.  
2 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;  
3 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

4 (720 ILCS 5/24-2)

5 Sec. 24-2. Exemptions.

6 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
7 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
8 the following:

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

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

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

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

1 engaged in the performance of the duties of their  
2 employment.

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

1 private security contractor, private detective, or private  
2 alarm contractor, or employee of the licensed agency at all  
3 times when he or she is in possession of a concealable  
4 weapon.

5 (6) Any person regularly employed in a commercial or  
6 industrial operation as a security guard for the protection  
7 of persons employed and private property related to such  
8 commercial or industrial operation, while actually engaged  
9 in the performance of his or her duty or traveling between  
10 sites or properties belonging to the employer, and who, as  
11 a security guard, is a member of a security force of at  
12 least 5 persons registered with the Department of Financial  
13 and Professional Regulation; provided that such security  
14 guard has successfully completed a course of study,  
15 approved by and supervised by the Department of Financial  
16 and Professional Regulation, consisting of not less than 40  
17 hours of training that includes the theory of law  
18 enforcement, liability for acts, and the handling of  
19 weapons. A person shall be considered eligible for this  
20 exemption if he or she has completed the required 20 hours  
21 of training for a security officer and 20 hours of required  
22 firearm training, and has been issued a firearm control  
23 card by the Department of Financial and Professional  
24 Regulation. Conditions for the renewal of firearm control  
25 cards issued under the provisions of this Section shall be  
26 the same as for those cards issued under the provisions of

1 the Private Detective, Private Alarm, Private Security,  
2 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
3 control card shall be carried by the security guard at all  
4 times when he or she is in possession of a concealable  
5 weapon.

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

11 (8) Persons employed by a financial institution for the  
12 protection of other employees and property related to such  
13 financial institution, while actually engaged in the  
14 performance of their duties, commuting between their homes  
15 and places of employment, or traveling between sites or  
16 properties owned or operated by such financial  
17 institution, provided that any person so employed has  
18 successfully completed a course of study, approved by and  
19 supervised by the Department of Financial and Professional  
20 Regulation, consisting of not less than 40 hours of  
21 training which includes theory of law enforcement,  
22 liability for acts, and the handling of weapons. A person  
23 shall be considered to be eligible for this exemption if he  
24 or she has completed the required 20 hours of training for  
25 a security officer and 20 hours of required firearm  
26 training, and has been issued a firearm control card by the

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

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

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

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

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

24 (12.5) Probation officers while in the performance of  
25 their duties, or while commuting between their homes,  
26 places of employment or specific locations that are part of

1 their assigned duties, with the consent of the chief judge  
2 of the circuit for which they are employed.

3 (13) Court Security Officers while in the performance  
4 of their official duties, or while commuting between their  
5 homes and places of employment, with the consent of the  
6 Sheriff.

7 (13.5) A person employed as an armed security guard at  
8 a nuclear energy, storage, weapons or development site or  
9 facility regulated by the Nuclear Regulatory Commission  
10 who has completed the background screening and training  
11 mandated by the rules and regulations of the Nuclear  
12 Regulatory Commission.

13 (14) Manufacture, transportation, or sale of weapons  
14 to persons authorized under subdivisions (1) through  
15 (13.5) of this subsection to possess those weapons.

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

21 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
22 24-1.6 do not apply to or affect any of the following:

23 (1) Members of any club or organization organized for  
24 the purpose of practicing shooting at targets upon  
25 established target ranges, whether public or private, and  
26 patrons of such ranges, while such members or patrons are

1 using their firearms on those target ranges.

2 (2) Duly authorized military or civil organizations  
3 while parading, with the special permission of the  
4 Governor.

5 (3) Hunters, trappers or fishermen with a license or  
6 permit while engaged in hunting, trapping or fishing.

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

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

13 (c) Subsection 24-1(a)(7) does not apply to or affect any  
14 of the following:

15 (1) Peace officers while in performance of their  
16 official duties.

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

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

23 (4) Manufacture, transportation, or sale of machine  
24 guns to persons authorized under subdivisions (1) through  
25 (3) of this subsection to possess machine guns, if the  
26 machine guns are broken down in a non-functioning state or



1 are not immediately accessible.

