



Sen. Kwame Raoul

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1 AMENDMENT TO HOUSE BILL 183

2 AMENDMENT NO. _____. Amend House Bill 183 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1.

5 Section 1-1. Short title. This Article may be known as the
6 Gun Safety and Responsibility Act. References in this Article
7 to "this Act" mean this Article.

8 Section 1-10. Definitions. As used in this Act:

9 "Concealed handgun" means a loaded or unloaded handgun
10 carried on or about a person completely from view of the
11 public, or carried in a vehicle in such a way as it is
12 concealed from view of the public.

13 "Department" means the Department of State Police.

14 "Director" means the Director of State Police.

15 "Firearm" has the meaning as defined in Section 1.1 of the

1 Firearm Owners Identification Card Act.

2 "Fund" means the State Police Firearm Services Fund.

3 "Handgun" means any device which is designed to expel a
4 projectile or projectiles by the action of an explosion,
5 expansion of gas, or escape of gas that is designed to be held
6 and fired by the use of a single hand, and includes a
7 combination of parts from which that handgun can be assembled.

8 "Handgun" does not include a stun gun or taser.

9 "License" means a license issued by the Department of State
10 Police to carry a concealed, loaded or unloaded handgun.

11 "Licensee" means a person issued a license to carry a
12 concealed handgun.

13 "Peace officer" means (i) any person who by virtue of his
14 or her office or public employment is vested by law with a duty
15 to maintain public order and to make arrests for offenses,
16 whether that duty extends to all offenses or is limited to
17 specific offenses, or (ii) any person who, by statute, is
18 granted and authorized to exercise powers similar to those
19 conferred upon any peace officer employed by a law enforcement
20 agency of this State. The term "peace officer" does not apply
21 to an alderman acting as a conservator of the peace under
22 Section 3.1-15-25 of the Illinois Municipal Code.

23 "Superintendent" means the Superintendent of Police of the
24 City of Chicago.

25 Section 1-15. State Police Firearm Services Fund. Fees from

1 applications for licenses shall be deposited into the State
2 Police Firearm Services Fund.

3 Section 1-20. Issuance of licenses to carry a concealed
4 handgun.

5 (a) The Department shall issue a license to an applicant
6 who:

7 (1) meets the qualifications of Section 1-25;

8 (2) has provided the application and documentation
9 required in Section 1-30; and

10 (3) has submitted the requisite fees. The Department
11 shall issue a renewal, corrected, or duplicate license in
12 accordance with this Act.

13 (a-5) The Department is authorized to issue licenses to
14 carry a handgun under this Act. A license shall permit the
15 licensee to:

16 (1) carry concealed a loaded or unloaded handgun on or
17 about his or her person;

18 (2) keep or carry a loaded or unloaded handgun on or
19 about his or her person when in a vehicle; and

20 (3) keep a loaded or unloaded handgun concealed in a
21 vehicle.

22 (a-10) A license issued by the Department under this Act
23 shall be valid throughout the State, except that:

24 (1) a license shall not be valid within the City of
25 Chicago unless the Superintendent has issued a certificate

1 of qualification for a concealed carry endorsement
2 pursuant to Section 1-22 authorizing the licensee holder to
3 carry a concealed handgun in the City of Chicago and the
4 license indicates that the holder has received an
5 endorsement; and

6 (2) as prohibited by Section 1-70 of this Act, or any
7 other State or federal law or local ordinance.

8 (a-15) A licensee shall possess a license at all times the
9 licensee carries a concealed handgun except:

10 (1) if the person is carrying or possessing a concealed
11 handgun and the person is on his or her land, or in his or
12 her abode or legal dwelling, or in the abode or legal
13 dwelling of another person as an invitee with that person's
14 permission to carry or possess a handgun in the abode or
15 dwelling;

16 (2) if the person is authorized to carry a firearm
17 under Section 24-2 of the Criminal Code of 2012; or

18 (3) if the handgun is broken down in a non-functioning
19 state, or is not immediately accessible, or is enclosed in
20 a case, firearm carrying box, shipping box or any other
21 container.

22 (a-20) A licensee shall display the license upon the
23 request of a peace officer or person designated to enforce the
24 provisions of Section 1-70 when carrying a handgun under the
25 provisions of this Act.

26 (b) The Department shall make applications for a license

1 available no later than 180 days after the effective date of
2 this Act. Applications shall be available at Department
3 locations, on the Department's official website, and any other
4 location designated by the Department.

5 (c) A completed application for a license shall be
6 submitted to the Department with all accompanying materials and
7 fees. The Department shall promptly return an incomplete
8 application to the applicant. Each applicant for a license or
9 renewal shall submit a non-refundable \$100 application fee to
10 the Department, \$80 of which shall be deposited into the State
11 Police Firearm Services Fund, \$20 of which shall be deposited
12 into the Mental Health Reporting Fund.

13 (c-1) Each applicant for a concealed carry endorsement
14 shall submit an additional non-refundable \$50 fee, which shall
15 be retained by the municipality from which the endorsement is
16 sought.

17 (d) The Department shall by rule develop a method of
18 notifying the sheriff and municipal police department in the
19 county and municipality where an applicant resides of the name,
20 address, and date of birth of any person submitting an
21 application for a license. The sheriff and municipal police
22 department may submit to the Department an objection to an
23 application, provided the objection is in writing, and includes
24 specific reasons for the objection. Any objection submitted by
25 a sheriff or municipal police department, including reports
26 submitted to the Department must be disclosed to the applicant

1 unless disclosure would interfere with a criminal
2 investigation.

3 (e) Notwithstanding subsection (a), the Department shall
4 consider any objection or recommendation made by the sheriff or
5 the municipal police department and may determine the applicant
6 is ineligible based solely on those objections. If the
7 applicant is found by the Department to be ineligible for a
8 license, the Department shall deny the application and notify
9 the applicant and the sheriff or the municipal police
10 department in writing, stating the grounds for denial. The
11 notice of denial must inform the applicant that he or she may,
12 within 90 days, appeal the denial and submit additional
13 materials relevant to the grounds for denial. Upon receiving
14 the additional documentation, the Department shall reconsider
15 its decision and inform the applicant within 90 days of the
16 result of the reconsideration. If upon reconsideration the
17 Department denies the application, the applicant must be
18 informed of the right to seek administrative review under the
19 provisions of the Administrative Review Law and any rules
20 adopted thereunder.

21 (f) A license shall be issued or denied by the Department
22 within 90 days of receipt of a completed application.

23 (g) A license shall be valid for a period of 5 years.

24 (h) The Department shall adopt rules to implement the
25 provisions of this Section.

1 Section 1-22. Certificate of qualification for a concealed
2 carry endorsement.

3 (a) A concealed carry endorsement authorizes the recipient
4 to carry a concealed handgun in the City of Chicago, subject to
5 any prohibitions provided by Section 1-70 of this Act or any
6 other State or federal law or local ordinance.

7 (b) An applicant for an endorsement who does not have a
8 concealed carry license must submit an application for a
9 concealed carry license to the Department and indicate on the
10 application that the applicant is seeking a certificate of
11 qualification from the Superintendent. If the Department
12 approves an application for a concealed carry license and the
13 applicant is applying for a certificate of qualification for a
14 concealed carry endorsement, the Department shall submit the
15 application, any accompanying materials, and the fee to the
16 Superintendent no later than 90 days after receipt of a
17 completed application. The Superintendent may conduct any
18 further investigation it deems necessary and shall issue a
19 certificate of qualification if it appears to the satisfaction
20 of the Superintendent that the applicant is qualified,
21 consistent with Section 1-25, for a concealed carry
22 endorsement. The Superintendent may not require any additional
23 qualifications not provided by Section 1-25.

24 (c) If the Superintendent issues a certificate of
25 qualification, the Superintendent shall submit the certificate
26 to the Department no later than 30 days after receipt of an

1 application from the Department, and the Department shall issue
2 the license with the endorsement no later than 30 days after
3 receipt of the certificate of qualification from the
4 Superintendent. If the Superintendent denies an application
5 for a certificate, the Department shall issue a license for an
6 approved application no later than 30 days after the receipt of
7 notification from the Superintendent that is otherwise valid as
8 provided in subsection (a-10) of Section 1-20.

9 (d) If the Superintendent finds the applicant ineligible
10 for a certificate, the Superintendent must notify the applicant
11 and the Department in writing, no later than 30 days after the
12 receipt of an application from the Department, stating the
13 specific grounds for denial. The notice of denial must inform
14 the applicant that he or she may, within 90 days appeal the
15 denial and submit additional materials relevant to the grounds
16 for denial. Upon receiving the additional documentation, the
17 Superintendent shall reconsider its decision and inform the
18 applicant within 30 days of the result of reconsideration. If
19 upon reconsideration, the Superintendent denies the
20 application, the applicant must be informed of the right to
21 seek administrative review under the provisions of the
22 Administrative Review Law and any rules adopted thereunder.

23 (e) A person with a valid license that has not been
24 suspended or revoked may submit an application for a
25 certificate of qualification to the Superintendent as
26 prescribed by the Superintendent, together with a

1 non-refundable fee of \$50. If the Superintendent issues a
2 certificate of qualification, the Superintendent shall submit
3 the certificate to the Department and the Department shall
4 issue a new license that indicates the endorsement.

5 (f) Any person licensed under this Act who does not have a
6 concealed carry endorsement shall not be in violation while he
7 or she is driving through the City of Chicago on a public road
8 and the handgun is carried on his or her person in a vehicle or
9 in a vehicle in accordance with this Act or is being
10 transported in a case or container in accordance with
11 applicable law.

12 Section 1-25. Qualifications of an applicant for a license.
13 The Department shall issue a license to an applicant completing
14 an application in accordance with Section 1-30 of this Act if
15 the applicant demonstrates to the satisfaction of the
16 Department that he or she:

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

18 (2) has a valid Firearm Owner's Identification Card;

19 (3) resides within the State of Illinois;

20 (4) has not been convicted in this State or any other
21 state of:

22 (A) a felony;

23 (B) a misdemeanor involving the use or threat of
24 physical force or violence to any person;

25 (C) a misdemeanor crime of domestic violence;

1 (D) a misdemeanor or any similar law in another
2 jurisdiction involving the use, possession, or
3 distribution of a controlled substance or cannabis
4 within the 10 years preceding the date of application;
5 or

6 (E) a misdemeanor involving the manufacture, sale,
7 carrying, possession, or use of a firearm, dangerous
8 weapon, deadly weapon, or ammunition;

9 (5) does not habitually use or is not addicted to a
10 controlled substance;

11 (6) has not been a patient in a mental health facility
12 within the past 5 years;

13 (7) has not been adjudicated as a mentally disabled
14 person;

15 (8) is not intellectually disabled;

16 (9) does not suffer from a mental condition that is of
17 a nature that poses a clear and present danger to himself,
18 herself, others, or the community;

19 (10) is not the subject of a pending arrest warrant,
20 prosecution or proceeding for an offense or action that
21 could lead to disqualification;

22 (11) does not chronically and habitually abuse
23 alcoholic beverages as evidenced by the applicant having 2
24 or more convictions for violating Section 11-501 of the
25 Illinois Vehicle Code or similar provision of a local
26 ordinance within 5 years preceding the date of the

1 application, or if the applicant has elected treatment
2 under the supervision of a licensed program in accordance
3 with the Alcoholism and Other Drug Abuse and Dependency Act
4 or similar laws of any other state, within 5 years
5 preceding the date of the application;

6 (12) has completed the firearms training and education
7 required in Section 1-85 of this Act;

8 (13) possesses the same powers of eyesight as required
9 for a driver's license under Section 6-109 of the Illinois
10 Vehicle Code;

11 (14) has not been adjudicated a delinquent minor under
12 the Juvenile Court Act of 1987 or similar law in another
13 jurisdiction, for an offense which, if committed by an
14 adult would disqualify the adult for a license under this
15 Section;

16 (15) has not within the proceeding 5 years, been the
17 respondent to:

18 (i) a plenary order of protection or civil stalking
19 no contact order or similar law of another
20 jurisdiction; or

21 (ii) two or more emergency orders of protection, or
22 any similar law of another jurisdiction;

23 (16) has a proper reason for carrying a firearm; and

24 (17) is a responsible person of good moral character
25 and that the issuance of the license to the applicant is
26 consistent with public safety.

1 Section 1-30. Contents of the application.

2 (a) The application shall be in writing, under oath or
3 affirmation and under penalty of perjury, on a standard form
4 adopted by the Department and shall be accompanied by the
5 documentation required in this Section and all applicable fees.

6 (b) The application shall contain the following
7 information:

8 (1) the applicant's name, current address and phone
9 number, gender, date and year of birth, place of birth,
10 height, weight, hair color, eye color, maiden name or any
11 other name the applicant has used or identified with, and
12 any address at which the applicant resided more than 30
13 days within the 5 years preceding the date of the
14 application;

15 (2) the applicant's valid driver's license or valid
16 state identification card and the last 4 digits of the
17 applicant's social security number;

18 (3) proof that the applicant is a resident of this
19 State and has been a resident for at least the previous 30
20 days;

21 (4) questions to certify or demonstrate the applicant
22 has completed the firearms training and education required
23 in Section 1-85 of this Act;

24 (5) whether the federal government or a governmental
25 entity in any state or subdivision of any state has denied

1 or revoked the applicant's license, permit, registration,
2 or certificate pertaining to any firearm, and if so, the
3 jurisdiction, the identifying number of the license,
4 permit, registration, or certificate, the reason for
5 denial or revocation, and the date of denial or revocation;

6 (6) whether the applicant has ever been prohibited by
7 law from purchasing, possessing, or carrying a firearm, and
8 if so, the jurisdiction, the date, and the reason for the
9 prohibition;

10 (7) whether the applicant has been suspended or
11 expelled from a post-secondary educational institution,
12 such as a community college, college, or university,
13 because of suspected mental illness or violent behavior,
14 and if so, the name of the school, the date, and the reason
15 for the suspension or expulsion;

16 (8) a waiver of privacy and confidentiality rights and
17 privileges of the applicant under all federal and State
18 laws, including those governing access to juvenile court,
19 criminal justice, psychological, or psychiatric records,
20 or records relating to the applicant's history, if any, of
21 institutionalization or inpatient treatment for alcoholism
22 or alcohol detoxification, as well as an affirmative
23 request that any person having custody of those records
24 provide copies of them or information concerning them to
25 the Department for the sole purpose of making a
26 determination of an applicant's eligibility under Section

1 1-25;

2 (9) an affirmation that the applicant possesses a
3 currently valid Illinois Firearm Owner's Identification
4 Card;

5 (10) an affirmation that the applicant has never been
6 convicted in this State or any other State of:

7 (A) a felony;

8 (B) a misdemeanor involving the use of or threat of
9 physical force or violence to any person;

10 (C) a misdemeanor involving the use, possession,
11 or distribution of a controlled substance or cannabis
12 within the 10 years preceding the date of the
13 application; or

14 (D) a misdemeanor involving the manufacture, sale,
15 carrying, possession, or use of a firearm, dangerous
16 weapon, deadly weapon, or ammunition;

17 (11) an affirmation that the applicant meets the
18 requirements of Section 1-25 and is not prohibited under
19 State or federal law from possessing a firearm;

20 (12) a conspicuous warning that a false statement made
21 by the applicant will result in prosecution for perjury in
22 accordance with Section 32-2 of the Criminal Code of 2012;

23 (13) an affirmation that the applicant has read and
24 understands Article 7 of the Criminal Code of 2012; and

25 (14) proof that the applicant possesses the same powers
26 of eyesight as required for a driver's license under

1 Section 6-109 of the Illinois Vehicle Code; and if the
2 applicant does not possess a current Illinois driver's
3 license, the applicant may present a current optometrist's
4 or ophthalmologist's statement certifying the vision
5 reading obtained from the applicant.

6 (c) A person applying for a license shall provide a head
7 and shoulder color photograph in a size specified by the
8 Department that was taken within the 30 days preceding the date
9 of the application. The applicant shall consent to the
10 Department reviewing and using the applicant's digital
11 driver's license or Illinois identification Card photograph
12 and signature, if available. The Secretary of State shall allow
13 the Department access to the photograph and signature for the
14 purpose of identifying the applicant and issuing the applicant
15 a license.

16 (d) Each applicant for a license shall have his or her
17 fingerprints submitted to the Department of State Police in an
18 electronic format that complies with the form and manner for
19 requesting and furnishing criminal history record information
20 as prescribed by the Department of State Police. These
21 fingerprints shall be checked against the Department of State
22 Police and Federal Bureau of Investigation criminal history
23 record databases now and hereafter filed. The Department of
24 State Police shall charge applicants a fee for conducting the
25 criminal history records check, which shall be deposited in the
26 State Police Firearm Services Fund and shall not exceed the

1 actual cost of the records check. Fingerprinting of an
2 applicant may be administered by the Department or any other
3 federal, State, county, or municipal law enforcement agency. An
4 agency performing the fingerprinting may charge a fee not to
5 exceed the actual cost of fingerprinting.

6 (e) A person applying for a license shall submit a
7 certificate or other evidence of completion of a firearms
8 training and education course to show compliance with Section
9 1-85 of this Act.

10 (f) The Department is authorized to establish a system for
11 electronically submitting applications, including applications
12 for renewal or a replacement license.