2 (5) Persons licensed under federal law to manufacture  
3 any weapon from which 8 or more shots or bullets can be  
4 discharged by a single function of the firing device, or  
5 ammunition for such weapons, and actually engaged in the  
6 business of manufacturing such weapons or ammunition, but  
7 only with respect to activities which are within the lawful  
8 scope of such business, such as the manufacture,  
9 transportation, or testing of such weapons or ammunition.  
10 This exemption does not authorize the general private  
11 possession of any weapon from which 8 or more shots or  
12 bullets can be discharged by a single function of the  
13 firing device, but only such possession and activities as  
14 are within the lawful scope of a licensed manufacturing  
15 business described in this paragraph.

16 During transportation, such weapons shall be broken  
17 down in a non-functioning state or not immediately  
18 accessible.

19 (6) The manufacture, transport, testing, delivery,  
20 transfer or sale, and all lawful commercial or experimental  
21 activities necessary thereto, of rifles, shotguns, and  
22 weapons made from rifles or shotguns, or ammunition for  
23 such rifles, shotguns or weapons, where engaged in by a  
24 person operating as a contractor or subcontractor pursuant  
25 to a contract or subcontract for the development and supply  
26 of such rifles, shotguns, weapons or ammunition to the

1 United States government or any branch of the Armed Forces  
2 of the United States, when such activities are necessary  
3 and incident to fulfilling the terms of such contract.

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

10 ~~During transportation, any such weapon shall be broken~~  
11 ~~down in a non-functioning state, or not immediately~~  
12 ~~accessible.~~

13 (7) A person possessing a rifle with a barrel or  
14 barrels less than 16 inches in length if: (A) the person  
15 has been issued a Curios and Relics license from the U.S.  
16 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
17 the person is an active member of a bona fide, nationally  
18 recognized military re-enacting group and the modification  
19 is required and necessary to accurately portray the weapon  
20 for historical re-enactment purposes; the re-enactor is in  
21 possession of a valid and current re-enacting group  
22 membership credential; and the overall length of the weapon  
23 as modified is not less than 26 inches.

24 ~~During transportation, any such weapon shall be broken~~  
25 ~~down in a non-functioning state, or not immediately~~  
26 ~~accessible.~~

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

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

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

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

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

17                 (2) Bonafide collectors of antique or surplus military  
18 ordinance.

19                 (3) Laboratories having a department of forensic  
20 ballistics, or specializing in the development of  
21 ammunition or explosive ordinance.

22                 (4) Commerce, preparation, assembly or possession of  
23 explosive bullets by manufacturers of ammunition licensed  
24 by the federal government, in connection with the supply of  
25 those organizations and persons exempted by subdivision  
26 (g)(1) of this Section, or like organizations and persons

1 outside this State, or the transportation of explosive  
2 bullets to any organization or person exempted in this  
3 Section by a common carrier or by a vehicle owned or leased  
4 by an exempted manufacturer.

5 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
6 persons licensed under federal law to manufacture any device or  
7 attachment of any kind designed, used, or intended for use in  
8 silencing the report of any firearm, firearms, or ammunition  
9 for those firearms equipped with those devices, and actually  
10 engaged in the business of manufacturing those devices,  
11 firearms, or ammunition, but only with respect to activities  
12 that are within the lawful scope of that business, such as the  
13 manufacture, transportation, or testing of those devices,  
14 firearms, or ammunition. This exemption does not authorize the  
15 general private possession of any device or attachment of any  
16 kind designed, used, or intended for use in silencing the  
17 report of any firearm, but only such possession and activities  
18 as are within the lawful scope of a licensed manufacturing  
19 business described in this subsection (g-5). During  
20 transportation, these devices shall be detached from any weapon  
21 or not immediately accessible.

22 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
23 24-1.6 do not apply to or affect any parole agent or parole  
24 supervisor who meets the qualifications and conditions  
25 prescribed in Section 3-14-1.5 of the Unified Code of  
26 Corrections.

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

9           (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
10 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
11 athlete's possession, transport on official Olympic and  
12 Paralympic transit systems established for athletes, or use of  
13 competition firearms sanctioned by the International Olympic  
14 Committee, the International Paralympic Committee, the  
15 International Shooting Sport Federation, or USA Shooting in  
16 connection with such athlete's training for and participation  
17 in shooting competitions at the 2016 Olympic and Paralympic  
18 Games and sanctioned test events leading up to the 2016 Olympic  
19 and Paralympic Games.