13 Section 1-32. Investigation of an applicant.

14 (a) The Department shall complete a background check on an
15 applicant for a license to carry a concealed firearm to ensure
16 compliance with the requirements of this Act and any federal or
17 State laws, and local ordinances. The Superintendent may also
18 complete a background check for an applicant for a certificate
19 of qualification under Section 1-22 to ensure compliance with
20 the requirements of this Act and any federal or State laws, and
21 local ordinances. The background check shall include a search
22 of the following:

23 (1) the National Instant Criminal Background Check
24 System of the Federal Bureau of Investigation;

25 (2) any available State and local criminal history

1 record information files, including records of juvenile
2 adjudications;

3 (3) any available federal, State, and local records
4 regarding wanted persons;

5 (4) any available federal, State, and local records of
6 domestic violence restraining and protective orders;

7 (5) any available federal, State, and local records
8 identifying persons who are unlawful users of or addicted
9 to any controlled substance as defined in Section 802 of
10 Title 21 of the United States Code;

11 (6) the files of the Department of Human Services
12 relating to mental health and developmental disabilities;
13 and

14 (7) any other available files of any federal, State,
15 local agency, and other entity (private or public) in any
16 jurisdiction likely to contain information relevant to
17 whether the applicant is prohibited from purchasing or
18 possessing a firearm under federal or State law, or local
19 ordinance.

20 Section 1-35. Database of applicants and licensees.

21 (a) Not more than 2 years after the effective date of this
22 Act:

23 (1) The Department shall maintain a database of
24 applicants for a license and licensees. The database shall
25 be available to all Illinois law enforcement agencies,

1 State's Attorneys, and the Attorney General. Members and
2 staff of the judiciary may access the database for the
3 purpose of determining whether to confiscate a license or
4 to ensure compliance with this Act or any other law. The
5 database shall be searchable and provide all information
6 included in the application, a photo of the applicant or
7 licensee, and any information related to violations of this
8 Act.

9 (2) The Department shall make available on its website
10 and upon request under the Freedom of Information Act
11 statistical information about the number of licenses
12 issued by county, age, race, or gender. The report shall be
13 updated quarterly. Except as provided in this subsection,
14 applications and information in the database shall be
15 confidential and exempt from disclosure under the Freedom
16 of Information Act. The Department may answer requests to
17 confirm or deny whether a person has been issued a license
18 as part of inquiries dealing with a criminal investigation.
19 Individual law enforcement agencies, State's Attorneys,
20 the Attorney General, members of the judiciary, and
21 judicial staff shall sign a confidentiality agreement,
22 prepared by the Department, prior to receiving access to
23 the database. No law enforcement agency, State's Attorney,
24 the Attorney General, or member or staff of the judiciary,
25 other than the Department, shall provide any information to
26 a requester not entitled to it by law, except as required

1 or necessary for the conduct of a criminal investigation.

2 (b) Individual law enforcement agencies or any other entity
3 of local government shall not maintain any separate records,
4 lists, or searchable databases of applicants and licensees
5 containing information included in the Department's database,
6 except the City of Chicago may maintain records, lists, or
7 searchable databases of applicants for and recipients of
8 concealed carry endorsements.

9 Section 1-40. Suspension or revocation of a license.

10 (a) A license issued or renewed under this Act shall be
11 revoked if, at any time, the licensee is found ineligible for a
12 license based on the criteria set forth in Section 1-25 of this
13 Act or the licensee no longer possesses a Firearm Owner's
14 Identification Card. A license shall not be revoked unless the
15 revocation is for reasons specifically authorized by this Act.
16 This subsection shall not apply to a person who has filed an
17 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 (b) A license shall be suspended if an order of protection
21 under Section 112A-14 of the Code of Criminal Procedure of 1963
22 or under Section 214 of the Illinois Domestic Violence Act of
23 1986 is issued against a licensee. The license shall be
24 suspended for the duration of the order or until the order is
25 terminated by a court and the Department shall not reissue or

1 renew a license for the duration of the order or until the
2 order is terminated. If an order of protection is issued
3 against a licensee, the licensee shall surrender the license,
4 as applicable, to the court at the time the order is entered or
5 to the law enforcement agency or entity designated to serve
6 process at the time the licensee is served the order. The
7 court, law enforcement agency, or entity responsible for
8 serving the order shall transmit the license to the Department.

9 (c) The Department may suspend a license for a violation of
10 Section 1-70.

11 (d) A license shall be invalid upon expiration of the
12 license, unless the licensee has submitted an application to
13 renew the license. A person who fails to renew his or her
14 license within 6 months after its expiration must reapply for a
15 new license and pay the fee for a new application.

16 (e) The Department may suspend a license for up to 90 days
17 if a licensee fails to submit a change of address or name or
18 fails to report a lost or destroyed license to the Department
19 within 30 days of the discovery of the loss or destruction of
20 the license.

21 (f) Every person whose concealed carry license is suspended
22 or revoked shall immediately return his or her concealed carry
23 license to the Department of State Police. Failure to return
24 the license is a business offense with a minimum fine of \$100.
25 Any person found carrying a concealed firearm after suspension
26 or revocation of his or her license shall be subject to

1 prosecution under Article 24 of the Criminal Code of 2012 for
2 unlawful use of weapons.

3 Section 1-45. Renewal of license.

4 (a) Not later than 120 days before the expiration of any
5 license issued under this Act, the Department shall notify the
6 licensee in writing of the expiration and furnish an
7 application for renewal of the license or make the application
8 available on-line.

9 (b) Applications for renewal of a license shall be made to
10 the Department. A license shall be renewed for a period of 5
11 years upon receipt of a completed renewal application and a
12 non-refundable \$100 renewal fee, \$80 of which shall be
13 deposited into the State Police Firearm Services Fund, \$20 of
14 which shall be deposited into the Mental Health Reporting Fund.
15 The renewal application shall contain the information required
16 in Section 1-30, except that the applicant need not resubmit a
17 full set of fingerprints. Each applicant for a renewal shall
18 submit, on a form prescribed by the Department, proof that the
19 applicant has:

20 (1) successfully completed an equivalent range
21 exercise as prescribed in Section 1-85 and certified to by
22 an instructor qualified under Section 1-90 or a certified
23 law enforcement instructor, or

24 (2) successfully completed firearm instructor training
25 under Section 1-90.

1 (c) The Department shall make the range recertification
2 form available on its website or as part of a renewal
3 application.

4 Section 1-50. Change of address, change of name, or lost or
5 destroyed licenses.

6 (a) The licensee shall notify the Department within 30 days
7 of: (i) moving or changing a residence or any change of name;
8 or (ii) the discovery of the loss or destruction of a license.

9 (b) If a licensee changes residence within this State or
10 changes his or her name, the licensee shall request a new
11 license. The licensee shall submit a non-refundable \$50 fee, a
12 notarized statement that the licensee has changed residence or
13 his or her name, and a photograph as required in Section 1-30
14 of this Act. The statement must include the prior and current
15 address or name and the date the applicant moved or changed his
16 or her name.

17 (c) A lost or destroyed license shall be invalid. To
18 request a new license, the licensee shall submit (i) a
19 non-refundable \$50 fee, (ii) a notarized statement that the
20 licensee no longer possesses the license and that it was lost
21 or destroyed, or (iii) a copy of a police report stating that
22 the license was lost, destroyed, or stolen, and (iv) a
23 photograph as required in Section 1-30 of this Act.

24 Section 1-70. Restrictions.

1 (a) No license issued under this Act shall authorize any
2 person to knowingly carry a concealed handgun into:

3 (1) Any building or office under the control of the
4 Governor, Lieutenant Governor, Attorney General, Secretary
5 of State, Comptroller, or Treasurer.

6 (2) Any building under the control of the State,
7 General Assembly, General Assembly support service agency,
8 including a building in which a committee of the General
9 Assembly convenes for the purpose of conducting meetings of
10 committees, joint committees, legislative commissions, and
11 any property or parking lot area under control of the
12 General Assembly that is adjacent to or near a prohibited
13 building in this Section.

14 (3) Any courthouse or part of that building that is
15 occupied by the Circuit, Appellate, or Supreme Court, or a
16 room designated for court proceedings by any of these
17 courts, except as provided in subsection (b) of this
18 Section.

19 (4) Any meeting of the governing body of a unit of
20 local government or special district.

21 (5) Any building, adjacent property or parking lot area
22 under the control of or owned by any establishment that
23 maintains a retail liquor license as provided in subsection
24 (d) of Section 5-1 of the Liquor Control Act of 1934 and
25 allows for the sale and consumption of alcoholic beverages
26 on its premises as an on premise consumption retailer.

1 (6) Any secure area of an airport to which access is
2 controlled by the inspection of persons and property.

3 (7) Any place where the carrying of a firearm is
4 prohibited by federal law.

5 (8) Any preschool, elementary school, or secondary
6 school or any portion of any school building thereof; or
7 any school property surrounding a preschool, elementary
8 school, or secondary school building, including but not
9 limited to sidewalks and parking lot areas adjacent to or
10 near preschool, elementary school, or secondary school
11 property.

12 (9) Any portion of a building used as a child care
13 facility, or any adjacent property or parking lot area
14 under control of or owned by a child care facility. Nothing
15 in this paragraph (9) shall prevent the owner or operator
16 of a child care facility in a family home from owning or
17 possessing a firearm or license, so long as the firearm is
18 stored unloaded in a locked container.

19 (10) Any gaming facility or any adjacent property or
20 parking lot area under control of or owned by a gaming
21 facility licensed under the Riverboat Gambling Act or the
22 Horse Racing Act of 1975.

23 (11) Any gated area of an amusement park, or any
24 adjacent property or parking lot area under control of or
25 owned by an amusement park.

26 (12) Any stadium, arena, or collegiate or professional

1 sporting event, or any adjacent property or parking lot
2 area under the control of or owned by a facility where
3 carry is prohibited under this paragraph (12).

4 (13) Any hospital, hospital affiliate, or mental
5 health facility, or onto any adjacent property or parking
6 lot area under the control of or owned by a hospital,
7 hospital affiliate, or mental health facility without
8 written consent of management.

9 (14) Any library, or onto any adjacent property or
10 parking lot area under the control of or owned by a
11 library.

12 (15) Any police, sheriff, or State Police office or
13 station without the consent of the chief law enforcement
14 officer in charge of that office or station.

15 (16) Any adult or juvenile detention or correctional
16 institution, prison, or jail, or parking lot area under the
17 control of the same.

18 (17) Buses, trains, or any form of transportation paid
19 for in part or whole with public funds, and any
20 transportation facility and the surrounding premises under
21 its control.

22 (18) Any polling place on any election day.

23 (19) Any building owned, leased, or controlled by a
24 municipality or any building or property owned, leased or
25 controlled by a school district or park district, unless
26 authorized by a majority vote of members of its governing

1 board. Nothing in this paragraph shall prohibit a licensee
2 from carrying a concealed handgun on any sidewalk, on any
3 highway or roadway, in any public restroom, or rest stop.

4 (20) Any property (including but not limited to any
5 street, driveway, or parking lot), building or facility
6 owned, leased, controlled, or used by a nuclear energy,
7 storage, weapons, or development site or facility
8 regulated by the federal Nuclear Regulatory Commission.

9 (21) Any place or location where the carrying of a
10 firearm is prohibited by an ordinance or resolution adopted
11 in accordance with subsection (b) or (c) of Section 1-100.

12 (a-5) Nothing in this Act shall preempt, abridge, limit, or
13 diminish the authority of community colleges, and public and
14 private colleges and universities from prohibiting,
15 restricting or otherwise regulating firearms on their
16 campuses, grounds and other property, including but not limited
17 to sidewalks, commons, and highways, owned by the community
18 college or public or private college or university or in
19 buildings used in whole or in part for housing, classrooms,
20 laboratories, medical clinics, hospitals, and artistic,
21 athletic and entertainment venues; or on or in property owned,
22 controlled or leased by officially recognized student
23 organizations or officially recognized university-related
24 organizations.

25 (a-10) Nothing in this Act shall preempt, abridge, limit or
26 diminish the authority of community colleges, and public and

1 private colleges and universities from prohibiting persons
2 from carrying a firearm into a vehicle owned, leased or
3 controlled by the community colleges, or public or private
4 college or universities regardless of where the vehicle
5 travels. Community colleges, and public or private colleges or
6 universities may develop resolutions, regulations, or policies
7 regarding the storage and maintenance of firearms, including
8 but not limited to designating areas where individuals may park
9 vehicles that carry firearms. These resolutions, regulations,
10 or policies may specify that persons in violation of the
11 resolutions, regulations, or policies may be denied entrance to
12 the campus, grounds, building, vehicles or other property and
13 subjected to a civil fine of no more than \$1,500 for any
14 violation of the provisions of the resolution, regulation, or
15 policy.

16 (a-15) Nothing in this Act shall preempt, abridge, limit,
17 or diminish the authority of community colleges, and public or
18 private colleges or universities from taking actions
19 proscribed by their resolutions, regulations, or policies
20 against violations of the resolutions, regulations, or
21 policies, which may qualify as student, employee, or visitor
22 misconduct and may result in discipline, including, but not
23 limited to, expulsion from the community college, or public or
24 private college or university, termination of employment or
25 appointment, or suspension or banning from the community
26 college, or public or private college or university campuses,

1 grounds and other property.

2 (a-20) Nothing in this Act shall preempt, abridge, limit,
3 or diminish the authority of community colleges, and public or
4 private colleges and universities from permitting the carrying
5 or use of firearms for the purposes of instruction and
6 curriculum of officially recognized programs, such as military
7 science programs. These programs shall be authorized by the
8 chief executive officer of the community college, or public or
9 private college or university or his or her designee.

10 (b) Judges, State's Attorneys, and assistant State's
11 Attorneys with the permission of the State's Attorney, who
12 possess a valid license under this Act may possess a handgun in
13 any courthouse in which they are employed, but shall be
14 required to follow any rules applicable to sworn peace officers
15 to maintain facility security.

16 (c) The owner, manager, or operator of a building or of a
17 business or a commercial lessee, or a private business
18 enterprise, or any other for profit or not for profit private
19 organization, entity, or person, may prohibit licensees from
20 carrying a concealed handgun on the premises, including
21 buildings, parking lots, or other property under its control.
22 However, a private landlord of a residential property shall not
23 prohibit any lessee from possessing or carrying a handgun in
24 accordance with this Act in or on the leased premises or during
25 ingress or egress from the leased premises.

26 (d) Any person licensed under this Act who is prohibited

1 from carrying a concealed handgun into a building by the
2 provisions of subsection (a) or under an ordinance, resolution,
3 or policy adopted in accordance with subsection (a-5), (a-10),
4 or (c) shall be permitted to store that handgun or ammunition
5 out of plain sight in his or her locked vehicle in a container
6 designed to hold a firearm located within the vehicle, or in a
7 locked container securely affixed to the outside of the
8 vehicle, unless firearms are otherwise expressly prohibited,
9 in accordance with subsection (h) of this Section, from the
10 parking area where the vehicle is located. A licensee shall not
11 be in violation of this Section while he or she is traversing a
12 public right of way that touches or crosses any of the premises
13 specified in subsection (a) or from which handguns are
14 prohibited under the provisions of subsection (a-5), (a-10), or
15 (c), provided that the handgun is carried on his or her person
16 or in a vehicle in accordance with this Act or is being
17 transported in a case or container in accordance with
18 applicable law. A licensee shall not be in violation of
19 subsection (c) if the responsible party for the premises fails
20 to conspicuously post notice of the prohibition at all public
21 entrances to the building in accordance with subsection (g).

22 (e) If a law enforcement officer initiates an investigative
23 stop, including but not limited to a traffic stop, of a
24 licensee who is carrying a concealed handgun, the licensee
25 shall immediately disclose to the officer that he or she is in
26 possession of a concealed handgun under this Act. Disclosure

1 may be accomplished by oral notification or by providing or
2 displaying the license to carry a concealed handgun to the
3 officer. The licensee shall comply with all lawful orders and
4 directions from the officer. For the safety of the officer and
5 the public, the officer may conduct a pat down of the licensee
6 and take possession of the handgun for the duration of the
7 encounter. Any handgun that is removed from a licensee during
8 an investigative stop shall be returned to the licensee in its
9 original condition upon conclusion of the stop unless the
10 licensee is placed under arrest.

11 The failure of a licensee to immediately disclose the
12 presence of a concealed handgun as required under this
13 subsection (e) shall be a Class B misdemeanor, for which the
14 licensee may be fined up to \$200 plus costs plus a \$50 fee to be
15 deposited into the State Police Firearm Services Fund. The
16 Department may suspend a license for up to 90 days for a second
17 violation of this subsection (e). The Department shall
18 permanently revoke a license for a third violation of this
19 subsection (e).

20 (f) A license issued under this Act shall not permit the
21 licensee to:

22 (1) openly carry a loaded or unloaded handgun or any
23 other firearm; or

24 (2) carry any other firearm that is not a handgun.

25 Any person found carrying in violation of paragraph (1) or
26 (2) of this subsection (f) shall be subject to prosecution

1 under Article 24 of the Criminal Code of 2012 for unlawful use
2 of weapons.

3 (g) A licensee shall not carry a handgun under the
4 provisions of this Act while under the influence of controlled
5 substances, hallucinogenic drugs, any prescribed medication
6 that causes impairment, or alcohol. For purposes of this
7 subsection (f), "under the influence of alcohol" means a blood
8 alcohol content of .08 or greater. A violation of this
9 subsection (f) shall be a Class A misdemeanor.

10 (h) Signs stating that the carrying of a handgun is
11 prohibited shall be clearly and conspicuously posted at every
12 entrance of a building or premises specified in subsection (a)
13 or designated in accordance with subsection (a-5) or (c). Signs
14 shall be of a uniform size and design, not smaller than 8
15 inches by 10 inches as prescribed by the Department. The
16 Department shall adopt rules for standardized signs to be used
17 under this subsection.

18 (h-5) A licensee shall only carry a concealed handgun
19 similar to the handgun that he or she trained with under
20 Section 1-85.

21 (i) Penalties.

22 (1) A reckless or negligent violation of paragraphs
23 (5), (10), (11), (12), or (21) of subsection (a), or of
24 subsection (c), is a Class B misdemeanor. The Department
25 may suspend a license for up to 90 days for any 2
26 violations listed in this paragraph. The Department shall

1 permanently revoke a license for any 3 violations listed in
2 this paragraph.