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

24           (i) Nothing in this Article shall prohibit, apply to, or  
25 affect the transportation, carrying, or possession, of any  
26 pistol or revolver, stun gun, taser, or other firearm consigned

1 to a common carrier operating under license of the State of  
2 Illinois or the federal government, where such transportation,  
3 carrying, or possession is incident to the lawful  
4 transportation in which such common carrier is engaged; and  
5 nothing in this Article shall prohibit, apply to, or affect the  
6 transportation, carrying, or possession of any pistol,  
7 revolver, stun gun, taser, or other firearm, not the subject of  
8 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
9 this Article, which is unloaded and enclosed in a case, firearm  
10 carrying box, shipping box, or other container, by the  
11 possessor of a valid Firearm Owners Identification Card.

12 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,  
13 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;  
14 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;  
15 revised 8-23-12.)

16 Section 160. The Code of Criminal Procedure of 1963 is  
17 amended by changing Section 112A-14 as follows:

18 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

19 Sec. 112A-14. Order of protection; remedies.

20 (a) Issuance of order. If the court finds that petitioner  
21 has been abused by a family or household member, as defined in  
22 this Article, an order of protection prohibiting such abuse  
23 shall issue; provided that petitioner must also satisfy the  
24 requirements of one of the following Sections, as appropriate:

1 Section 112A-17 on emergency orders, Section 112A-18 on interim  
2 orders, or Section 112A-19 on plenary orders. Petitioner shall  
3 not be denied an order of protection because petitioner or  
4 respondent is a minor. The court, when determining whether or  
5 not to issue an order of protection, shall not require physical  
6 manifestations of abuse on the person of the victim.  
7 Modification and extension of prior orders of protection shall  
8 be in accordance with this Article.

9 (b) Remedies and standards. The remedies to be included in  
10 an order of protection shall be determined in accordance with  
11 this Section and one of the following Sections, as appropriate:  
12 Section 112A-17 on emergency orders, Section 112A-18 on interim  
13 orders, and Section 112A-19 on plenary orders. The remedies  
14 listed in this subsection shall be in addition to other civil  
15 or criminal remedies available to petitioner.

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

22 (2) Grant of exclusive possession of residence.  
23 Prohibit respondent from entering or remaining in any  
24 residence, household, or premises of the petitioner,  
25 including one owned or leased by respondent, if petitioner  
26 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall  
2 not affect title to real property, nor shall the court be  
3 limited by the standard set forth in Section 701 of the  
4 Illinois Marriage and Dissolution of Marriage Act.

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

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



1 the accessibility of the residence or household.  
2 Hardships need not be balanced if respondent does not  
3 have a right to occupancy.

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

15 (3) Stay away order and additional prohibitions. Order  
16 respondent to stay away from petitioner or any other person  
17 protected by the order of protection, or prohibit  
18 respondent from entering or remaining present at  
19 petitioner's school, place of employment, or other  
20 specified places at times when petitioner is present, or  
21 both, if reasonable, given the balance of hardships.  
22 Hardships need not be balanced for the court to enter a  
23 stay away order or prohibit entry if respondent has no  
24 right to enter the premises.

25 If an order of protection grants petitioner exclusive  
26 possession of the residence, or prohibits respondent from

1 entering the residence, or orders respondent to stay away  
2 from petitioner or other protected persons, then the court  
3 may allow respondent access to the residence to remove  
4 items of clothing and personal adornment used exclusively  
5 by respondent, medications, and other items as the court  
6 directs. The right to access shall be exercised on only one  
7 occasion as the court directs and in the presence of an  
8 agreed-upon adult third party or law enforcement officer.

9 (4) Counseling. Require or recommend the respondent to  
10 undergo counseling for a specified duration with a social  
11 worker, psychologist, clinical psychologist, psychiatrist,  
12 family service agency, alcohol or substance abuse program,  
13 mental health center guidance counselor, agency providing  
14 services to elders, program designed for domestic violence  
15 abusers or any other guidance service the court deems  
16 appropriate. The court may order the respondent in any  
17 intimate partner relationship to report to an Illinois  
18 Department of Human Services protocol approved partner  
19 abuse intervention program for an assessment and to follow  
20 all recommended treatment.

21 (5) Physical care and possession of the minor child. In  
22 order to protect the minor child from abuse, neglect, or  
23 unwarranted separation from the person who has been the  
24 minor child's primary caretaker, or to otherwise protect  
25 the well-being of the minor child, the court may do either  
26 or both of the following: (i) grant petitioner physical

1 care or possession of the minor child, or both, or (ii)  
2 order respondent to return a minor child to, or not remove  
3 a minor child from, the physical care of a parent or person  
4 in loco parentis.

5 If a court finds, after a hearing, that respondent has  
6 committed abuse (as defined in Section 112A-3) of a minor  
7 child, there shall be a rebuttable presumption that  
8 awarding physical care to respondent would not be in the  
9 minor child's best interest.

10 (6) Temporary legal custody. Award temporary legal  
11 custody to petitioner in accordance with this Section, the  
12 Illinois Marriage and Dissolution of Marriage Act, the  
13 Illinois Parentage Act of 1984, and this State's Uniform  
14 Child-Custody Jurisdiction and Enforcement Act.

15 If a court finds, after a hearing, that respondent has  
16 committed abuse (as defined in Section 112A-3) of a minor  
17 child, there shall be a rebuttable presumption that  
18 awarding temporary legal custody to respondent would not be  
19 in the child's best interest.

20 (7) Visitation. Determine the visitation rights, if  
21 any, of respondent in any case in which the court awards  
22 physical care or temporary legal custody of a minor child  
23 to petitioner. The court shall restrict or deny  
24 respondent's visitation with a minor child if the court  
25 finds that respondent has done or is likely to do any of  
26 the following: (i) abuse or endanger the minor child during

1       visitation; (ii) use the visitation as an opportunity to  
2       abuse or harass petitioner or petitioner's family or  
3       household members; (iii) improperly conceal or detain the  
4       minor child; or (iv) otherwise act in a manner that is not  
5       in the best interests of the minor child. The court shall  
6       not be limited by the standards set forth in Section 607.1  
7       of the Illinois Marriage and Dissolution of Marriage Act.  
8       If the court grants visitation, the order shall specify  
9       dates and times for the visitation to take place or other  
10      specific parameters or conditions that are appropriate. No  
11      order for visitation shall refer merely to the term  
12      "reasonable visitation".

13            Petitioner may deny respondent access to the minor  
14      child if, when respondent arrives for visitation,  
15      respondent is under the influence of drugs or alcohol and  
16      constitutes a threat to the safety and well-being of  
17      petitioner or petitioner's minor children or is behaving in  
18      a violent or abusive manner.

19            If necessary to protect any member of petitioner's  
20      family or household from future abuse, respondent shall be  
21      prohibited from coming to petitioner's residence to meet  
22      the minor child for visitation, and the parties shall  
23      submit to the court their recommendations for reasonable  
24      alternative arrangements for visitation. A person may be  
25      approved to supervise visitation only after filing an  
26      affidavit accepting that responsibility and acknowledging

1           accountability to the court.

2           (8) Removal or concealment of minor child. Prohibit  
3           respondent from removing a minor child from the State or  
4           concealing the child within the State.

5           (9) Order to appear. Order the respondent to appear in  
6           court, alone or with a minor child, to prevent abuse,  
7           neglect, removal or concealment of the child, to return the  
8           child to the custody or care of the petitioner or to permit  
9           any court-ordered interview or examination of the child or  
10          the respondent.

11          (10) Possession of personal property. Grant petitioner  
12          exclusive possession of personal property and, if  
13          respondent has possession or control, direct respondent to  
14          promptly make it available to petitioner, if:

15                 (i) petitioner, but not respondent, owns the  
16                 property; or

17                 (ii) the parties own the property jointly; sharing  
18                 it would risk abuse of petitioner by respondent or is  
19                 impracticable; and the balance of hardships favors  
20                 temporary possession by petitioner.

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

1 hereafter amended.

2 No order under this provision shall affect title to  
3 property.

4 (11) Protection of property. Forbid the respondent  
5 from taking, transferring, encumbering, concealing,  
6 damaging or otherwise disposing of any real or personal  
7 property, except as explicitly authorized by the court, if:

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

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

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

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

22 (11.5) Protection of animals. Grant the petitioner the  
23 exclusive care, custody, or control of any animal owned,  
24 possessed, leased, kept, or held by either the petitioner  
25 or the respondent or a minor child residing in the  
26 residence or household of either the petitioner or the

1           respondent and order the respondent to stay away from the  
2           animal and forbid the respondent from taking,  
3           transferring, encumbering, concealing, harming, or  
4           otherwise disposing of the animal.

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

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

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

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

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

22           (14.5) Prohibition of firearm possession.