3 (2) A violation of paragraphs (1), (2), (3), (4), (6),
4 (7), (8), (9), (13), (14), (15), (16), (17), (18), (19), or
5 (20) of subsection (a) is a Class A misdemeanor. A knowing
6 violation of paragraphs (5), (10), (11), (12), or (21) of
7 subsection (a), or of subsection (c), is a Class A
8 misdemeanor. The Department may suspend a license for up to
9 90 days for a violation listed in this paragraph. The
10 Department shall permanently revoke a license for any 2
11 violations listed in this paragraph.

12 Section 1-75. The Superintendent of Police of the City of
13 Chicago, or any employee or agent of the Chicago Police
14 Department, the office of the County Sheriff, or any employee
15 or agent of the County Sheriff or the municipal police
16 department, or any employee or agent of the municipal police
17 department or the Department of State Police shall not be
18 liable for damages in any civil action arising from alleged
19 wrongful or improper granting, renewing, revoking, or failing
20 to revoke licenses issued under this Act, except for willful or
21 wanton misconduct. The Superintendent of Police of the City of
22 Chicago, or any employee or agent of the Chicago Police
23 Department, the office of the County Sheriff, or any employee
24 or agent of the County Sheriff or the municipal police
25 department, or any employee or agent of the municipal police

1 department, shall not be liable for submitting specific or
2 articulable reasons why an applicant should be denied a
3 license, unless the objection contains false, malicious, or
4 inaccurate information and the objection constitutes willful
5 and wanton misconduct.

6 Section 1-80. Fees.

7 (a) Fees collected under this Act by the Department and
8 deposited into the State Police Firearm Services Fund shall be
9 appropriated for administration of this Act.

10 (b) Fees shall be:

11 New license: \$100.

12 Renewal of license: \$100.

13 Duplicate license due to lost or destroyed: \$50.

14 Corrected license due to change of address or name: \$50.

15 (c) By March 1 of each year, the Department shall submit a
16 statistical report to the Governor, the President of the
17 Senate, and the Speaker of the House of Representatives
18 indicating the number of licenses issued, revoked, suspended,
19 denied, and issued after appeal since the last report and in
20 total and also the number of licenses currently valid. The
21 report shall also include the number of arrests and convictions
22 and the types of crimes committed by licensees since the last
23 report.

24 (d) The Secretary of State shall conduct a study to
25 determine the cost and feasibility of creating a method of

1 adding an identifiable code, background, or other means to show
2 that an individual has been issued a license by the Department
3 on the person's driver's license or State-issued
4 identification card.

5 Section 1-85. Applicant training.

6 (a) Applicants shall provide proof of completion of a
7 firearms training course approved by the Department.

8 (a-5) Within one year after 180 days after the effective
9 date of this Act, an applicant may provide proof of completion
10 of a firearms training course under this subsection to fulfill
11 the requirements of subsection (a) of this Section; thereafter,
12 only firearms training programs approved under subsection (b)
13 of this Section may be used to fulfill the requirements of
14 subsection (a) of this Section. Completion of a firearms
15 training course will satisfy the requirement of subsection (a)
16 of this Section if, to the satisfaction of the Department:

17 (1) the applicant completed the firearms training
18 course within the year prior to submitting an application
19 for a license;

20 (2) the course consisted of at least 8 hours of
21 instruction; and

22 (3) the course covered topics substantially similar to
23 the topics required by subsection (b) of this Section.

24 (b) The Department shall, by rule, approve or disapprove
25 training programs for the firearm training course. The course

1 shall be taught by a qualified firearms instructor, consisting
2 of at least 8 hours of instruction, covering at least the
3 following topics:

4 (1) Handgun safety in the classroom, at home, on the
5 firing range, and while carrying the handgun.

6 (2) The basic principles of marksmanship.

7 (3) Care and cleaning of handguns.

8 (4) Laws relating to the justifiable use of force as
9 prescribed in Article 7 of the Criminal Code of 2012.

10 (5) The requirements for obtaining a license to carry a
11 concealed handgun in this State.

12 (6) Laws relating to firearms as prescribed in this
13 Act, the Firearm Owners Identification Card Act, Article 24
14 of the Criminal Code of 2012, and 18 U.S.C. 921 through
15 930.

16 (c) Applicants shall provide proof of certification by a
17 certified instructor that the applicant passed a live fire
18 exercise with a handgun consisting of:

19 (1) a minimum of 30 rounds; and

20 (2) ten 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-21 silhouette or equivalent target as
23 approved by the Department.

24 (d) Students shall provide their own safe, functional
25 handgun. Prior to conducting range firing, the course
26 instructor shall: (1) inspect each applicant's handgun; and (2)

1 not allow the firing of a handgun which is not in sound
2 mechanical condition or otherwise may pose a safety hazard.

3 (e) The qualification shall be performed with
4 factory-loaded ammunition.

5 (f) The classroom portion of the course may, at the
6 qualified firearms instructor's discretion, be divided into
7 segments of not less than 2 hours each.

8 (g) Applicant training courses shall not be open to anyone
9 under 21 years of age and no certificate of completion shall be
10 issued to persons less than 21 years of age.

11 (h) Instructors shall maintain any records for students'
12 performance for not less than 5 years.

13 (i) Applicants shall be trained and qualify on any handgun
14 they seek to carry concealed. During the firearms safety
15 training course, the applicant must satisfactorily demonstrate
16 to the course instructor the safe handling of each handgun the
17 applicant seeks to carry concealed. This demonstration must
18 include the proper loading and unloading of the handgun, the
19 proper engaging and disengaging of common firearm safety
20 mechanisms, and the proper firing of the handgun. If the
21 handgun has a detachable magazine, the demonstration must also
22 include the proper removal and reattachment of the magazine.

23 (j) Grades of "passing" shall not be given on range work to
24 an applicant who:

25 (1) does not follow the orders of the certified
26 firearms instructor;

1 (2) in the judgment of the certified firearms
2 instructor, handles a firearm in a manner that poses a
3 danger to the applicant or to others; or

4 (3) during the testing portion of the range work fails
5 to hit the silhouette portion of the target with 70% of the
6 30 rounds fired.

7 (k) Certified firearms instructors shall: (1) allow
8 monitoring of their classes by officials of any certifying
9 agency; (2) make any course records available upon demand to
10 authorized personnel of the Department; and (3) not divulge
11 course records except as authorized by the certifying agency.

12 (1) Fees for applicant training courses shall be set by the
13 instructor.

14 (m) An applicant training course shall not have more than
15 40 students in the classroom portion nor more than 5 students
16 per range officer engaged in range firing.

17 (n) Within 3 business days after the completion of the
18 course, the certified firearms instructor shall:

19 (1) grade the examination; and

20 (2) issue to the student:

21 (A) a certificate of successful course completion;

22 or

23 (B) notification that the applicant has failed the
24 written portion of the course, the live firing portion
25 of the course, or both, and will not be issued a
26 certificate of completion.

1 (o) A student shall be issued a certificate of completion
2 if he or she:

3 (1) answers at least 70% of the written examination
4 questions correctly. The Department shall develop the
5 written examination not to exceed 50 questions; and

6 (2) achieves a grade of "passing" on the range work.
7 Students who do not achieve a grade of "passing" on the
8 range work may repeat the range work one time without
9 having to retake the course.

10 (p) Persons with the following training or certifications
11 are exempt from the requirements of this Section:

12 (1) An individual who has qualified to carry a firearm
13 as a retired law enforcement officer.

14 (2) Any active, retired, or honorably discharged
15 member of the armed forces who served as a military police
16 officer within the 2 years preceding the date of
17 application.

18 (3) An individual who is a range instructor certified
19 as a law enforcement instructor by the Illinois Law
20 Enforcement Training Standards Board or other equivalent
21 agency.

22 (4) A person who has successfully completed the
23 Firearms Instructor Training under Section 1-90.

24 Section 1-90. Firearms instructors training.

25 (a) Not later than 30 days after the effective date of this

1 Act, the Department shall establish a registry of instructors
2 who are eligible to teach courses or sign off on range
3 qualifications, or both, to meet the requirements of Section
4 1-85 of this Act.

5 (b) Instructors who are eligible to teach courses and
6 certify range qualifications shall have one of the following
7 valid firearms instructor certifications:

8 (1) Certification from any entity that offers
9 education and training in firearms use and safety;

10 (2) Certification from a law enforcement agency that
11 offers education and training in firearms use and safety;

12 (3) Certification from a firearms instructor's course
13 offered by a State or federal governmental agency; or

14 (4) Certification from a firearms instructor
15 qualifying course approved by the Illinois Law Enforcement
16 Training Standards Board.

17 (c) Instructors who are eligible to teach courses and
18 certify range qualifications shall be at least 21 years of age
19 and possess at least a high school diploma or GED certificate.

20 (d) An applicant may have his or her instructor
21 qualification revoked if the applicant:

22 (1) does not meet the requirements of this Act to
23 possess a concealed carry license;

24 (2) provides false or misleading information to the
25 Board; or

26 (3) has had a prior instructor qualification revoked by

1 the Board or other certifying organization.

2 Section 1-100. Home rule; exception.

3 (a) The regulation and licensing of the carrying of
4 firearms are exclusive powers and functions of the State,
5 except as provided in subsection (b) or (c) of this Section.
6 This Section is a denial and limitation of home rule powers and
7 functions under subsection (h) of Section 6 of Article VII of
8 the Illinois Constitution.

9 (b) A home rule unit may within 6 months from the effective
10 date of this Act adopt a resolution or ordinance prohibiting
11 the carrying of handguns in places or locations within the
12 municipality in addition to the prohibited places or locations
13 provided in Section 1-70 of this Act. A home rule unit that
14 chooses to adopt a resolution or ordinance in accordance with
15 this Section must notify the Department within 10 days of its
16 adoption. A home rule unit that has adopted a resolution or
17 ordinance within the 6 month period may thereafter amend that
18 ordinance or resolution, or replace it with a new ordinance or
19 resolution; the home rule unit must notify the Department
20 within 10 days of the adoption of an amendment or of a new
21 ordinance or resolution. A home rule unit that does not adopt a
22 resolution or ordinance within the 6 month period may not
23 thereafter adopt a resolution or ordinance under this
24 subsection (b). The Department shall compile these ordinances
25 and publish them on the Department's Website within 30 days of

1 the receipt of notice of enactment or amendment.

2 (c) A municipality that becomes a home rule unit either by
3 population or referendum after the effective date of this Act
4 may within 6 months of becoming a home rule unit adopt a
5 resolution or ordinance prohibiting the carrying of handguns in
6 places or locations within the municipality in addition to the
7 prohibited places or locations provided n Section 1-70 of this
8 Act and must comply with the notification requirements provided
9 in subsection (b).

10 Section 1-105. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 1-110. The Freedom of Information Act is amended by
13 changing Section 7.5 as follows:

14 (5 ILCS 140/7.5)

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

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

20 (b) Library circulation and order records identifying
21 library users with specific materials under the Library Records
22 Confidentiality Act.

23 (c) Applications, related documents, and medical records

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

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

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

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

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

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

22 (i) Information contained in a local emergency energy plan
23 submitted to a municipality in accordance with a local
24 emergency energy plan ordinance that is adopted under Section
25 11-21.5-5 of the Illinois Municipal Code.

26 (j) Information and data concerning the distribution of

1 surcharge moneys collected and remitted by wireless carriers
2 under the Wireless Emergency Telephone Safety Act.

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

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

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

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

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

25 (p) Security portions of system safety program plans,
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the
2 Regional Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act or the St. Clair County
4 Transit District under the Bi-State Transit Safety Act.

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

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

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

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

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

26 (v) Names and information of people who have applied for or

1 received Firearm Owner's Identification Cards under the
2 Firearm Owners Identification Card Act.

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

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

9 (y) Information maintained by the Department of State
10 Police in accordance with subsection (a) of Section 1-35 of the
11 Gun Safety and Responsibility Act, except as authorized by that
12 Act.

13 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
14 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
15 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
16 eff. 1-1-13.)

17 Section 1-115. The Department of State Police Law of the
18 Civil Administrative Code of Illinois is amended changing
19 Sections 2605-45 and 2605-300 and by adding Section 2605-595 as
20 follows:

21 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

22 Sec. 2605-45. Division of Administration. The Division of
23 Administration shall exercise the following functions:

24 (1) Exercise the rights, powers, and duties vested in

1 the Department by the Governor's Office of Management and
2 Budget Act.

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

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

7 (4) Operate an electronic data processing and computer
8 center for the storage and retrieval of data pertaining to
9 criminal activity.

10 (5) Exercise the rights, powers, and duties vested in
11 the former Division of State Troopers by Section 17 of the
12 State Police Act.

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

17 (6.5) Exercise the rights, powers, and duties vested in
18 the Department by the Firearm Owners Identification Card
19 Act.

20 (6.10) Exercise the rights, powers, and duties vested
21 in the Department by the Gun Safety and Responsibility Act.

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

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

1 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

2 Sec. 2605-300. Records; crime laboratories; personnel. To
3 do the following:

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

6 (2) Be a central repository for criminal history record
7 information.

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

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

13 (5) Establish general and field crime laboratories.

14 (6) Register and file for record information that may
15 be required by law for the issuance of firearm owner's
16 identification cards under the Firearm Owners
17 Identification Card Act and concealed carry licenses under
18 the Gun Safety and Responsibility Act.

19 (7) Employ polygraph operators, laboratory
20 technicians, and other specially qualified persons to aid
21 in the identification of criminal activity.

22 (8) Undertake other identification, information,
23 laboratory, statistical, or registration activities that
24 may be required by law.

25 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
26 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,

1 eff. 8-14-98; 91-239, eff. 1-1-00.)

2 (20 ILCS 2605/2605-595 new)

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

4 (a) There is created in the State treasury a special fund
5 known as the State Police Firearm Services Fund. The Fund shall
6 receive revenue as provided under Section 5 of the Firearm
7 Owners Identification Card Act, and under Section 1-15 of the
8 Gun Safety and Responsibility Act. The Fund may also receive
9 revenue from grants, pass-through grants, donations,
10 appropriations, and any other legal source.

11 (b) The Department of State Police may use moneys in the
12 Fund to finance any of its lawful purposes, mandates,
13 functions, and duties under the Firearm Owners Identification
14 Card Act or the Gun Safety and Responsibility Act, including
15 the cost of sending notices of expiration of Firearm Owner's
16 Identification Cards and concealed carry licenses, the prompt
17 and efficient processing of applications under the Firearm
18 Owners Identification Card Act and the Gun Safety and
19 Responsibility Act, and support for investigations required
20 under these Acts.

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

24 (d) The State Police Firearm Services Fund shall not be
25 subject to fund sweeps or administrative chargebacks.

1 Section 1-120. The State Police Act is amended by adding
2 Section 25 as follows:

3 (20 ILCS 2610/25 new)

4 Sec. 25. Emergency procurement authorized. In order to
5 comply with recent court rulings regarding concealed carry in
6 Illinois, the provisions of this amendatory Act of the 98th
7 General Assembly, together with any procurements necessary for
8 the implementation of the Gun Safety and Responsibility Act,
9 shall be eligible for emergency procurement for a period not
10 more than 180 days after the effective date of this amendatory
11 Act.

12 Section 1-125. The State Finance Act is amended by adding
13 Sections 5.826, 5.827, and 6z-98 as follows:

14 (30 ILCS 105/5.826 new)

15 Sec. 5.826. The Mental Health Reporting Fund.

16 (30 ILCS 105/5.827 new)

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

18 (30 ILCS 105/6z-98 new)

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

20 (a) There is created in the State treasury a special fund

1 known as the Mental Health Reporting Fund. The Fund shall
2 receive revenue as provided in Section 1-15 of the Gun Safety
3 and Responsibility Act. The Fund may also receive revenue from
4 appropriations, donations, grants, and any other lawful
5 source.

6 (b) The Department of Human Services and the Department of
7 State Police may coordinate to use moneys in the Fund to
8 finance their respective duties of collecting and reporting
9 data on mental health records and ensuring that mental
10 health-related prohibitions on firearm ownership and
11 possession under the Gun Safety and Responsibility Act and the
12 Firearm Owners Identification Card Act are enforced. Any
13 surplus moneys in the Fund beyond what is necessary to ensure
14 compliance with mental health reporting shall be used by the
15 Department of Human Services for mental health treatment
16 programs.

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

20 (d) The Mental Health Reporting Fund shall not be subject
21 to administrative chargebacks, fund sweeps, or any other
22 budgetary or fiscal maneuver.

23 (30 ILCS 105/5.206 rep.)

24 Section 1-130. The State Finance Act is amended by
25 repealing Section 5.206.

1 Section 1-142. The Mental Health and Developmental
2 Disabilities Code is amended by changing Section 6-103.1 and by
3 adding Sections 6-103.2 and 6-103.3 as follows:

4 (405 ILCS 5/6-103.1)

5 Sec. 6-103.1. Adjudication as a mentally disabled person
6 ~~mental defective~~. When a person has been adjudicated as a
7 mentally disabled person ~~mental defective~~ as defined in Section
8 1.1 of the Firearm Owners Identification Card Act, including,
9 but not limited to, an adjudication as a disabled person as
10 defined in Section 11a-2 of the Probate Act of 1975, the court
11 shall direct the circuit court clerk to ~~immediately~~ notify the
12 Department of State Police, Firearm Owner's Identification
13 (FOID) Office, in a form and manner prescribed by the
14 Department of State Police, and shall forward a copy of the
15 court order to the Department no later than 7 days after the
16 entry of the order. Upon receipt of the order, the Department
17 of State Police shall provide notification to the National
18 Instant Criminal Background Check System.

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

20 (405 ILCS 5/6-103.2 new)

21 Sec. 6-103.2. Developmental disability; notice. If a
22 person is determined to have a developmental disability as
23 defined in item (b) of Section 1-106 of this Code by a

1 physician, clinical psychologist, or qualified examiner,
2 whether practicing at a public or by a private mental health
3 facility or developmental disability facility, the physician,
4 clinical psychologist, or qualified examiner shall notify the
5 Department of Human Services within 24 hours of making the
6 determination that the person has a developmental disability
7 which would disqualify the person from obtaining or requires
8 revocation of a currently valid Firearm Owner's Identification
9 Card. The Department of Human Services shall immediately update
10 the files relating to mental health and developmental
11 disabilities, or if appropriate, shall notify the Department of
12 State Police in a form and manner prescribed by the Department
13 of State Police. Information disclosed under this Section shall
14 remain privileged and confidential, and shall not be
15 redisclosed, except as required under subsection (e) of Section
16 3.1 of the Firearm Owners Identification Card Act, nor used for
17 any other purpose. The method of providing this information
18 shall guarantee that the information is not released beyond
19 that which is necessary for the purpose of this Section. The
20 identity of the person reporting under this Section shall not
21 be disclosed to the subject of the report. Absent willful or
22 wanton misconduct, the physician, clinical psychologist, or
23 qualified examiner making or not making the determination may
24 not be held criminally, civilly, or professionally liable for
25 making the notification required under this Section.

1 (405 ILCS 5/6-103.3 new)

2 Sec. 6-103.3. Clear and present danger; notice. If a person
3 is determined to pose a clear and present danger to himself,
4 herself, or to others by a physician, clinical psychologist, or
5 qualified examiner, whether employed by the State, by any
6 public or private mental health facility or part thereof, or by
7 a law enforcement official or school administrator, the
8 physician, clinical psychologist, qualified examiner, law
9 enforcement official, or school administrator shall notify the
10 Department of Human Services within 24 hours of making the
11 determination that the person poses a clear and present danger.
12 The Department of Human Services shall immediately update the
13 files relating to mental health and developmental
14 disabilities, or if appropriate, shall notify the Department of
15 State Police in a form and manner prescribed by the Department
16 of State Police. Information disclosed under this Section shall
17 remain privileged and confidential, and shall not be
18 redisclosed, except as required under subsection (e) of Section
19 3.1 of the Firearm Owners Identification Card Act, nor used for
20 any other purpose. The method of providing this information
21 shall guarantee that the information is not released beyond
22 that which is necessary for the purpose of this Section. The
23 identity of the person reporting under this Section shall not
24 be disclosed to the subject of the report. Absent willful or
25 wanton misconduct, the physician, clinical psychologist,
26 qualified examiner, law enforcement official, or school

1 administrator making the determination may not be held
2 criminally, civilly, or professionally liable for making or not
3 making the notification required under this Section.

4 For the purposes of this Section:

5 "Clear and present danger" has the meaning ascribed to
6 it in Section 1.1 of the Firearm Owners Identification Card
7 Act.

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

11 Section 1-145. The Firearm Owners Identification Card Act
12 is amended by changing Sections 1.1, 3, 3.1, 3.3, 4, 5, 8, 8.1,
13 8.2, 9, and 10 and by adding Sections 5.1 and 9.5 as follows:

14 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

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

16 Sec. 1.1. For purposes of this Act:

17 "Has been adjudicated as a mental defective" means the
18 person is the subject of a determination by a court, board,
19 commission or other lawful authority that a person, as a result
20 of marked subnormal intelligence, or mental illness, mental
21 impairment, incompetency, condition, or disease:

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

23 (2) lacks the mental capacity to manage his or her own
24 affairs;

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

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

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

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

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

12 "Firearm" means any device, by whatever name known, which
13 is designed to expel a projectile or projectiles by the action
14 of an explosion, expansion of gas or escape of gas; excluding,
15 however:

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

20 (1.1) any pneumatic gun, spring gun, paint ball gun, or
21 B-B gun which expels breakable paint balls containing
22 washable marking colors;

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

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial
2 ammunition; and

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

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

12 (1) any ammunition exclusively designed for use with a
13 device used exclusively for signalling or safety and
14 required or recommended by the United States Coast Guard or
15 the Interstate Commerce Commission; and

16 (2) any ammunition designed exclusively for use with a
17 stud or rivet driver or other similar industrial
18 ammunition.

19 "Gun show" means an event or function:

20 (1) at which the sale and transfer of firearms is the
21 regular and normal course of business and where 50 or more
22 firearms are displayed, offered, or exhibited for sale,
23 transfer, or exchange; or

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

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

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

10 "Gun show promoter" means a person who organizes or
11 operates a gun show.

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

17 "Sanctioned competitive shooting event" means a shooting
18 contest officially recognized by a national or state shooting
19 sport association, and includes any sight-in or practice
20 conducted in conjunction with the event.

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

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

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

25 Sec. 1.1. For purposes of this Act:

1 "Addicted to narcotics" means a person:

2 (1) convicted of an offense involving the use or
3 possession of cannabis, a controlled substance, or
4 methamphetamine within the past year; or

5 (2) determined by the Department of State Police to be
6 addicted to narcotics based upon federal law or federal
7 guidelines.

8 "Addicted to narcotics" does not include possession or use
9 of a prescribed controlled substance under the direction and
10 authority of a physician or person authorized to prescribe the
11 controlled substance and the controlled substance is used in
12 the prescribed manner.

13 "~~Adjudicated~~ ~~Has been adjudicated~~ as a mentally disabled
14 person ~~mental defective~~" means the person is the subject of a
15 determination by a court, board, commission or other lawful
16 authority that a person, as a result of marked subnormal
17 intelligence, or mental illness, mental impairment,
18 incompetency, condition, or disease:

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

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

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

26 (3.5) is guilty but mentally ill, as provided in

1 Section 5-2-6 of the Unified Code of Corrections;

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

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

7 (6) has been found to be a sexually violent person
8 under the Sexually Violent Persons Commitment Act; or

9 (7) has been found to be a sexually dangerous person
10 under the Sexually Dangerous Persons Act.

11 "Clear and present danger" means a person:

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

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

22 "Clinical psychologist" has the meaning as defined in
23 Sections 1-103 and 1-120 of the Mental Health and Developmental
24 Disabilities Code.

25 "Controlled substance" means a controlled substance or
26 controlled substance analog as defined in the Illinois

1 Controlled Substances Act.

2 "Counterfeit" means to copy or imitate, without legal
3 authority, with intent to deceive.

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

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

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

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

22 (1.1) any pneumatic gun, spring gun, paint ball gun, or
23 B-B gun which expels breakable paint balls containing
24 washable marking colors;

25 (2) any device used exclusively for signalling or
26 safety and required or recommended by the United States

1 Coast Guard or the Interstate Commerce Commission;

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

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

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

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

18 (2) any ammunition designed exclusively for use with a
19 stud or rivet driver or other similar industrial
20 ammunition.

21 "Gun show" means an event or function:

22 (1) at which the sale and transfer of firearms is the
23 regular and normal course of business and where 50 or more
24 firearms are displayed, offered, or exhibited for sale,
25 transfer, or exchange; or

26 (2) at which not less than 10 gun show vendors display,

1 offer, or exhibit for sale, sell, transfer, or exchange
2 firearms.

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

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

12 "Gun show promoter" means a person who organizes or
13 operates a gun show.

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

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

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

26 "Mental health facility ~~institution~~" means any licensed

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

12 "Patient" means:

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

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

22 ~~"Patient in a mental institution" means the person was~~
23 ~~admitted, either voluntarily or involuntarily, to a mental~~
24 ~~institution for mental health treatment, unless the treatment~~
25 ~~was voluntary and solely for an alcohol abuse disorder and no~~
26 ~~other secondary substance abuse disorder or mental illness.~~

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

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

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

10 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;
11 97-1167, eff. 6-1-13.)

12 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

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

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

3 (a-10) Any person who is not a federally licensed firearm
4 dealer and who desires to transfer or sell a firearm or
5 firearms to any person who is not a federally licenses firearm
6 dealer shall before selling or transferring the firearms,
7 contact the Department of State Police with the purchaser's
8 Firearm Owner's Identification Card number to determine the
9 validity of the purchaser's Firearm Owner's Identification
10 Card. This subsection shall not be effective until January 1,
11 2014. The Department of State Police shall have the authority
12 to promulgate rules concerning the implementation of this
13 subsection. The Department of State Police shall provide the
14 seller or transferor an approval number if the purchaser's
15 Firearm Owner's Identification Card is valid. Approvals issued
16 by the Department for the purchase of a firearm pursuant to
17 this subsection are valid for 30 days from the date of issue.

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

20 (1) transfers that occur at the place of business of a
21 federally licensed firearm dealer, if the federally
22 licensed firearm dealer conducts a background check on the
23 prospective recipient of the firearm in accordance with
24 Section 3.1 of this Act and follows all other applicable
25 federal, State, and local laws as if he or she were the
26 seller or transferor of the firearm, although the dealer is

1 not required to accept the firearm into his or her
2 inventory. The purchaser or transferee may be required by
3 the federally licensed firearm dealer to pay a fee not to
4 exceed \$10 per firearm, which the dealer may retain as
5 compensation for performing the functions required under
6 this paragraph, plus the applicable fees authorized by
7 Section 3.1;

8 (2) transfers as a bona fide gift to the transferor's
9 husband, wife, son, daughter, stepson, stepdaughter,
10 father, mother, stepfather, stepmother, brother, sister,
11 nephew, niece, uncle, aunt, grandfather, grandmother,
12 grandson, granddaughter, father-in-law, mother-in-law,
13 son-in-law, or daughter-in-law;

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

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

18 (5) the delivery of a firearm by its owner to a
19 gunsmith for service or repair, the return of the firearm
20 to its owner by the gunsmith, or the delivery of a firearm
21 by a gunsmith to a federally licensed firearms dealer for
22 service or repair and the return of the firearm to the
23 gunsmith;

24 (6) temporary transfers that occur while in the home of
25 the unlicensed transferee, if the unlicensed transferee is
26 not otherwise prohibited from possessing firearms, and the

1 unlicensed transferee reasonably believes that possession
2 of the firearm is necessary to prevent imminent death or
3 great bodily harm to the unlicensed transferee;

4 (7) transfers to a law enforcement or corrections
5 agency, or law enforcement or corrections officer acting
6 within the course and scope of his or her official duties;

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

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

13 (a-20) The Department of State Police shall develop an
14 Internet based system for individuals to determine the validity
15 of a Firearm Owner's Identification Card prior to the sale or
16 transfer of a firearm. The Department shall have the Internet
17 based system completed and available for use by July 1, 2015.
18 The Department shall adopt rules not in consistent with this
19 Section to implement this system.

20 (b) Any person within this State who transfers or causes to
21 be transferred any firearm, stun gun, or taser shall keep a
22 record of such transfer for a period of 10 years from the date
23 of transfer. Such record shall contain the date of the
24 transfer; the description, serial number or other information
25 identifying the firearm, stun gun, or taser if no serial number
26 is available; and, if the transfer was completed within this

1 State, the transferee's Firearm Owner's Identification Card
2 number and any approval number or documentation provided by the
3 Department of State Police pursuant to subsection (a-10) of
4 this Section. On or after January 1, 2006, the record shall
5 contain the date of application for transfer of the firearm. On
6 demand of a peace officer such transferor shall produce for
7 inspection such record of transfer. If the transfer or sale
8 took place at a gun show, the record shall include the unique
9 identification number. Failure to record the unique
10 identification number or approval number is a petty offense.

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

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

24 (Source: P.A. 97-1135, eff. 12-4-12.)

25 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

1 Sec. 3.1. Dial up system.

2 (a) The Department of State Police shall provide a dial up
3 telephone system or utilize other existing technology which
4 shall be used by any federally licensed firearm dealer, gun
5 show promoter, or gun show vendor who is to transfer a firearm,
6 stun gun, or taser under the provisions of this Act. The
7 Department of State Police may utilize existing technology
8 which allows the caller to be charged a fee not to exceed \$2.
9 Fees collected by the Department of State Police shall be
10 deposited in the State Police Services Fund and used to provide
11 the service.

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

1 patient hospitalization information which would disqualify a
2 person from obtaining or require revocation of a currently
3 valid Firearm Owner's Identification Card.

4 (c) If receipt of a firearm would not violate Section 24-3
5 of the Criminal Code of 2012, federal law, or this Act the
6 Department of State Police shall:

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

9 (2) provide the licensee, gun show promoter, or gun
10 show vendor with the number.

11 (d) Approvals issued by the Department of State Police for
12 the purchase of a firearm are valid for 30 days from the date
13 of issue.

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

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

1 Background Check System Index, Denied Persons Files.

2 (3) The Department of State Police shall provide notice of
3 the disqualification of a person under subsection (b) of this
4 Section or revocation of a person's Firearm Owner's
5 Identification Card under Section 8 of this Act and the reason
6 for the disqualification or revocation to all law enforcement
7 agencies with jurisdiction to assist with the seizure of the
8 person's Firearm Owner's Identification Card.

9 (f) The Department of State Police shall adopt ~~promulgate~~
10 rules not inconsistent with this Section to implement this
11 system.

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

13 (430 ILCS 65/3.3)

14 Sec. 3.3. Report to the local law enforcement agency. The
15 Department of State Police must report the name and address of
16 a person to the local law enforcement agency where the person
17 resides if the person attempting to purchase a firearm is
18 disqualified from purchasing a firearm because of information
19 obtained under subsection (a-10) of Section 3 or Section 3.1
20 that would disqualify the person from obtaining a Firearm
21 Owner's Identification Card under any of subsections (c)
22 through (n) of Section 8 of this Act.

23 (Source: P.A. 94-125, eff. 1-1-06.)

24 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

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

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

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

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

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

26 (iv) He or she has not been a patient in a mental

1 health facility ~~institution~~ within the past 5 years or
2 if he or she has been a patient in a mental health
3 facility more than 5 years ago submit the certification
4 required under subsection (u) of Section 8 of this Act
5 ~~and he or she has not been adjudicated as a mental~~
6 ~~defective;~~

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

8 (vi) He or she is not an alien who is unlawfully
9 present in the United States under the laws of the
10 United States;

11 (vii) He or she is not subject to an existing order
12 of protection prohibiting him or her from possessing a
13 firearm;

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

19 (ix) He or she has not been convicted of domestic
20 battery, aggravated domestic battery, or a
21 substantially similar offense in another jurisdiction
22 committed before, on or after January 1, 2012 (the
23 effective date of Public Act 97-158). If the applicant
24 knowingly and intelligently waives the right to have an
25 offense described in this clause (ix) tried by a jury,
26 and by guilty plea or otherwise, results in a

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

9 (x) (Blank);

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

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

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

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

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

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

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

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

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

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

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

21 (xv) He or she has not been adjudicated as a
22 mentally disabled person;

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

25 (xvii) He or she is not developmentally disabled;
26 and

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

15 (a-5) Each applicant for a Firearm Owner's Identification
16 Card who is over the age of 18 shall furnish to the Department
17 of State Police either his or her Illinois driver's license
18 number or Illinois Identification Card number, except as
19 provided in subsection (a-10).

20 (a-10) Each applicant for a Firearm Owner's Identification
21 Card, who is employed as a law enforcement officer, an armed
22 security officer in Illinois, or by the United States Military
23 permanently assigned in Illinois and who is not an Illinois
24 resident, shall furnish to the Department of State Police his
25 or her driver's license number or state identification card
26 number from his or her state of residence. The Department of

1 State Police may promulgate rules to enforce the provisions of
2 this subsection (a-10).

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

8 (a-20) Each applicant for a Firearm Owner's Identification
9 Card shall furnish to the Department of State Police his or her
10 photograph. An applicant who is 21 years of age or older
11 seeking a religious exemption to the photograph requirement
12 must furnish with the application an approved copy of United
13 States Department of the Treasury Internal Revenue Service Form
14 4029. In lieu of a photograph, an applicant regardless of age
15 seeking a religious exemption to the photograph requirement
16 shall submit fingerprints on a form and manner prescribed by
17 the Department with his or her application.

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

24 (c) Upon such written consent, pursuant to Section 4,
25 paragraph (a)(2)(i), the parent or legal guardian giving the
26 consent shall be liable for any damages resulting from the

1 applicant's use of firearms or firearm ammunition.

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

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

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

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

12 (2) Submit evidence to the Department of State Police
13 that:

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

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

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

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

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

10 (vi) He or she is not an alien who is unlawfully
11 present in the United States under the laws of the
12 United States;

13 (vii) He or she is not subject to an existing order
14 of protection prohibiting him or her from possessing a
15 firearm;

16 (viii) He or she has not been convicted within the
17 past 5 years of battery, assault, aggravated assault,
18 violation of an order of protection, or a substantially
19 similar offense in another jurisdiction, in which a
20 firearm was used or possessed;

21 (ix) He or she has not been convicted of domestic
22 battery, aggravated domestic battery, or a
23 substantially similar offense in another jurisdiction
24 committed before, on or after January 1, 2012 (the
25 effective date of Public Act 97-158). If the applicant
26 knowingly and intelligently waives the right to have an

1 offense described in this clause (ix) tried by a jury,
2 and by guilty plea or otherwise, results in a
3 conviction for an offense in which a domestic
4 relationship is not a required element of the offense
5 but in which a determination of the applicability of 18
6 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
7 Code of Criminal Procedure of 1963, an entry by the
8 court of a judgment of conviction for that offense
9 shall be grounds for denying the issuance of a Firearm
10 Owner's Identification Card under this Section;

11 (x) (Blank);

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (xvii) He or she is not developmentally disabled;

2 and

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

17 (a-5) Each applicant for a Firearm Owner's Identification
18 Card who is over the age of 18 shall furnish to the Department
19 of State Police either his or her Illinois driver's license
20 number or Illinois Identification Card number, except as
21 provided in subsection (a-10).