23           (A) A person who is subject to an existing order of  
24           protection, interim order of protection, emergency  
25           order of protection, or plenary order of protection,  
26           issued under this Code may not lawfully possess weapons



1           under Section 8.2 of the Firearm Owners Identification  
2           Card Act. ~~(a) Prohibit a respondent against whom an~~  
3           ~~order of protection was issued from possessing any~~  
4           ~~firearms during the duration of the order if the order:~~

5                     ~~(1) was issued after a hearing of which such~~  
6                     ~~person received actual notice, and at which such~~  
7                     ~~person had an opportunity to participate;~~

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

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

21            (B) Any firearms in the possession of the  
22            respondent, except as provided in subparagraph (C) of  
23            this paragraph (14.5) subsection (b), shall be ordered  
24            by the court to be turned over to a person with a valid  
25            Firearm Owner's Identification Card ~~the local law~~  
26            ~~enforcement agency~~ for safekeeping. The court shall

1 issue an order that the respondent's Firearm Owner's  
2 Identification Card be turned over to the local law  
3 enforcement agency, which in turn shall immediately  
4 mail the card to the Department of State Police Firearm  
5 Owner's Identification Card Office for safekeeping.  
6 The period of safekeeping shall be for the duration of  
7 the order of protection. The firearm or firearms and  
8 Firearm Owner's Identification Card, if unexpired,  
9 shall at the respondent's request be returned to the  
10 respondent at expiration of the order of protection.

11 (C) ~~(b)~~ If the respondent is a peace officer as  
12 defined in Section 2-13 of the Criminal Code of 2012,  
13 the court shall order that any firearms used by the  
14 respondent in the performance of his or her duties as a  
15 peace officer be surrendered to the chief law  
16 enforcement executive of the agency in which the  
17 respondent is employed, who shall retain the firearms  
18 for safekeeping for the duration of the order of  
19 protection.

20 (D) ~~(e)~~ Upon expiration of the period of  
21 safekeeping, if the firearms or Firearm Owner's  
22 Identification Card cannot be returned to respondent  
23 because respondent cannot be located, fails to respond  
24 to requests to retrieve the firearms, or is not  
25 lawfully eligible to possess a firearm, upon petition  
26 from the local law enforcement agency, the court may

1           order the local law enforcement agency to destroy the  
2           firearms, use the firearms for training purposes, or  
3           for any other application as deemed appropriate by the  
4           local law enforcement agency; or that the firearms be  
5           turned over to a third party who is lawfully eligible  
6           to possess firearms, and who does not reside with  
7           respondent.

8           (15) Prohibition of access to records. If an order of  
9           protection prohibits respondent from having contact with  
10          the minor child, or if petitioner's address is omitted  
11          under subsection (b) of Section 112A-5, or if necessary to  
12          prevent abuse or wrongful removal or concealment of a minor  
13          child, the order shall deny respondent access to, and  
14          prohibit respondent from inspecting, obtaining, or  
15          attempting to inspect or obtain, school or any other  
16          records of the minor child who is in the care of  
17          petitioner.

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

23          (17) Order for injunctive relief. Enter injunctive  
24          relief necessary or appropriate to prevent further abuse of  
25          a family or household member or to effectuate one of the  
26          granted remedies, if supported by the balance of hardships.

1           If the harm to be prevented by the injunction is abuse or  
2           any other harm that one of the remedies listed in  
3           paragraphs (1) through (16) of this subsection is designed  
4           to prevent, no further evidence is necessary to establish  
5           that the harm is an irreparable injury.

6           (c) Relevant factors; findings.

7           (1) In determining whether to grant a specific remedy,  
8           other than payment of support, the court shall consider  
9           relevant factors, including but not limited to the  
10          following:

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

19           (ii) the danger that any minor child will be abused  
20          or neglected or improperly removed from the  
21          jurisdiction, improperly concealed within the State or  
22          improperly separated from the child's primary  
23          caretaker.

24          (2) In comparing relative hardships resulting to the  
25          parties from loss of possession of the family home, the  
26          court shall consider relevant factors, including but not

1 limited to the following:

2 (i) availability, accessibility, cost, safety,  
3 adequacy, location and other characteristics of  
4 alternate housing for each party and any minor child or  
5 dependent adult in the party's care;

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

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

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

14 (i) That the court has considered the applicable  
15 relevant factors described in paragraphs (1) and (2) of  
16 this subsection.