22 (a-10) Each applicant for a Firearm Owner's Identification
23 Card, who is employed as a law enforcement officer, an armed
24 security officer in Illinois, or by the United States Military
25 permanently assigned in Illinois and who is not an Illinois
26 resident, shall furnish to the Department of State Police his

1 or her driver's license number or state identification card
2 number from his or her state of residence. The Department of
3 State Police may adopt ~~promulgate~~ rules to enforce the
4 provisions of this subsection (a-10).

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

10 (a-20) Each applicant for a Firearm Owner's Identification
11 Card shall furnish to the Department of State Police his or her
12 photograph. An applicant who is 21 years of age or older
13 seeking a religious exemption to the photograph requirement
14 must furnish with the application an approved copy of United
15 States Department of the Treasury Internal Revenue Service Form
16 4029. In lieu of a photograph, an applicant regardless of age
17 seeking a religious exemption to the photograph requirement
18 shall submit fingerprints on a form and manner prescribed by
19 the Department with his or her application.

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

26 (c) Upon such written consent, pursuant to Section 4,

1 paragraph (a)(2)(i), the parent or legal guardian giving the
2 consent shall be liable for any damages resulting from the
3 applicant's use of firearms or firearm ammunition.

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

6 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

7 Sec. 5. The Department of State Police shall either approve
8 or deny all applications within 30 days from the date they are
9 received, and every applicant found qualified pursuant to
10 Section 8 of this Act by the Department shall be entitled to a
11 Firearm Owner's Identification Card upon the payment of a \$10
12 fee. Any applicant who is an active duty member of the Armed
13 Forces of the United States, a member of the Illinois National
14 Guard, or a member of the Reserve Forces of the United States
15 is exempt from the application fee. \$6 of each fee derived from
16 the issuance of Firearm Owner's Identification Cards, or
17 renewals thereof, shall be deposited in the Wildlife and Fish
18 Fund in the State Treasury; \$1 of such fee shall be deposited
19 in the State Police Services Fund and \$3 of such fee shall be
20 deposited in the State Police Firearm Services Fund ~~Firearm~~
21 ~~Owner's Notification Fund~~. Monies in the State Police Firearm
22 Services Fund ~~Firearm Owner's Notification Fund~~ shall be used
23 ~~exclusively~~ to pay for the cost of sending notices of
24 expiration of Firearm Owner's Identification Cards under
25 Section 13.2 of this Act, and the purposes specified in Section

1 2605-595 of the Department of State Police Law of the Civil
2 Administrative Code of Illinois. ~~Excess monies in the Firearm~~
3 ~~Owner's Notification Fund shall be used to ensure the prompt~~
4 ~~and efficient processing of applications received under~~
5 ~~Section 4 of this Act.~~

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

7 (430 ILCS 65/5.1 new)

8 Sec. 5.1. State Police Firearm Services Fund. All moneys
9 remaining in the Firearm Owner's Notification Fund on the
10 effective date of this amendatory Act of the 98th General
11 Assembly shall be transferred into the State Police Firearm
12 Services Fund, a special fund created in the State treasury, to
13 be expended by the Department of State Police, for the purposes
14 specified in Section 5.

15 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

17 Sec. 8. Grounds for denial and revocation. The Department
18 of State Police has authority to deny an application for or to
19 revoke and seize a Firearm Owner's Identification Card
20 previously issued under this Act only if the Department finds
21 that the applicant or the person to whom such card was issued
22 is or was at the time of issuance:

23 (a) A person under 21 years of age who has been
24 convicted of a misdemeanor other than a traffic offense or

1 adjudged delinquent;

2 (b) A person under 21 years of age who does not have
3 the written consent of his parent or guardian to acquire
4 and possess firearms and firearm ammunition, or whose
5 parent or guardian has revoked such written consent, or
6 where such parent or guardian does not qualify to have a
7 Firearm Owner's Identification Card;

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

10 (d) A person addicted to narcotics;

11 (e) A person who has been a patient of a mental health
12 facility ~~institution~~ within the past 5 years or a person
13 who has been a patient in a mental health facility more
14 than 5 years ago and has not received the certification
15 required under subsection (u) of this Section. An active
16 law enforcement officer employed by a unit of government
17 who is denied, revoked, or has his or her Firearm Owner's
18 Identification Card seized under this subsection (e) may
19 obtain relief as described in subsection (c-5) of Section
20 10 of this Act if the officer did not act in a manner
21 threatening to the officer, another person, or the public
22 as determined by the treating clinical psychologist or
23 physician, and the officer seeks mental health treatment ~~or~~
24 has been adjudicated as a mental defective;

25 (f) A person whose mental condition is of such a nature
26 that it poses a clear and present danger to the applicant,

1 any other person or persons or the community;

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

5 (g) A person who is intellectually disabled;

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

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

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

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

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

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

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

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

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

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

10 (j) (Blank);

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

16 (l) A person who has been convicted of domestic
17 battery, aggravated domestic battery, or a substantially
18 similar offense in another jurisdiction committed before,
19 on or after January 1, 2012 (the effective date of Public
20 Act 97-158). If the applicant or person who has been
21 previously issued a Firearm Owner's Identification Card
22 under this Act knowingly and intelligently waives the right
23 to have an offense described in this paragraph (l) tried by
24 a jury, and by guilty plea or otherwise, results in a
25 conviction for an offense in which a domestic relationship
26 is not a required element of the offense but in which a

1 determination of the applicability of 18 U.S.C. 922(g)(9)
2 is made under Section 112A-11.1 of the Code of Criminal
3 Procedure of 1963, an entry by the court of a judgment of
4 conviction for that offense shall be grounds for denying an
5 application for and for revoking and seizing a Firearm
6 Owner's Identification Card previously issued to the
7 person under this Act;

8 (m) (Blank);

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

12 (o) A minor subject to a petition filed under Section
13 5-520 of the Juvenile Court Act of 1987 alleging that the
14 minor is a delinquent minor for the commission of an
15 offense that if committed by an adult would be a felony;

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

20 (q) A person who is not a resident of the State of
21 Illinois, except as provided in subsection (a-10) of
22 Section 4; ~~or~~

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

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

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

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

19 Upon revocation of a person's Firearm Owner's
20 Identification Card, the Department of State Police shall
21 provide notice to the person and the person shall comply with
22 Section 9.5 of this Act.

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

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

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

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

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

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

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental health
20 facility ~~institution~~ within the past 5 years or a person
21 who has been a patient in a mental health facility more
22 than 5 years ago and has not received the certification
23 required under subsection (u) of this Section. An active
24 law enforcement officer employed by a unit of government
25 who is denied, revoked, or has his or her Firearm Owner's
26 Identification Card seized under this subsection (e) may

1 obtain relief as described in subsection (c-5) of Section
2 10 of this Act if the officer did not act in a manner
3 threatening to the officer, another person, or the public
4 as determined by the treating clinical psychologist or
5 physician, and the officer seeks mental health treatment;

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

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

12 (g) A person who is intellectually disabled;

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

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

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

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

26 (2) an official representative of a foreign government

1 who is:

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

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

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

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

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

17 (j) (Blank);

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

23 (l) A person who has been convicted of domestic
24 battery, aggravated domestic battery, or a substantially
25 similar offense in another jurisdiction committed before,
26 on or after January 1, 2012 (the effective date of Public

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

15 (m) (Blank);

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

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

23 (p) An adult who had been adjudicated a delinquent
24 minor under the Juvenile Court Act of 1987 for the
25 commission of an offense that if committed by an adult
26 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
3 Section 4; ~~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
9 health facility; or

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

26 Upon revocation of a person's Firearm Owner's

1 Identification Card, the Department of State Police shall
2 provide notice to the person and the person shall comply with
3 Section 9.5 of this Act.

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

7 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

8 Sec. 8.1. Notifications to Circuit Clerk to notify
9 Department of State Police.

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

15 (b) Upon adjudication of any individual as a mental
16 defective, as defined in Section 1.1 or as provided in
17 paragraph (3.5) of subsection (c) of Section 104-26 of the Code
18 of Criminal Procedure of 1963, the court shall direct the
19 circuit court clerk to immediately notify the Department of
20 State Police, Firearm Owner's Identification (FOID)
21 department, and shall forward a copy of the court order to the
22 Department.

23 (c) The Department of Human Services shall, in the form and
24 manner required by the Department of State Police, report all
25 information collected under subsection (b) of Section 12 of the

1 Mental Health and Developmental Disabilities Confidentiality
2 Act for the purpose of determining whether an individual who
3 may be or may have been a patient in a mental health facility
4 is disqualified under State or federal law because of that
5 status from (1) receiving or retaining a Firearm Owner's
6 Identification Card or (2) purchasing a weapon.

7 (d) If a person is determined to pose a clear and present
8 danger to himself, herself, or others, or is determined to be
9 developmentally disabled by a physician, clinical
10 psychologist, or qualified examiner, whether employed by the
11 State or by a private mental health facility, the physician or
12 clinical psychologist shall, within 24 hours of the
13 determination, notify the Department of Human Services that the
14 person poses a clear and present danger. The Department of
15 Human Services shall immediately update the files relating to
16 mental health and developmental disabilities, or if
17 appropriate, shall notify the Department of State Police in a
18 form and manner prescribed by the Department of State Police.
19 The Department of State Police shall determine whether to
20 revoke the person's Firearm Owner's Identification Card under
21 Section 8 of this Act. Any information disclosed under this
22 subsection shall remain privileged and confidential, and shall
23 not be redisclosed, except as required under subsection (e) of
24 Section 3.1 of this Act, nor used for any other purpose. The
25 method of providing this information shall guarantee that the
26 information is not released beyond what is necessary for the

1 purpose of this Section. The identity of the person reporting
2 under this Section shall not be disclosed to the subject of the
3 report. Absent willful or wanton misconduct, the physician,
4 clinical psychologist, or qualified examiner making the
5 determination may not be held criminally, civilly, or
6 professionally liable for making the notification required
7 under this subsection.

8 (e) If a person is adjudicated as a mentally disabled
9 person, determined to be a danger to himself, herself, or
10 others, determined to be developmentally disabled, or found
11 guilty of an offense involving the use or possession of a
12 controlled substance or controlled substance analog, the
13 Department of State Police shall notify the person that any
14 firearms in the possession of the person must be surrendered as
15 provided in Section 9.5 of this Act.

16 (f) The Department of State Police shall adopt rules to
17 implement this Section.

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

19 (430 ILCS 65/8.2)

20 Sec. 8.2. Firearm Owner's Identification Card denial or
21 revocation.

22 (a) The Department of State Police shall deny an
23 application or shall revoke and seize a Firearm Owner's
24 Identification Card previously issued under this Act if the
25 Department finds that the applicant or person to whom such card

1 was issued is or was at the time of issuance subject to any ~~an~~
2 existing order of protection interim, emergency, or plenary
3 issued under the Illinois Domestic Violence Act of 1986 or the
4 Stalking No Contact Order Act.

5 (b) The Department of State Police shall provide notice of
6 all revocations made under subsection (a) of this Section or
7 Section 8 of this Act, and the reason therefor to all law
8 enforcement agencies with jurisdiction to assist with the
9 revocation and seizure of the Firearm Owner's Identification
10 Card.

11 (Source: P.A. 96-701, eff. 1-1-10.)

12 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

13 Sec. 9. Notice of denial or revocation.

14 Every person whose application for a Firearm Owner's
15 Identification Card is denied, and every holder of such a Card
16 whose Card is revoked or seized, shall receive a written notice
17 from the Department of State Police stating specifically the
18 grounds upon which his application has been denied or upon
19 which his Identification Card has been revoked. The written
20 notice shall include the requirements of Section 9.5 of this
21 Act. A copy of the written notice shall be provided to the
22 sheriff and law enforcement agency where the person resides.

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

24 (430 ILCS 65/9.5 new)

1 Sec. 9.5. Revocation of Firearm Owner's Identification
2 Card.

3 (a) A person who receives a revocation notice under Section
4 9 of this Act shall, within 48 hours of receiving notice of the
5 revocation, surrender his or her Firearm Owner's
6 Identification Card to the local law enforcement agency where
7 the person resides. The local law enforcement agency shall
8 provide the person a receipt and transmit the Firearm Owner's
9 Identification Card to the Department of State Police.

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

18 (c) A violation of this Section is a Class A misdemeanor.

19 (d) The observation of an Firearm Owner's Identification
20 Card in the possession of a person whose Firearm Owner's
21 Identification Card has been revoked constitutes a sufficient
22 basis for the arrest of that person for violation of this
23 Section.

24 (e) Within 60 days after the effective date of this
25 amendatory Act of the 98th General Assembly, the Department of
26 State Police shall provide written notice of the requirements

1 of this Section to persons whose Firearm Owner's Identification
2 Cards have not expired and who have failed to surrender their
3 cards to the Department.

4 (f) Persons whose Firearm Owner's Identification Cards
5 have been revoked and who receive notice under subsection (e)
6 shall comply with the requirements of this Section within 48
7 hours of receiving notice.

8 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

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

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

12 (a) Whenever an application for a Firearm Owner's
13 Identification Card is denied, whenever the Department fails to
14 act on an application within 30 days of its receipt, or
15 whenever such a Card is revoked or seized as provided for in
16 Section 8 of this Act, the aggrieved party may appeal to the
17 Director of State Police for a hearing upon such denial,
18 revocation or seizure, unless the denial, revocation, or
19 seizure was based upon a forcible felony, stalking, aggravated
20 stalking, domestic battery, any violation of the Illinois
21 Controlled Substances Act, the Methamphetamine Control and
22 Community Protection Act, or the Cannabis Control Act that is
23 classified as a Class 2 or greater felony, any felony violation
24 of Article 24 of the Criminal Code of 1961 or the Criminal Code
25 of 2012, or any adjudication as a delinquent minor for the

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

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

16 (c) Any person prohibited from possessing a firearm under
17 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
18 acquiring a Firearm Owner's Identification Card under Section 8
19 of this Act may apply to the Director of State Police or
20 petition the circuit court in the county where the petitioner
21 resides, whichever is applicable in accordance with subsection
22 (a) of this Section, requesting relief from such prohibition
23 and the Director or court may grant such relief if it is
24 established by the applicant to the court's or Director's
25 satisfaction that:

26 (0.05) when in the circuit court, the State's Attorney

1 has been served with a written copy of the petition at
2 least 30 days before any such hearing in the circuit court
3 and at the hearing the State's Attorney was afforded an
4 opportunity to present evidence and object to the petition;

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

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

15 (3) granting relief would not be contrary to the public
16 interest; and

17 (4) granting relief would not be contrary to federal
18 law.

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

22 (e) The court shall review the denial of an application or
23 the revocation of a Firearm Owner's Identification Card of a
24 person who has been adjudicated delinquent for an offense that
25 if committed by an adult would be a felony if an application
26 for relief has been filed at least 10 years after the

1 adjudication of delinquency and the court determines that the
2 applicant should be granted relief from disability to obtain a
3 Firearm Owner's Identification Card. If the court grants
4 relief, the court shall notify the Department of State Police
5 that the disability has been removed and that the applicant is
6 eligible to obtain a Firearm Owner's Identification Card.

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

1 under this Section, the Director shall as soon as practicable
2 but in no case later than 15 business days, update, correct,
3 modify, or remove the person's record in any database that the
4 Department of State Police makes available to the National
5 Instant Criminal Background Check System and notify the United
6 States Attorney General that the basis for the record being
7 made available no longer applies. The Department of State
8 Police shall adopt rules for the administration of this
9 subsection (f).

10 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;
11 97-1150, eff. 1-25-13.)

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

13 Sec. 10. Appeal to director; hearing; relief from firearm
14 prohibitions.

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

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

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

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

1 established by the applicant to the court's or Director's
2 satisfaction that:

3 (0.05) when in the circuit court, the State's Attorney
4 has been served with a written copy of the petition at
5 least 30 days before any such hearing in the circuit court
6 and at the hearing the State's Attorney was afforded an
7 opportunity to present evidence and object to the petition;

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

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

18 (3) granting relief would not be contrary to the public
19 interest; and

20 (4) granting relief would not be contrary to federal
21 law.

22 (c-5) (1) An active law enforcement officer employed by
23 a unit of government, who is denied, revoked, or has his or
24 her Firearm Owner's Identification Card seized under
25 subsection (e) of Section 8 of this Act may apply to the
26 Director of State Police requesting relief if the officer

1 did not act in a manner threatening to the officer, another
2 person, or the public as determined by the treating
3 clinical psychologist or physician, and as a result of his
4 or her work is referred by the employer for or voluntarily
5 seeks mental health evaluation or treatment by a licensed
6 clinical psychologist, psychiatrist, or qualified
7 examiner, and:

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

14 (B) the officer has not left the mental health
15 facility ~~institution~~ against medical advice.

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

23 (A) a notarized statement from the officer in the
24 form prescribed by the Director detailing the
25 circumstances that led to the hospitalization;

26 (B) all documentation regarding the admission,

1 evaluation, treatment and discharge from the treating
2 licensed clinical psychologist or psychiatrist of the
3 officer;

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

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

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

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

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

25 (e) The court shall review the denial of an application or
26 the revocation of a Firearm Owner's Identification Card of a

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

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

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

13 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;
14 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)

15 Section 1-150. The Criminal Code of 2012 is amended by
16 changing Sections 21-6, 24-1, 24-1.6, 24-2, and 24-3 and by
17 adding Section 24-4.1 as follows:

18 (720 ILCS 5/21-6) (from Ch. 38, par. 21-6)

19 Sec. 21-6. Unauthorized Possession or Storage of Weapons.

20 (a) Whoever possesses or stores any weapon enumerated in
21 Section 33A-1 in any building ~~or on land~~ supported in whole or
22 in part with public funds ~~or in any building on such land~~
23 without prior written permission from the chief security
24 officer for that ~~such land or~~ building commits a Class A

1 misdemeanor.

2 (b) The chief security officer must grant any reasonable
3 request for permission under paragraph (a).

4 (c) This Section shall not apply to a person acting
5 lawfully under the Gun Safety and Responsibility Act.

6 (Source: P.A. 89-685, eff. 6-1-97.)

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

8 Sec. 24-1. Unlawful Use of Weapons.

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

11 (1) Sells, manufactures, purchases, possesses or
12 carries any bludgeon, black-jack, slung-shot, sand-club,
13 sand-bag, metal knuckles or other knuckle weapon
14 regardless of its composition, throwing star, or any knife,
15 commonly referred to as a switchblade knife, which has a
16 blade that opens automatically by hand pressure applied to
17 a button, spring or other device in the handle of the
18 knife, or a ballistic knife, which is a device that propels
19 a knifelike blade as a projectile by means of a coil
20 spring, elastic material or compressed gas; or

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

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

7 (4) Carries or possesses in any vehicle or concealed on
8 or about his person except when on his land or in his own
9 abode, legal dwelling, or fixed place of business, ~~or~~ on
10 the land or in the legal dwelling of another person as an
11 invitee with that person's permission, or the person is a
12 licensee under the Gun Safety and Responsibility Act and is
13 acting lawfully in accordance with that Act, any pistol,
14 revolver, stun gun or taser or other firearm, except that
15 this subsection (a) (4) does not apply to or affect
16 transportation of weapons that meet one of the following
17 conditions:

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

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm
21 carrying box, shipping box, or other container by a
22 person who is not otherwise prohibited from owning or
23 possessing a firearm under State or federal law ~~has~~
24 ~~been issued a currently valid Firearm Owner's~~
25 ~~Identification Card;~~ or

26 (5) Sets a spring gun; or

1 (6) Possesses any device or attachment of any kind
2 designed, used or intended for use in silencing the report
3 of any firearm; or

4 (7) Sells, manufactures, purchases, possesses or
5 carries:

6 (i) a machine gun, which shall be defined for the
7 purposes of this subsection as any weapon, which
8 shoots, is designed to shoot, or can be readily
9 restored to shoot, automatically more than one shot
10 without manually reloading by a single function of the
11 trigger, including the frame or receiver of any such
12 weapon, or sells, manufactures, purchases, possesses,
13 or carries any combination of parts designed or
14 intended for use in converting any weapon into a
15 machine gun, or any combination or parts from which a
16 machine gun can be assembled if such parts are in the
17 possession or under the control of a person;

18 (ii) any rifle having one or more barrels less than
19 16 inches in length or a shotgun having one or more
20 barrels less than 18 inches in length or any weapon
21 made from a rifle or shotgun, whether by alteration,
22 modification, or otherwise, if such a weapon as
23 modified has an overall length of less than 26 inches;
24 or

25 (iii) any bomb, bomb-shell, grenade, bottle or
26 other container containing an explosive substance of

1 over one-quarter ounce for like purposes, such as, but
2 not limited to, black powder bombs and Molotov
3 cocktails or artillery projectiles; or

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

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

16 (9) Carries or possesses in a vehicle or on or about
17 his person any pistol, revolver, stun gun or taser or
18 firearm or ballistic knife, when he is hooded, robed or
19 masked in such manner as to conceal his identity; or

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

1 or in the legal dwelling of another person as an invitee
2 with that person's permission, or the person is a licensee
3 under the Gun Safety and Responsibility Act and is acting
4 lawfully in accordance with that Act, any pistol, revolver,
5 stun gun or taser or other firearm, except that this
6 subsection (a) (10) does not apply to or affect
7 transportation of weapons that meet one of the following
8 conditions:

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

10 (ii) are not immediately accessible; or

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

15 A "stun gun or taser", as used in this paragraph (a)
16 means (i) any device which is powered by electrical
17 charging units, such as, batteries, and which fires one or
18 several barbs attached to a length of wire and which, upon
19 hitting a human, can send out a current capable of
20 disrupting the person's nervous system in such a manner as
21 to render him incapable of normal functioning or (ii) any
22 device which is powered by electrical charging units, such
23 as batteries, and which, upon contact with a human or
24 clothing worn by a human, can send out current capable of
25 disrupting the person's nervous system in such a manner as
26 to render him incapable of normal functioning; or

1 (11) Sells, manufactures or purchases any explosive
2 bullet. For purposes of this paragraph (a) "explosive
3 bullet" means the projectile portion of an ammunition
4 cartridge which contains or carries an explosive charge
5 which will explode upon contact with the flesh of a human
6 or an animal. "Cartridge" means a tubular metal case having
7 a projectile affixed at the front thereof and a cap or
8 primer at the rear end thereof, with the propellant
9 contained in such tube between the projectile and the cap;
10 or

11 (12) (Blank); or

12 (13) Carries or possesses on or about his or her person
13 while in a building occupied by a unit of government, a
14 billy club, other weapon of like character, or other
15 instrument of like character intended for use as a weapon.
16 For the purposes of this Section, "billy club" means a
17 short stick or club commonly carried by police officers
18 which is either telescopic or constructed of a solid piece
19 of wood or other man-made material.

20 (b) Sentence. A person convicted of a violation of
21 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
22 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
23 Class A misdemeanor. A person convicted of a violation of
24 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
25 person convicted of a violation of subsection 24-1(a)(6) or
26 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person

1 convicted of a violation of subsection 24-1(a)(7)(i) commits a
2 Class 2 felony and shall be sentenced to a term of imprisonment
3 of not less than 3 years and not more than 7 years, unless the
4 weapon is possessed in the passenger compartment of a motor
5 vehicle as defined in Section 1-146 of the Illinois Vehicle
6 Code, or on the person, while the weapon is loaded, in which
7 case it shall be a Class X felony. A person convicted of a
8 second or subsequent violation of subsection 24-1(a)(4),
9 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
10 felony. The possession of each weapon in violation of this
11 Section constitutes a single and separate violation.

12 (c) Violations in specific places.

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

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

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

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

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

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

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

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

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

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

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

17 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
18 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
19 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

20 (720 ILCS 5/24-1.6)

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

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

24 (1) Carries on or about his or her person or in any
25 vehicle or concealed on or about his or her person except

1 when on his or her land or in his or her abode, legal
2 dwelling, or fixed place of business, ~~or~~ on the land or in
3 the legal dwelling of another person as an invitee with
4 that person's permission, or the person is a licensee under
5 the Gun Safety and Responsibility Act and is acting
6 lawfully in accordance with that Act, any pistol, revolver,
7 stun gun or 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 or the person is a licensee under the Gun Safety and
18 Responsibility Act and is acting lawfully in accordance
19 with that Act, any pistol, revolver, stun gun or taser or
20 other firearm; and

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

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

24 (B) the firearm possessed was uncased, unloaded
25 and the ammunition for the weapon was immediately
26 accessible at the time of the offense; or

1 (C) the person possessing the firearm has not been
2 issued a currently valid Firearm Owner's
3 Identification Card; or

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

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

14 (F) (blank); or

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

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

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

1 24-2(f).

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

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

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

7 (ii) are not immediately accessible; or

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

12 (d) Sentence.

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

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

26 (3) Aggravated unlawful use of a weapon by a person who

1 has been previously convicted of a felony in this State or
2 another jurisdiction is a Class 2 felony for which the
3 person shall be sentenced to a term of imprisonment of not
4 less than 3 years and not more than 7 years.

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

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

13 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
14 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

15 (720 ILCS 5/24-2)

16 Sec. 24-2. Exemptions.

17 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
18 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
19 the following:

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

23 (2) Wardens, superintendents and keepers of prisons,
24 penitentiaries, jails and other institutions for the
25 detention of persons accused or convicted of an offense,

1 while in the performance of their official duty, or while
2 commuting between their homes and places of employment.

3 (3) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard or the
5 Reserve Officers Training Corps, while in the performance
6 of their official duty.

7 (4) Special agents employed by a railroad or a public
8 utility to perform police functions, and guards of armored
9 car companies, while actually engaged in the performance of
10 the duties of their employment or commuting between their
11 homes and places of employment; and watchmen while actually
12 engaged in the performance of the duties of their
13 employment.

14 (5) Persons licensed as private security contractors,
15 private detectives, or private alarm contractors, or
16 employed by an agency certified by the Department of
17 Financial and Professional Regulation, if their duties
18 include the carrying of a weapon under the provisions of
19 the Private Detective, Private Alarm, Private Security,
20 Fingerprint Vendor, and Locksmith Act of 2004, while
21 actually engaged in the performance of the duties of their
22 employment or commuting between their homes and places of
23 employment, provided that such commuting is accomplished
24 within one hour from departure from home or place of
25 employment, as the case may be. A person shall be
26 considered eligible for this exemption if he or she has

1 completed the required 20 hours of training for a private
2 security contractor, private detective, or private alarm
3 contractor, or employee of a licensed agency and 20 hours
4 of required firearm training, and has been issued a firearm
5 control card by the Department of Financial and
6 Professional Regulation. Conditions for the renewal of
7 firearm control cards issued under the provisions of this
8 Section shall be the same as for those cards issued under
9 the provisions of the Private Detective, Private Alarm,
10 Private Security, Fingerprint Vendor, and Locksmith Act of
11 2004. The firearm control card shall be carried by the
12 private security contractor, private detective, or private
13 alarm contractor, or employee of the licensed agency at all
14 times when he or she is in possession of a concealable
15 weapon.

16 (6) Any person regularly employed in a commercial or
17 industrial operation as a security guard for the protection
18 of persons employed and private property related to such
19 commercial or industrial operation, while actually engaged
20 in the performance of his or her duty or traveling between
21 sites or properties belonging to the employer, and who, as
22 a security guard, is a member of a security force of at
23 least 5 persons registered with the Department of Financial
24 and Professional Regulation; provided that such security
25 guard has successfully completed a course of study,
26 approved by and supervised by the Department of Financial

1 and Professional Regulation, consisting of not less than 40
2 hours of training that includes the theory of law
3 enforcement, liability for acts, and the handling of
4 weapons. A person shall be considered eligible for this
5 exemption if he or she has completed the required 20 hours
6 of training for a security officer and 20 hours of required
7 firearm training, and has been issued a firearm control
8 card by the Department of Financial and Professional
9 Regulation. Conditions for the renewal of firearm control
10 cards issued under the provisions of this Section shall be
11 the same as for those cards issued under the provisions of
12 the Private Detective, Private Alarm, Private Security,
13 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
14 control card shall be carried by the security guard at all
15 times when he or she is in possession of a concealable
16 weapon.

17 (7) Agents and investigators of the Illinois
18 Legislative Investigating Commission authorized by the
19 Commission to carry the weapons specified in subsections
20 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
21 any investigation for the Commission.

22 (8) Persons employed by a financial institution for the
23 protection of other employees and property related to such
24 financial institution, while actually engaged in the
25 performance of their duties, commuting between their homes
26 and places of employment, or traveling between sites or

1 properties owned or operated by such financial
2 institution, provided that any person so employed has
3 successfully completed a course of study, approved by and
4 supervised by the Department of Financial and Professional
5 Regulation, consisting of not less than 40 hours of
6 training which includes theory of law enforcement,
7 liability for acts, and the handling of weapons. A person
8 shall be considered to be eligible for this exemption if he
9 or she has completed the required 20 hours of training for
10 a security officer and 20 hours of required firearm
11 training, and has been issued a firearm control card by the
12 Department of Financial and Professional Regulation.
13 Conditions for renewal of firearm control cards issued
14 under the provisions of this Section shall be the same as
15 for those issued under the provisions of the Private
16 Detective, Private Alarm, Private Security, Fingerprint
17 Vendor, and Locksmith Act of 2004. Such firearm control
18 card shall be carried by the person so trained at all times
19 when such person is in possession of a concealable weapon.
20 For purposes of this subsection, "financial institution"
21 means a bank, savings and loan association, credit union or
22 company providing armored car services.

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

26 (10) Persons who have been classified as peace officers

1 pursuant to the Peace Officer Fire Investigation Act.

2 (11) Investigators of the Office of the State's
3 Attorneys Appellate Prosecutor authorized by the board of
4 governors of the Office of the State's Attorneys Appellate
5 Prosecutor to carry weapons pursuant to Section 7.06 of the
6 State's Attorneys Appellate Prosecutor's Act.

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

9 (12.5) Probation officers while in the performance of
10 their duties, or while commuting between their homes,
11 places of employment or specific locations that are part of
12 their assigned duties, with the consent of the chief judge
13 of the circuit for which they are employed.

14 (13) Court Security Officers while in the performance
15 of their official duties, or while commuting between their
16 homes and places of employment, with the consent of the
17 Sheriff.

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

24 (14) Manufacture, transportation, or sale of weapons
25 to persons authorized under subdivisions (1) through
26 (13.5) of this subsection to possess those weapons.

1 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
2 24-1.6 do not apply to or affect any of the following:

3 (1) Members of any club or organization organized for
4 the purpose of practicing shooting at targets upon
5 established target ranges, whether public or private, and
6 patrons of such ranges, while such members or patrons are
7 using their firearms on those target ranges.

8 (2) Duly authorized military or civil organizations
9 while parading, with the special permission of the
10 Governor.

11 (3) Hunters, trappers or fishermen with a license or
12 permit while engaged in hunting, trapping or fishing.

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

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

19 (c) Subsection 24-1(a)(7) does not apply to or affect any
20 of the following:

21 (1) Peace officers while in performance of their
22 official duties.

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

26 (3) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in
2 the performance of their official duty.

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

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

22 During transportation, such weapons shall be broken
23 down in a non-functioning state or not immediately
24 accessible.

25 (6) The manufacture, transport, testing, delivery,
26 transfer or sale, and all lawful commercial or experimental

1 activities necessary thereto, of rifles, shotguns, and
2 weapons made from rifles or shotguns, or ammunition for
3 such rifles, shotguns or weapons, where engaged in by a
4 person operating as a contractor or subcontractor pursuant
5 to a contract or subcontract for the development and supply
6 of such rifles, shotguns, weapons or ammunition to the
7 United States government or any branch of the Armed Forces
8 of the United States, when such activities are necessary
9 and incident to fulfilling the terms of such contract.

10 The exemption granted under this subdivision (c)(6)
11 shall also apply to any authorized agent of any such
12 contractor or subcontractor who is operating within the
13 scope of his employment, where such activities involving
14 such weapon, weapons or ammunition are necessary and
15 incident to fulfilling the terms of such contract.

16 During transportation, any such weapon shall be broken
17 down in a non-functioning state, or not immediately
18 accessible.

19 (7) A person possessing a rifle with a barrel or
20 barrels less than 16 inches in length if: (A) the person
21 has been issued a Curios and Relics license from the U.S.
22 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
23 the person is an active member of a bona fide, nationally
24 recognized military re-enacting group and the modification
25 is required and necessary to accurately portray the weapon
26 for historical re-enactment purposes; the re-enactor is in

1 possession of a valid and current re-enacting group
2 membership credential; and the overall length of the weapon
3 as modified is not less than 26 inches.

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

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

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

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

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

20 (1) 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 (2) Bonafide collectors of antique or surplus military
24 ordinance.

25 (3) Laboratories having a department of forensic
26 ballistics, or specializing in the development of

1 ammunition or explosive ordinance.

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

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

1 or not immediately accessible.

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

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

15 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
16 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
17 athlete's possession, transport on official Olympic and
18 Paralympic transit systems established for athletes, or use of
19 competition firearms sanctioned by the International Olympic
20 Committee, the International Paralympic Committee, the
21 International Shooting Sport Federation, or USA Shooting in
22 connection with such athlete's training for and participation
23 in shooting competitions at the 2016 Olympic and Paralympic
24 Games and sanctioned test events leading up to the 2016 Olympic
25 and Paralympic Games.

26 (h) An information or indictment based upon a violation of

1 any subsection of this Article need not negative any exemptions
2 contained in this Article. The defendant shall have the burden
3 of proving such an exemption.

4 (i) Nothing in this Article shall prohibit, apply to, or
5 affect the transportation, carrying, or possession, of any
6 pistol or revolver, stun gun, taser, or other firearm consigned
7 to a common carrier operating under license of the State of
8 Illinois or the federal government, where such transportation,
9 carrying, or possession is incident to the lawful
10 transportation in which such common carrier is engaged; and
11 nothing in this Article shall prohibit, apply to, or affect the
12 transportation, carrying, or possession of any pistol,
13 revolver, stun gun, taser, or other firearm, not the subject of
14 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
15 this Article, which is unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container, by the
17 possessor of a valid Firearm Owners Identification Card.

18 (j) Nothing in this Article shall prohibit, apply to, or
19 affect the transportation, carrying, or possession, of a
20 handgun as provided for under the Gun Safety and Responsibility
21 Act.

22 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
23 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
24 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;
25 revised 8-23-12.)

1 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

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

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

20 (f) Sells or gives any firearms to any person who is
21 intellectually disabled.

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

1 gun or taser, incidental to a sale, without withholding
2 delivery of such rifle, shotgun or other long gun, or a
3 stun gun or taser for at least 24 hours after application
4 for its purchase has been made. However, this paragraph (g)
5 does not apply to: (1) the sale of a firearm to a law
6 enforcement officer if the seller of the firearm knows that
7 the person to whom he or she is selling the firearm is a
8 law enforcement officer or the sale of a firearm to a
9 person who desires to purchase a firearm for use in
10 promoting the public interest incident to his or her
11 employment as a bank guard, armed truck guard, or other
12 similar employment; (2) a mail order sale of a firearm to a
13 nonresident of Illinois under which the firearm is mailed
14 to a point outside the boundaries of Illinois; (3) the sale
15 of a firearm to a nonresident of Illinois while at a
16 firearm showing or display recognized by the Illinois
17 Department of State Police; or (4) the sale of a firearm to
18 a dealer licensed as a federal firearms dealer under
19 Section 923 of the federal Gun Control Act of 1968 (18
20 U.S.C. 923). For purposes of this paragraph (g),
21 "application" means when the buyer and seller reach an
22 agreement to purchase a firearm.