17 (ii) Whether the conduct or actions of respondent,  
18 unless prohibited, will likely cause irreparable harm  
19 or continued abuse.

20 (iii) Whether it is necessary to grant the  
21 requested relief in order to protect petitioner or  
22 other alleged abused persons.

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

1 the following procedure:

2 When a verified petition for an emergency order of  
3 protection in accordance with the requirements of Sections  
4 112A-5 and 112A-17 is presented to the court, the court  
5 shall examine petitioner on oath or affirmation. An  
6 emergency order of protection shall be issued by the court  
7 if it appears from the contents of the petition and the  
8 examination of petitioner that the averments are  
9 sufficient to indicate abuse by respondent and to support  
10 the granting of relief under the issuance of the emergency  
11 order of protection.

12 (5) Never married parties. No rights or  
13 responsibilities for a minor child born outside of marriage  
14 attach to a putative father until a father and child  
15 relationship has been established under the Illinois  
16 Parentage Act of 1984. Absent such an adjudication, no  
17 putative father shall be granted temporary custody of the  
18 minor child, visitation with the minor child, or physical  
19 care and possession of the minor child, nor shall an order  
20 of payment for support of the minor child be entered.

21 (d) Balance of hardships; findings. If the court finds that  
22 the balance of hardships does not support the granting of a  
23 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
24 subsection (b) of this Section, which may require such  
25 balancing, the court's findings shall so indicate and shall  
26 include a finding as to whether granting the remedy will result

1 in hardship to respondent that would substantially outweigh the  
2 hardship to petitioner from denial of the remedy. The findings  
3 shall be an official record or in writing.

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

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

9 (2) Respondent was voluntarily intoxicated;

10 (3) Petitioner acted in self-defense or defense of  
11 another, provided that, if petitioner utilized force, such  
12 force was justifiable under Article 7 of the Criminal Code  
13 of 2012;

14 (4) Petitioner did not act in self-defense or defense  
15 of another;

16 (5) Petitioner left the residence or household to avoid  
17 further abuse by respondent;

18 (6) Petitioner did not leave the residence or household  
19 to avoid further abuse by respondent;

20 (7) Conduct by any family or household member excused  
21 the abuse by respondent, unless that same conduct would  
22 have excused such abuse if the parties had not been family  
23 or household members.

24 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
25 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.  
26 1-25-13.)

1           Section 165. The Mental Health and Developmental  
2           Disabilities Confidentiality Act is amended by changing  
3           Section 12 as follows:

4           (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

5           Sec. 12. (a) If the United States Secret Service or the  
6           Department of State Police requests information from a mental  
7           health or developmental disability facility, as defined in  
8           Section 1-107 and 1-114 of the Mental Health and Developmental  
9           Disabilities Code, relating to a specific recipient and the  
10          facility director determines that disclosure of such  
11          information may be necessary to protect the life of, or to  
12          prevent the infliction of great bodily harm to, a public  
13          official, or a person under the protection of the United States  
14          Secret Service, only the following information may be  
15          disclosed: the recipient's name, address, and age and the date  
16          of any admission to or discharge from a facility; and any  
17          information which would indicate whether or not the recipient  
18          has a history of violence or presents a danger of violence to  
19          the person under protection. Any information so disclosed shall  
20          be used for investigative purposes only and shall not be  
21          publicly disseminated. Any person participating in good faith  
22          in the disclosure of such information in accordance with this  
23          provision shall have immunity from any liability, civil,  
24          criminal or otherwise, if such information is disclosed relying



1 upon the representation of an officer of the United States  
2 Secret Service or the Department of State Police that a person  
3 is under the protection of the United States Secret Service or  
4 is a public official.

5 For the purpose of this subsection (a), the term "public  
6 official" means the Governor, Lieutenant Governor, Attorney  
7 General, Secretary of State, State Comptroller, State  
8 Treasurer, member of the General Assembly, member of the United  
9 States Congress, Judge of the United States as defined in 28  
10 U.S.C. 451, Justice of the United States as defined in 28  
11 U.S.C. 451, United States Magistrate Judge as defined in 28  
12 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
13 Supreme, Appellate, Circuit, or Associate Judge of the State of  
14 Illinois. The term shall also include the spouse, child or  
15 children of a public official.