23 (h) While holding any license as a dealer, importer,
24 manufacturer or pawnbroker under the federal Gun Control
25 Act of 1968, manufactures, sells or delivers to any
26 unlicensed person a handgun having a barrel, slide, frame

1 or receiver which is a die casting of zinc alloy or any
2 other nonhomogeneous metal which will melt or deform at a
3 temperature of less than 800 degrees Fahrenheit. For
4 purposes of this paragraph, (1) "firearm" is defined as in
5 the Firearm Owners Identification Card Act; and (2)
6 "handgun" is defined as a firearm designed to be held and
7 fired by the use of a single hand, and includes a
8 combination of parts from which such a firearm can be
9 assembled.

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

13 (j) Sells or gives a firearm while engaged in the
14 business of selling firearms at wholesale or retail without
15 being licensed as a federal firearms dealer under Section
16 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
17 In this paragraph (j):

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

25 "With the principal objective of livelihood and
26 profit" means that the intent underlying the sale or

1 disposition of firearms is predominantly one of obtaining
2 livelihood and pecuniary gain, as opposed to other intents,
3 such as improving or liquidating a personal firearms
4 collection; however, proof of profit shall not be required
5 as to a person who engages in the regular and repetitive
6 purchase and disposition of firearms for criminal purposes
7 or terrorism.

8 (k) Sells or transfers ownership of a firearm to a
9 person who does not display to the seller or transferor of
10 the firearm a currently valid Firearm Owner's
11 Identification Card that has previously been issued in the
12 transferee's name by the Department of State Police under
13 the provisions of the Firearm Owners Identification Card
14 Act. This paragraph (k) does not apply to the transfer of a
15 firearm to a person who is exempt from the requirement of
16 possessing a Firearm Owner's Identification Card under
17 Section 2 of the Firearm Owners Identification Card Act.
18 For the purposes of this Section, a currently valid Firearm
19 Owner's Identification Card means (i) a Firearm Owner's
20 Identification Card that has not expired or (ii) ~~if the~~
21 ~~transferor is licensed as a federal firearms dealer under~~
22 ~~Section 923 of the federal Gun Control Act of 1968 (18~~
23 ~~U.S.C. 923),~~ an approval number issued in accordance with
24 subsection (a-10) of Section 3 or Section 3.1 of the
25 Firearm Owners Identification Card Act shall be proof that
26 the Firearm Owner's Identification Card was valid.

1 (1) In addition to the other requirements of this
2 paragraph (k), all persons who are not federally
3 licensed firearms dealers must also have complied with
4 subsection (a-10) of Section 3 of the Firearms Owners
5 Identification Card Act by determining the validity of
6 a purchaser's Firearms Owner's Identification Card.

7 (2) All sellers or transferors who have complied
8 with the requirements of subparagraph (1) of this
9 paragraph (k) shall not be liable for damages in any
10 civil action arising from the use or misuse by the
11 transferee of the firearm transferred, except for
12 willful or wanton misconduct on the part of the seller
13 or transferor.

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

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

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

4 (C) Sentence.

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

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

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

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

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

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

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

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

4 (7) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (k) of subsection (A)
6 commits a Class 4 felony, except that a violation of
7 subparagraph (1) of paragraph (k) of subsection (A) shall
8 not be punishable as a crime or petty offense. A third or
9 subsequent conviction for a violation of paragraph (k) of
10 subsection (A) is a Class 1 felony.

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

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

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

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

1 imprisonment of not less than 6 years and not more than 60
2 years if the delivery is of 31 or more firearms at the same
3 time or within a 5 year period.

4 (D) For purposes of this Section:

5 "School" means a public or private elementary or secondary
6 school, community college, college, or university.

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

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

18 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
19 eff. 1-1-12; 97-813, eff. 7-13-12.)

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

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

22 (A) A person commits the offense of unlawful sale or
23 delivery of firearms when he or she knowingly does any of the
24 following:

25 (a) Sells or gives any firearm of a size which may be

1 concealed upon the person to any person under 18 years of
2 age.

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

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

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

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

13 "Mental institution" means any hospital,
14 institution, clinic, evaluation facility, mental
15 health center, or part thereof, which is used primarily
16 for the care or treatment of persons with mental
17 illness.

18 "Patient in a mental institution" means the person
19 was admitted, either voluntarily or involuntarily, to
20 a mental institution for mental health treatment,
21 unless the treatment was voluntary and solely for an
22 alcohol abuse disorder and no other secondary
23 substance abuse disorder or mental illness.

24 (f) Sells or gives any firearms to any person who is
25 intellectually disabled.

26 (g) Delivers any firearm of a size which may be

1 concealed upon the person, incidental to a sale, without
2 withholding delivery of such firearm for at least 72 hours
3 after application for its purchase has been made, or
4 delivers any rifle, shotgun or other long gun, or a stun
5 gun or taser, incidental to a sale, without withholding
6 delivery of such rifle, shotgun or other long gun, or a
7 stun gun or taser for at least 24 hours after application
8 for its purchase has been made. However, this paragraph (g)
9 does not apply to: (1) the sale of a firearm to a law
10 enforcement officer if the seller of the firearm knows that
11 the person to whom he or she is selling the firearm is a
12 law enforcement officer or the sale of a firearm to a
13 person who desires to purchase a firearm for use in
14 promoting the public interest incident to his or her
15 employment as a bank guard, armed truck guard, or other
16 similar employment; (2) a mail order sale of a firearm to a
17 nonresident of Illinois under which the firearm is mailed
18 to a point outside the boundaries of Illinois; (3) the sale
19 of a firearm to a nonresident of Illinois while at a
20 firearm showing or display recognized by the Illinois
21 Department of State Police; or (4) the sale of a firearm to
22 a dealer licensed as a federal firearms dealer under
23 Section 923 of the federal Gun Control Act of 1968 (18
24 U.S.C. 923). For purposes of this paragraph (g),
25 "application" means when the buyer and seller reach an
26 agreement to purchase a firearm.

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

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

17 (j) Sells or gives a firearm while engaged in the
18 business of selling firearms at wholesale or retail without
19 being licensed as a federal firearms dealer under Section
20 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
21 In this paragraph (j):

22 A person "engaged in the business" means a person who
23 devotes time, attention, and labor to engaging in the
24 activity as a regular course of trade or business with the
25 principal objective of livelihood and profit, but does not
26 include a person who makes occasional repairs of firearms

1 or who occasionally fits special barrels, stocks, or
2 trigger mechanisms to firearms.

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

12 (k) Sells or transfers ownership of a firearm to a
13 person who does not display to the seller or transferor of
14 the firearm a currently valid Firearm Owner's
15 Identification Card that has previously been issued in the
16 transferee's name by the Department of State Police under
17 the provisions of the Firearm Owners Identification Card
18 Act. This paragraph (k) does not apply to the transfer of a
19 firearm to a person who is exempt from the requirement of
20 possessing a Firearm Owner's Identification Card under
21 Section 2 of the Firearm Owners Identification Card Act.
22 For the purposes of this Section, a currently valid Firearm
23 Owner's Identification Card means (i) a Firearm Owner's
24 Identification Card that has not expired or (ii) ~~if the~~
25 ~~transferor is licensed as a federal firearms dealer under~~
26 ~~Section 923 of the federal Gun Control Act of 1968 (18~~

1 ~~U.S.C. 923)~~, an approval number issued in accordance with
2 subsection (a-10) of Section 3 or Section 3.1 of the
3 Firearm Owners Identification Card Act shall be proof that
4 the Firearm Owner's Identification Card was valid.

5 (1) In addition to the other requirements of this
6 paragraph (k), all persons who are not federally
7 licensed firearms dealers must also have complied with
8 subsection (a-10) of Section 3 of the Firearms Owners
9 Identification Card Act by determining the validity of
10 a purchaser's Firearms Owner's Identification Card.

11 (2) All sellers or transferors who have complied
12 with the requirements of subparagraph (1) of this
13 paragraph (k) shall not be liable for damages in any
14 civil action arising from the use or misuse by the
15 transferee of the firearm transferred, except for
16 willful or wanton misconduct on the part of the seller
17 or transferor.

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

24 (B) Paragraph (h) of subsection (A) does not include
25 firearms sold within 6 months after enactment of Public Act
26 78-355 (approved August 21, 1973, effective October 1, 1973),

1 nor is any firearm legally owned or possessed by any citizen or
2 purchased by any citizen within 6 months after the enactment of
3 Public Act 78-355 subject to confiscation or seizure under the
4 provisions of that Public Act. Nothing in Public Act 78-355
5 shall be construed to prohibit the gift or trade of any firearm
6 if that firearm was legally held or acquired within 6 months
7 after the enactment of that Public Act.

8 (C) Sentence.

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

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

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

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

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

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

1 operated, or managed by a public housing agency or leased
2 by a public housing agency as part of a scattered site or
3 mixed-income development commits a Class 2 felony.

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

8 (7) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (k) of subsection (A)
10 commits a Class 4 felony, except that a violation of
11 subparagraph (1) of paragraph (k) of subsection (A) shall
12 not be punishable as a crime or petty offense. A third or
13 subsequent conviction for a violation of paragraph (k) of
14 subsection (A) is a Class 1 felony.

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

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

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

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

8 (D) For purposes of this Section:

9 "School" means a public or private elementary or secondary
10 school, community college, college, or university.

11 "School related activity" means any sporting, social,
12 academic, or other activity for which students' attendance or
13 participation is sponsored, organized, or funded in whole or in
14 part by a school or school district.

15 (E) A prosecution for a violation of paragraph (k) of
16 subsection (A) of this Section may be commenced within 6 years
17 after the commission of the offense. A prosecution for a
18 violation of this Section other than paragraph (g) of
19 subsection (A) of this Section may be commenced within 5 years
20 after the commission of the offense defined in the particular
21 paragraph.

22 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
23 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1167, eff. 6-1-13.)

24 (720 ILCS 5/24-4.1 new)

25 Sec. 24-4.1. Report of lost or stolen firearms.

1 (a) If a person who possesses a valid Firearm Owner's
2 Identification Card and who possesses or acquires a firearm
3 thereafter loses the firearm, or if the firearm is stolen from
4 the person, the person must report the loss or theft to the
5 local law enforcement agency within 72 hours after obtaining
6 knowledge of the loss or theft.

7 (b) A law enforcement agency having jurisdiction shall take
8 a written report and shall as soon as practical enter the
9 firearm's serial number as stolen into the Law Enforcement
10 Agencies Data System (LEADS).

11 (c) A person shall not be in violation of this Section if:

12 (1) the failure to report is due to an act of God, act
13 of war, or inability of a law enforcement agency to receive
14 the report;

15 (2) the person is hospitalized, in a coma, or is
16 otherwise seriously physically or mentally impaired as to
17 prevent the person from reporting; or

18 (3) the person's designee makes a report if the person
19 is unable to make the report.

20 (d) Sentence. A person who violates this Section is guilty
21 of a petty offense for a first violation. A second or
22 subsequent violation of this Section is a Class A misdemeanor.

23 Section 1-155. The Code of Criminal Procedure of 1963 is
24 amended by changing Section 112A-14 as follows:

1 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

2 Sec. 112A-14. Order of protection; remedies.

3 (a) Issuance of order. If the court finds that petitioner
4 has been abused by a family or household member, as defined in
5 this Article, an order of protection prohibiting such abuse
6 shall issue; provided that petitioner must also satisfy the
7 requirements of one of the following Sections, as appropriate:
8 Section 112A-17 on emergency orders, Section 112A-18 on interim
9 orders, or Section 112A-19 on plenary orders. Petitioner shall
10 not be denied an order of protection because petitioner or
11 respondent is a minor. The court, when determining whether or
12 not to issue an order of protection, shall not require physical
13 manifestations of abuse on the person of the victim.
14 Modification and extension of prior orders of protection shall
15 be in accordance with this Article.

16 (b) Remedies and standards. The remedies to be included in
17 an order of protection shall be determined in accordance with
18 this Section and one of the following Sections, as appropriate:
19 Section 112A-17 on emergency orders, Section 112A-18 on interim
20 orders, and Section 112A-19 on plenary orders. The remedies
21 listed in this subsection shall be in addition to other civil
22 or criminal remedies available to petitioner.

23 (1) Prohibition of abuse. Prohibit respondent's
24 harassment, interference with personal liberty,
25 intimidation of a dependent, physical abuse or willful
26 deprivation, as defined in this Article, if such abuse has

1 occurred or otherwise appears likely to occur if not
2 prohibited.

3 (2) Grant of exclusive possession of residence.
4 Prohibit respondent from entering or remaining in any
5 residence, household, or premises of the petitioner,
6 including one owned or leased by respondent, if petitioner
7 has a right to occupancy thereof. The grant of exclusive
8 possession of the residence, household, or premises shall
9 not affect title to real property, nor shall the court be
10 limited by the standard set forth in Section 701 of the
11 Illinois Marriage and Dissolution of Marriage Act.

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

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

1 petitioner and any minor child or dependent adult in
2 petitioner's care resulting from continued exposure to
3 the risk of abuse (should petitioner remain at the
4 residence or household) or from loss of possession of
5 the residence or household (should petitioner leave to
6 avoid the risk of abuse). When determining the balance
7 of hardships, the court shall also take into account
8 the accessibility of the residence or household.
9 Hardships need not be balanced if respondent does not
10 have a right to occupancy.

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

22 (3) Stay away order and additional prohibitions. Order
23 respondent to stay away from petitioner or any other person
24 protected by the order of protection, or prohibit
25 respondent from entering or remaining present at
26 petitioner's school, place of employment, or other

1 specified places at times when petitioner is present, or
2 both, if reasonable, given the balance of hardships.
3 Hardships need not be balanced for the court to enter a
4 stay away order or prohibit entry if respondent has no
5 right to enter the premises.

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

16 (4) Counseling. Require or recommend the respondent to
17 undergo counseling for a specified duration with a social
18 worker, psychologist, clinical psychologist, psychiatrist,
19 family service agency, alcohol or substance abuse program,
20 mental health center guidance counselor, agency providing
21 services to elders, program designed for domestic violence
22 abusers or any other guidance service the court deems
23 appropriate. The court may order the respondent in any
24 intimate partner relationship to report to an Illinois
25 Department of Human Services protocol approved partner
26 abuse intervention program for an assessment and to follow

1 all recommended treatment.

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

12 If a court finds, after a hearing, that respondent has
13 committed abuse (as defined in Section 112A-3) of a minor
14 child, there shall be a rebuttable presumption that
15 awarding physical care to respondent would not be in the
16 minor child's best interest.

17 (6) Temporary legal custody. Award temporary legal
18 custody to petitioner in accordance with this Section, the
19 Illinois Marriage and Dissolution of Marriage Act, the
20 Illinois Parentage Act of 1984, and this State's Uniform
21 Child-Custody Jurisdiction and Enforcement Act.

22 If a court finds, after a hearing, that respondent has
23 committed abuse (as defined in Section 112A-3) of a minor
24 child, there shall be a rebuttable presumption that
25 awarding temporary legal custody to respondent would not be
26 in the child's best interest.

1 (7) Visitation. Determine the visitation rights, if
2 any, of respondent in any case in which the court awards
3 physical care or temporary legal custody of a minor child
4 to petitioner. The court shall restrict or deny
5 respondent's visitation with a minor child if the court
6 finds that respondent has done or is likely to do any of
7 the following: (i) abuse or endanger the minor child during
8 visitation; (ii) use the visitation as an opportunity to
9 abuse or harass petitioner or petitioner's family or
10 household members; (iii) improperly conceal or detain the
11 minor child; or (iv) otherwise act in a manner that is not
12 in the best interests of the minor child. The court shall
13 not be limited by the standards set forth in Section 607.1
14 of the Illinois Marriage and Dissolution of Marriage Act.
15 If the court grants visitation, the order shall specify
16 dates and times for the visitation to take place or other
17 specific parameters or conditions that are appropriate. No
18 order for visitation shall refer merely to the term
19 "reasonable visitation".

20 Petitioner may deny respondent access to the minor
21 child if, when respondent arrives for visitation,
22 respondent is under the influence of drugs or alcohol and
23 constitutes a threat to the safety and well-being of
24 petitioner or petitioner's minor children or is behaving in
25 a violent or abusive manner.

26 If necessary to protect any member of petitioner's

1 family or household from future abuse, respondent shall be
2 prohibited from coming to petitioner's residence to meet
3 the minor child for visitation, and the parties shall
4 submit to the court their recommendations for reasonable
5 alternative arrangements for visitation. A person may be
6 approved to supervise visitation only after filing an
7 affidavit accepting that responsibility and acknowledging
8 accountability to the court.

9 (8) Removal or concealment of minor child. Prohibit
10 respondent from removing a minor child from the State or
11 concealing the child within the State.

12 (9) Order to appear. Order the respondent to appear in
13 court, alone or with a minor child, to prevent abuse,
14 neglect, removal or concealment of the child, to return the
15 child to the custody or care of the petitioner or to permit
16 any court-ordered interview or examination of the child or
17 the respondent.

18 (10) Possession of personal property. Grant petitioner
19 exclusive possession of personal property and, if
20 respondent has possession or control, direct respondent to
21 promptly make it available to petitioner, if:

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the parties own the property jointly; sharing
25 it would risk abuse of petitioner by respondent or is
26 impracticable; and the balance of hardships favors

1 temporary possession by petitioner.

2 If petitioner's sole claim to ownership of the property
3 is that it is marital property, the court may award
4 petitioner temporary possession thereof under the
5 standards of subparagraph (ii) of this paragraph only if a
6 proper proceeding has been filed under the Illinois
7 Marriage and Dissolution of Marriage Act, as now or
8 hereafter amended.