16 (b) The Department of Human Services (acting as successor  
17 to the Department of Mental Health and Developmental  
18 Disabilities) and all public or private hospitals and mental  
19 health facilities are required, as hereafter described in this  
20 subsection, to furnish the Department of State Police only such  
21 information as may be required for the sole purpose of  
22 determining whether an individual who may be or may have been a  
23 patient is disqualified because of that status from receiving  
24 or retaining a Firearm Owner's Identification Card or falls  
25 within the federal prohibitors under subsection (e), (f), (g),  
26 (r), (s), or (t) of Section 8 of the Firearm Owners

1 Identification Card Act, or falls within the federal  
2 prohibitors in ~~under subsection (e) or (f) of Section 8 of the~~  
3 ~~Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and~~  
4 (n). All physicians, clinical psychologists, or qualified  
5 examiners at public or private hospitals and mental health  
6 facilities or parts thereof as defined in this subsection  
7 shall, in the form and manner required by the Department,  
8 provide notice directly to the Department of Human Services, or  
9 to his or her employer who shall then report to the Department,  
10 within 24 hours after determining that a patient as described  
11 in clause (2) of the definition of "patient" in Section 1.1 of  
12 the Firearm Owners Identification Card Act poses a clear and  
13 present danger to himself, herself, or others, or is determined  
14 to be developmentally disabled ~~such information as shall be~~  
15 ~~necessary for the Department to comply with the reporting~~  
16 ~~requirements to the Department of State Police. This~~ Such  
17 information shall be furnished within 24 hours after the  
18 physician, clinical psychologist, or qualified examiner has  
19 made a determination, or within 7 days after admission to a  
20 public or private hospital or mental health facility or the  
21 provision of services to a patient described in clause (1) of  
22 the definition of "patient" in Section 1.1 of the Firearm  
23 Owners Identification Card Act ~~elause (2) of this subsection~~  
24 ~~(b)~~. Any such information disclosed under this subsection shall  
25 remain privileged and confidential, and shall not be  
26 redisclosed, except as required by subsection (e) ~~elause (e) (2)~~

1 of Section 3.1 of the Firearm Owners Identification Card Act,  
2 nor utilized for any other purpose. The method of requiring the  
3 providing of such information shall guarantee that no  
4 information is released beyond what is necessary for this  
5 purpose. In addition, the information disclosed shall be  
6 provided by the Department within the time period established  
7 by Section 24-3 of the Criminal Code of 2012 regarding the  
8 delivery of firearms. The method used shall be sufficient to  
9 provide the necessary information within the prescribed time  
10 period, which may include periodically providing lists to the  
11 Department of Human Services or any public or private hospital  
12 or mental health facility of Firearm Owner's Identification  
13 Card applicants on which the Department or hospital shall  
14 indicate the identities of those individuals who are to its  
15 knowledge disqualified from having a Firearm Owner's  
16 Identification Card for reasons described herein. The  
17 Department may provide for a centralized source of information  
18 for the State on this subject under its jurisdiction. The  
19 identity of the person reporting under this subsection shall  
20 not be disclosed to the subject of the report. For the purposes  
21 of this subsection, the physician, clinical psychologist, or  
22 qualified examiner making the determination and his or her  
23 employer shall not be held criminally, civilly, or  
24 professionally liable for making or not making the notification  
25 required under this subsection, except for willful or wanton  
26 misconduct.

1 Any person, institution, or agency, under this Act,  
2 participating in good faith in the reporting or disclosure of  
3 records and communications otherwise in accordance with this  
4 provision or with rules, regulations or guidelines issued by  
5 the Department shall have immunity from any liability, civil,  
6 criminal or otherwise, that might result by reason of the  
7 action. For the purpose of any proceeding, civil or criminal,  
8 arising out of a report or disclosure in accordance with this  
9 provision, the good faith of any person, institution, or agency  
10 so reporting or disclosing shall be presumed. The full extent  
11 of the immunity provided in this subsection (b) shall apply to  
12 any person, institution or agency that fails to make a report  
13 or disclosure in the good faith belief that the report or  
14 disclosure would violate federal regulations governing the  
15 confidentiality of alcohol and drug abuse patient records  
16 implementing 42 U.S.C. 290dd-3 and 290ee-3.

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

19 (1) (Blank). ~~"Hospital" means only that type of~~  
20 ~~institution which is providing full-time residential~~  
21 ~~facilities and treatment.~~

22 (1.3) "Clear and present danger" has the meaning as  
23 defined in Section 1.1 of the Firearm Owners Identification  
24 Card Act.