9 No order under this provision shall affect title to
10 property.

11 (11) Protection of property. Forbid the respondent
12 from taking, transferring, encumbering, concealing,
13 damaging or otherwise disposing of any real or personal
14 property, except as explicitly authorized by the court, if:

15 (i) petitioner, but not respondent, owns the
16 property; or

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

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

25 The court may further prohibit respondent from
26 improperly using the financial or other resources of an

1 aged member of the family or household for the profit or
2 advantage of respondent or of any other person.

3 (11.5) Protection of animals. Grant the petitioner the
4 exclusive care, custody, or control of any animal owned,
5 possessed, leased, kept, or held by either the petitioner
6 or the respondent or a minor child residing in the
7 residence or household of either the petitioner or the
8 respondent and order the respondent to stay away from the
9 animal and forbid the respondent from taking,
10 transferring, encumbering, concealing, harming, or
11 otherwise disposing of the animal.

12 (12) Order for payment of support. Order respondent to
13 pay temporary support for the petitioner or any child in
14 the petitioner's care or custody, when the respondent has a
15 legal obligation to support that person, in accordance with
16 the Illinois Marriage and Dissolution of Marriage Act,
17 which shall govern, among other matters, the amount of
18 support, payment through the clerk and withholding of
19 income to secure payment. An order for child support may be
20 granted to a petitioner with lawful physical care or
21 custody of a child, or an order or agreement for physical
22 care or custody, prior to entry of an order for legal
23 custody. Such a support order shall expire upon entry of a
24 valid order granting legal custody to another, unless
25 otherwise provided in the custody order.

26 (13) Order for payment of losses. Order respondent to

1 pay petitioner for losses suffered as a direct result of
2 the abuse. Such losses shall include, but not be limited
3 to, medical expenses, lost earnings or other support,
4 repair or replacement of property damaged or taken,
5 reasonable attorney's fees, court costs and moving or other
6 travel expenses, including additional reasonable expenses
7 for temporary shelter and restaurant meals.

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

17 (ii) Recovery of expenses. In the case of an
18 improper concealment or removal of a minor child, the
19 court may order respondent to pay the reasonable
20 expenses incurred or to be incurred in the search for
21 and recovery of the minor child, including but not
22 limited to legal fees, court costs, private
23 investigator fees, and travel costs.

24 (14) Prohibition of entry. Prohibit the respondent
25 from entering or remaining in the residence or household
26 while the respondent is under the influence of alcohol or

1 drugs and constitutes a threat to the safety and well-being
2 of the petitioner or the petitioner's children.

3 (14.5) Prohibition of firearm possession.

4 (A) A person who is subject to an existing order of
5 protection, interim order of protection, emergency
6 order of protection, or plenary order of protection,
7 issued under this Code may not lawfully possess weapons
8 under Section 8.2 of the Firearm Owners Identification
9 Card Act. ~~(a) Prohibit a respondent against whom an~~
10 ~~order of protection was issued from possessing any~~
11 ~~firearms during the duration of the order if the order:~~

12 ~~(1) was issued after a hearing of which such~~
13 ~~person received actual notice, and at which such~~
14 ~~person had an opportunity to participate;~~

15 ~~(2) restrains such person from harassing,~~
16 ~~stalking, or threatening an intimate partner of~~
17 ~~such person or child of such intimate partner or~~
18 ~~person, or engaging in other conduct that would~~
19 ~~place an intimate partner in reasonable fear of~~
20 ~~bodily injury to the partner or child; and~~

21 ~~(3)(i) includes a finding that such person~~
22 ~~represents a credible threat to the physical~~
23 ~~safety of such intimate partner or child; or (ii)~~
24 ~~by its terms explicitly prohibits the use,~~
25 ~~attempted use, or threatened use of physical force~~
26 ~~against such intimate partner or child that would~~

1 ~~reasonably be expected to cause bodily injury.~~

2 (B) Any firearms in the possession of the respondent,
3 except as provided in subparagraph (C) of this
4 paragraph (14.5) subsection (b), shall be ordered by
5 the court to be turned over to a person with a valid
6 Firearm Owner's Identification Card ~~the local law~~
7 ~~enforcement agency~~ for safekeeping. The court shall
8 issue an order that the respondent's Firearm Owner's
9 Identification Card be turned over to the local law
10 enforcement agency, which in turn shall immediately
11 mail the card to the Department of State Police Firearm
12 Owner's Identification Card Office for safekeeping.
13 The period of safekeeping shall be for the duration of
14 the order of protection. The firearm or firearms and
15 Firearm Owner's Identification Card, if unexpired,
16 shall at the respondent's request be returned to the
17 respondent at expiration of the order of protection.

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

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

15 (15) Prohibition of access to records. If an order of
16 protection prohibits respondent from having contact with
17 the minor child, or if petitioner's address is omitted
18 under subsection (b) of Section 112A-5, or if necessary to
19 prevent abuse or wrongful removal or concealment of a minor
20 child, the order shall deny respondent access to, and
21 prohibit respondent from inspecting, obtaining, or
22 attempting to inspect or obtain, school or any other
23 records of the minor child who is in the care of
24 petitioner.

25 (16) Order for payment of shelter services. Order
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the
2 cost of the services, as certified by the shelter and
3 deemed reasonable by the court.

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

13 (c) Relevant factors; findings.

14 (1) In determining whether to grant a specific remedy,
15 other than payment of support, the court shall consider
16 relevant factors, including but not limited to the
17 following:

18 (i) the nature, frequency, severity, pattern and
19 consequences of the respondent's past abuse of the
20 petitioner or any family or household member,
21 including the concealment of his or her location in
22 order to evade service of process or notice, and the
23 likelihood of danger of future abuse to petitioner or
24 any member of petitioner's or respondent's family or
25 household; and

26 (ii) the danger that any minor child will be abused

1 or neglected or improperly removed from the
2 jurisdiction, improperly concealed within the State or
3 improperly separated from the child's primary
4 caretaker.

5 (2) In comparing relative hardships resulting to the
6 parties from loss of possession of the family home, the
7 court shall consider relevant factors, including but not
8 limited to the following:

9 (i) availability, accessibility, cost, safety,
10 adequacy, location and other characteristics of
11 alternate housing for each party and any minor child or
12 dependent adult in the party's care;

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

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

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

21 (i) That the court has considered the applicable
22 relevant factors described in paragraphs (1) and (2) of
23 this subsection.

24 (ii) Whether the conduct or actions of respondent,
25 unless prohibited, will likely cause irreparable harm
26 or continued abuse.

1 (iii) Whether it is necessary to grant the
2 requested relief in order to protect petitioner or
3 other alleged abused persons.

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

9 When a verified petition for an emergency order of
10 protection in accordance with the requirements of Sections
11 112A-5 and 112A-17 is presented to the court, the court
12 shall examine petitioner on oath or affirmation. An
13 emergency order of protection shall be issued by the court
14 if it appears from the contents of the petition and the
15 examination of petitioner that the averments are
16 sufficient to indicate abuse by respondent and to support
17 the granting of relief under the issuance of the emergency
18 order of protection.

19 (5) Never married parties. No rights or
20 responsibilities for a minor child born outside of marriage
21 attach to a putative father until a father and child
22 relationship has been established under the Illinois
23 Parentage Act of 1984. Absent such an adjudication, no
24 putative father shall be granted temporary custody of the
25 minor child, visitation with the minor child, or physical
26 care and possession of the minor child, nor shall an order

1 of payment for support of the minor child be entered.

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

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

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

16 (2) Respondent was voluntarily intoxicated;

17 (3) Petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article 7 of the Criminal Code
20 of 2012;

21 (4) Petitioner did not act in self-defense or defense
22 of another;

23 (5) Petitioner left the residence or household to avoid
24 further abuse by respondent;

25 (6) Petitioner did not leave the residence or household
26 to avoid further abuse by respondent;

1 (7) Conduct by any family or household member excused
2 the abuse by respondent, unless that same conduct would
3 have excused such abuse if the parties had not been family
4 or household members.

5 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
6 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.
7 1-25-13.)

8 Section 1-160. The Mental Health and Developmental
9 Disabilities Confidentiality Act is amended by changing
10 Section 12 as follows:

11 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

12 Sec. 12. (a) If the United States Secret Service or the
13 Department of State Police requests information from a mental
14 health or developmental disability facility, as defined in
15 Section 1-107 and 1-114 of the Mental Health and Developmental
16 Disabilities Code, relating to a specific recipient and the
17 facility director determines that disclosure of such
18 information may be necessary to protect the life of, or to
19 prevent the infliction of great bodily harm to, a public
20 official, or a person under the protection of the United States
21 Secret Service, only the following information may be
22 disclosed: the recipient's name, address, and age and the date
23 of any admission to or discharge from a facility; and any
24 information which would indicate whether or not the recipient

1 has a history of violence or presents a danger of violence to
2 the person under protection. Any information so disclosed shall
3 be used for investigative purposes only and shall not be
4 publicly disseminated. Any person participating in good faith
5 in the disclosure of such information in accordance with this
6 provision shall have immunity from any liability, civil,
7 criminal or otherwise, if such information is disclosed relying
8 upon the representation of an officer of the United States
9 Secret Service or the Department of State Police that a person
10 is under the protection of the United States Secret Service or
11 is a public official.

12 For the purpose of this subsection (a), the term "public
13 official" means the Governor, Lieutenant Governor, Attorney
14 General, Secretary of State, State Comptroller, State
15 Treasurer, member of the General Assembly, member of the United
16 States Congress, Judge of the United States as defined in 28
17 U.S.C. 451, Justice of the United States as defined in 28
18 U.S.C. 451, United States Magistrate Judge as defined in 28
19 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
20 Supreme, Appellate, Circuit, or Associate Judge of the State of
21 Illinois. The term shall also include the spouse, child or
22 children of a public official.

23 (b) The Department of Human Services (acting as successor
24 to the Department of Mental Health and Developmental
25 Disabilities) and all public or private hospitals and mental
26 health facilities are required, as hereafter described in this

1 subsection, to furnish the Department of State Police only such
2 information as may be required for the sole purpose of
3 determining whether an individual who may be or may have been a
4 patient is disqualified because of that status from receiving
5 or retaining a Firearm Owner's Identification Card because that
6 patient is determined to pose a clear and present danger to
7 himself, herself, or others, is determined to have a
8 developmental disability, or falls within the federal
9 prohibitors in ~~under subsection (e) or (f) of Section 8 of the~~
10 Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and
11 (n). All physicians, clinical psychologists, or qualified
12 examiners practicing at public or private hospitals and mental
13 health facilities or parts thereof as defined in this Act
14 shall, in the form and manner required by the Department,
15 provide notice directly to the Department of Human Services, or
16 to his or her employer who shall then report to the Department,
17 within 24 hours after determining that a patient as described
18 in clause (2) of the definition of "patient" in Section 1.1 of
19 the Firearm Owners Identification Card Act poses a clear and
20 present danger to himself, herself, or others, or is determined
21 to have a developmental disability ~~such information as shall be~~
22 ~~necessary for the Department to comply with the reporting~~
23 ~~requirements to the Department of State Police. This Such~~
24 information shall be furnished within 24 hours after the
25 physician, clinical psychologist, or qualified examiner has
26 made a determination, or within 7 days after admission to a

1 public or private hospital or mental health facility or the
2 provision of services to a patient described in clause (1) of
3 the definition of "patient" in Section 1.1 of the Firearm
4 Owners Identification Card Act ~~clause (2) of this subsection~~
5 ~~(b)~~. Any such information disclosed under this subsection shall
6 remain privileged and confidential, and shall not be
7 redisclosed , except as required by subsection (e) ~~clause~~
8 ~~(e) (2)~~ of Section 3.1 of the Firearm Owners Identification Card
9 Act, nor utilized for any other purpose. The method of
10 requiring the providing of such information shall guarantee
11 that no information is released beyond what is necessary for
12 this purpose. In addition, the information disclosed shall be
13 provided by the Department within the time period established
14 by Section 24-3 of the Criminal Code of 2012 regarding the
15 delivery of firearms. The method used shall be sufficient to
16 provide the necessary information within the prescribed time
17 period, which may include periodically providing lists to the
18 Department of Human Services or any public or private hospital
19 or mental health facility of Firearm Owner's Identification
20 Card applicants on which the Department or hospital shall
21 indicate the identities of those individuals who are to its
22 knowledge disqualified from having a Firearm Owner's
23 Identification Card for reasons described herein. The
24 Department may provide for a centralized source of information
25 for the State on this subject under its jurisdiction. The
26 identity of the person reporting under this subsection shall

1 not be disclosed to the subject of the report. For the purposes
2 of this subsection, absent willful or wanton misconduct, the
3 physician, clinical psychologist, or qualified examiner making
4 the determination and his or her employer may not be held
5 criminally, civilly, or professionally liable for making or not
6 making the notification required under this subsection.

7 Any person, institution, or agency, under this Act,
8 participating in good faith in the reporting or disclosure of
9 records and communications otherwise in accordance with this
10 provision or with rules, regulations or guidelines issued by
11 the Department shall have immunity from any liability, civil,
12 criminal or otherwise, that might result by reason of the
13 action. For the purpose of any proceeding, civil or criminal,
14 arising out of a report or disclosure in accordance with this
15 provision, the good faith of any person, institution, or agency
16 so reporting or disclosing shall be presumed. The full extent
17 of the immunity provided in this subsection (b) shall apply to
18 any person, institution or agency that fails to make a report
19 or disclosure in the good faith belief that the report or
20 disclosure would violate federal regulations governing the
21 confidentiality of alcohol and drug abuse patient records
22 implementing 42 U.S.C. 290dd-3 and 290ee-3.

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

25 (1) "Hospital" means only that type of institution
26 which is providing full-time residential facilities and

1 treatment.

2 (1.3) "Clear and present danger" has the meaning as
3 defined in Section 1.1 of the Firearm Owners Identification
4 Card Act.

5 (1.5) "Developmental disability" means a disability
6 which is attributable to an intellectual disability or any
7 other condition which results in impairment similar to that
8 caused by an intellectual disability and which requires
9 services similar to those required by intellectually
10 disabled persons. The disability must originate before the
11 age of 18 years, be expected to continue indefinitely, and
12 constitute a substantial handicap.

13 (2) "Patient" has the meaning as defined in Section 1.1
14 of the Firearm Owners Identification Card Act ~~shall include~~
15 ~~only: (i) a person who is an in patient or resident of any~~
16 ~~public or private hospital or mental health facility or~~
17 ~~(ii) a person who is an out patient or provided services by~~
18 ~~a public or private hospital or mental health facility~~
19 ~~whose mental condition is of such a nature that it is~~
20 ~~manifested by violent, suicidal, threatening, or~~
21 ~~assaultive behavior or reported behavior, for which there~~
22 ~~is a reasonable belief by a physician, clinical~~
23 ~~psychologist, or qualified examiner that the condition~~
24 ~~poses a clear and present or imminent danger to the~~
25 ~~patient, any other person or the community meaning the~~
26 ~~patient's condition poses a clear and present danger in~~

1 ~~accordance with subsection (f) of Section 8 of the Firearm~~
2 ~~Owners Identification Card Act. The terms physician,~~
3 ~~clinical psychologist, and qualified examiner are defined~~
4 ~~in Sections 1-120, 1-103, and 1-122 of the Mental Health~~
5 ~~and Developmental Disabilities Code.~~

6 (3) "Mental health facility" has the meaning as defined
7 in Section 1.1 of the Firearm Owners Identification Card
8 Act ~~is defined by Section 1-114 of the Mental Health and~~
9 ~~Developmental Disabilities Code.~~

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

22 For the purposes of this subsection (c), the terms "mental
23 health or developmental disability facility", "peace officer"
24 and "facility director" shall have the meanings ascribed to
25 them in the Mental Health and Developmental Disabilities Code.

26 (d) Upon the request of a peace officer or prosecuting

1 authority who is conducting a bona fide investigation of a
2 criminal offense, or attempting to apprehend a fugitive from
3 justice, a facility director may disclose whether a person is
4 present at the facility. Upon request of a peace officer or
5 prosecuting authority who has a valid forcible felony warrant
6 issued, a facility director shall disclose: (1) whether the
7 person who is the subject of the warrant is present at the
8 facility and (2) the date of that person's discharge or future
9 discharge from the facility. The requesting peace officer or
10 prosecuting authority must furnish a case number and the
11 purpose of the investigation or an outstanding arrest warrant
12 at the time of the request. Any person, institution, or agency
13 participating in good faith in disclosing such information in
14 accordance with this subsection (d) is immune from any
15 liability, civil, criminal or otherwise, that might result by
16 reason of the action.

17 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

18 ARTICLE 5.

19 Section 5-1. Short title. This Article may be cited as the
20 School Administrator Reporting of Mental Health Clear and
21 Present Danger Determinations Act. References in this Article
22 to "this Act" mean this Article.

23 Section 5-5. Duty of school administrator. It is the duty

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

13 Section 5-10. Immunity. A principal or chief
14 administrative officer making or not making the determination
15 and report under this Act may not be held criminally, civilly,
16 or professionally liable, except for willful or wanton
17 misconduct.

18 Section 5-100. The Illinois Explosives Act is amended by
19 changing Section 2005 as follows:

20 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

21 Sec. 2005. Qualifications for licensure.

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

23 (1) is under 21 years of age;

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

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

5 (4) is a fugitive from justice;

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

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

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

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

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

20 ARTICLE 99.

21 Section 99-1. No acceleration or delay. Where this Act
22 makes changes in a statute that is represented in this Act by
23 text that is not yet or no longer in effect (for example, a
24 Section represented by multiple versions), the use of that text

1 does not accelerate or delay the taking effect of (i) the
2 changes made by this Act or (ii) provisions derived from any
3 other Public Act.".

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.".