25 (1.5) "Developmentally disabled" has the meaning as  
26 defined in Section 1.1 of the Firearm Owners Identification

1           Card Act.

2           (2) "Patient" has the meaning as defined in Section 1.1  
3 of the Firearm Owners Identification Card Act ~~shall include~~  
4 ~~only: (i) a person who is an in-patient or resident of any~~  
5 ~~public or private hospital or mental health facility or~~  
6 ~~(ii) a person who is an out-patient or provided services by~~  
7 ~~a public or private hospital or mental health facility~~  
8 ~~whose mental condition is of such a nature that it is~~  
9 ~~manifested by violent, suicidal, threatening, or~~  
10 ~~assaultive behavior or reported behavior, for which there~~  
11 ~~is a reasonable belief by a physician, clinical~~  
12 ~~psychologist, or qualified examiner that the condition~~  
13 ~~poses a clear and present or imminent danger to the~~  
14 ~~patient, any other person or the community meaning the~~  
15 ~~patient's condition poses a clear and present danger in~~  
16 ~~accordance with subsection (f) of Section 8 of the Firearm~~  
17 ~~Owners Identification Card Act. The terms physician,~~  
18 ~~clinical psychologist, and qualified examiner are defined~~  
19 ~~in Sections 1-120, 1-103, and 1-122 of the Mental Health~~  
20 ~~and Developmental Disabilities Code.~~

21           (3) "Mental health facility" has the meaning as defined  
22 in Section 1.1 of the Firearm Owners Identification Card  
23 Act ~~is defined by Section 1-114 of the Mental Health and~~  
24 ~~Developmental Disabilities Code.~~

25           (c) Upon the request of a peace officer who takes a person  
26 into custody and transports such person to a mental health or

1 developmental disability facility pursuant to Section 3-606 or  
2 4-404 of the Mental Health and Developmental Disabilities Code  
3 or who transports a person from such facility, a facility  
4 director shall furnish said peace officer the name, address,  
5 age and name of the nearest relative of the person transported  
6 to or from the mental health or developmental disability  
7 facility. In no case shall the facility director disclose to  
8 the peace officer any information relating to the diagnosis,  
9 treatment or evaluation of the person's mental or physical  
10 health.

11 For the purposes of this subsection (c), the terms "mental  
12 health or developmental disability facility", "peace officer"  
13 and "facility director" shall have the meanings ascribed to  
14 them in the Mental Health and Developmental Disabilities Code.

15 (d) Upon the request of a peace officer or prosecuting  
16 authority who is conducting a bona fide investigation of a  
17 criminal offense, or attempting to apprehend a fugitive from  
18 justice, a facility director may disclose whether a person is  
19 present at the facility. Upon request of a peace officer or  
20 prosecuting authority who has a valid forcible felony warrant  
21 issued, a facility director shall disclose: (1) whether the  
22 person who is the subject of the warrant is present at the  
23 facility and (2) the date of that person's discharge or future  
24 discharge from the facility. The requesting peace officer or  
25 prosecuting authority must furnish a case number and the  
26 purpose of the investigation or an outstanding arrest warrant

1 at the time of the request. Any person, institution, or agency  
2 participating in good faith in disclosing such information in  
3 accordance with this subsection (d) is immune from any  
4 liability, civil, criminal or otherwise, that might result by  
5 reason of the action.

6 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

7 Section 170. The Probate Act of 1975 is amended by adding  
8 Section 11a-24 as follows:

9 (755 ILCS 5/11a-24 new)

10 Sec. 11a-24. Notification; Department of State Police.  
11 When a court adjudges a respondent to be a disabled person  
12 under this Article, the court shall direct the circuit court  
13 clerk to notify the Department of State Police, Firearm Owner's  
14 Identification (FOID) Office, in a form and manner prescribed  
15 by the Department of State Police, and shall forward a copy of  
16 the court order to the Department no later than 7 days after  
17 the entry of the order. Upon receipt of the order, the  
18 Department of State Police shall provide notification to the  
19 National Instant Criminal Background Check System.

20 Section 195. No acceleration or delay. Where this Act makes  
21 changes in a statute that is represented in this Act by text  
22 that is not yet or no longer in effect (for example, a Section  
23 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes  
2 made by this Act or (ii) provisions derived from any other  
3 Public Act.

4 Section 999. Effective date. This Act takes effect upon  
5 becoming law.