



Rep. William Davis

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LRB098 08477 MRW 42621 a

1 AMENDMENT TO HOUSE BILL 1157

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1157, AS AMENDED, by  
3 inserting the following in its proper numeric sequence:

4 "Section 2. Legislative determination. It is hereby  
5 declared as a matter of legislative determination that in order  
6 to promote and protect the health, safety and welfare of the  
7 public, it is necessary and in the public interest within the  
8 State of Illinois to establish a system of handgun  
9 registration, thereby establishing a practical and workable  
10 system by which law enforcement authorities will be afforded an  
11 opportunity to identify the ownership of handguns that have  
12 been recovered or seized as evidence in connection with a  
13 criminal offense.

14 Section 4. Definitions

15 As used in Sections 2 and 5 of this Act:

16 "Certificate of Handgun Registration" means a certificate

1 issued by the Illinois Department of State Police under Section  
2 5 of this Act.

3 "Department" means the Department of State Police.

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

7 "Firearm" has the same meaning as set forth in Section 1.1  
8 of the Firearm Owners Identification Card Act.

9 "Handgun" means a firearm designed to be held and fired by  
10 the use of a single hand.

11 Section 5. Certificate of Handgun Registration.

12 (a) No person shall transport or possess a handgun in this  
13 State without a Certificate of Handgun Registration issued for  
14 that handgun by the Department of State Police.

15 (b) The provisions of this Section prohibiting a person  
16 from transporting or possessing a handgun without a Certificate  
17 of Handgun Registration do not apply to the following:

18 (1) any person who is exempt from the Firearm Owners  
19 Identification Card Act under subsection (b) of Section 2  
20 of that Act;

21 (2) any person who is exempt from the Firearm Owners  
22 Identification Card Act under subsection (c) of Section 2  
23 of that Act;

24 (3) a certified member of the Illinois Firearms  
25 Manufacturers Association; and

1           (4) a federally licensed firearm dealer holding a new  
2 handgun for transfer or sale.

3           (c) An applicant for an original or transferred Certificate  
4 of Handgun Registration shall submit an application to the  
5 Department, prepared and furnished at convenient locations  
6 throughout the State or by electronic means. The application  
7 shall request the following information from the applicant:

8           (1) the applicant's name, address, and telephone  
9 number;

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

12           (3) the name of the manufacturer, the caliber or gauge,  
13 the model, the type, and the serial number identification  
14 of the handgun to be registered;

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

17           (5) the date the handgun was acquired;

18           (6) any other information that the Department shall  
19 find reasonably necessary or desirable to effectuate the  
20 purposes of this Section and to arrive at a fair  
21 determination as to whether the terms of this Section have  
22 been complied with; and

23           (7) an affidavit signed by the applicant certifying  
24 that the applicant:

25           (A) possesses a valid Firearm Owner's  
26 Identification Card;

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

4           (d) The Department shall issue an original or transferred  
5           Certificate of Handgun Registration or shall issue a written  
6           denial of the application within 30 days after the application  
7           is received.

8           (e) There is created in the State treasury the Handgun  
9           Certificate Administration Fund to be used by the Department  
10          for the administration of handgun registration as required by  
11          this Section.

12          (f) A nonrefundable application fee of \$20 shall be payable  
13          for each original or transferred Certificate of Handgun  
14          Registration. All moneys received from this \$20 fee shall be  
15          deposited as follows:

16               (1) \$10 to the Handgun Certificate Administration Fund  
17               for the administration of handgun registration;

18               (2) \$5 to the Illinois LEADS Information and Technology  
19               Improvement Fund; and

20               (3) \$5 to the National Instant Criminal Background  
21               Check System Improvement Fund.

22          (g) A nonrefundable fee of \$10 shall be payable for each  
23          duplicate or replacement Certificate of Handgun Registration.  
24          All moneys received from this \$10 fee shall be deposited into  
25          the Handgun Certificate Administration Fund for the  
26          administration of handgun registration.

1           (h) Certificates of Handgun Registration shall expire  
2 every 5 years. The fee for renewal of a Certificate of Handgun  
3 Registration is \$10. All moneys received from this \$10 fee  
4 shall be deposited into the Handgun Certificate Administration  
5 Fund for the administration of handgun registration.

6           (i) Every person issued a Certificate of Handgun  
7 Registration shall notify the Department in the manner  
8 prescribed by the Department within 72 hours of the following:

9               (1) a change in any of the information appearing on the  
10 Certificate of Handgun Registration; or

11               (2) the sale, transfer, inheritance, or other  
12 disposition of the registered handgun.

13           (j) A person issued a Certificate of Handgun Registration,  
14 in addition to any other requirements of this Section, shall  
15 immediately return to the Department his or her Certificate of  
16 Handgun Registration for any handgun which is lost, stolen,  
17 destroyed, or otherwise disposed of.

18           (k) If an owner transfers ownership of a handgun, he or she  
19 shall execute to the transferee, at the time of the delivery of  
20 the handgun, an assignment of registration in the space  
21 provided on the Certificate of Handgun Registration, and shall  
22 cause the certificate and assignment to be delivered to the  
23 transferee.

24           (k-5) In the case of a federally licensed firearm dealer  
25 making a sale of a new handgun, the dealer shall submit the  
26 application described in subsection (c) of this Section along

1 with the required fee to the Department on the purchaser's  
2 behalf within 20 days from the date of sale. If the purchaser  
3 does not receive an original Certificate of Handgun  
4 Registration or a written denial of the application submitted  
5 on his or her behalf by the dealer within 50 days from the date  
6 of purchase, the purchaser shall inquire to the Department  
7 regarding the status of his or her application.

8 (l) Within 20 days after the delivery to a transferee of a  
9 handgun or the delivery of the certificate and assignment,  
10 whichever occurs sooner, the transferee shall execute the  
11 application for a new Certificate of Handgun Registration in  
12 the space provided on the certificate and cause the certificate  
13 and application to be mailed or delivered to the Department.

14 (m) No transferee shall knowingly accept ownership of a  
15 handgun from a transferor who has failed to obtain a  
16 Certificate of Handgun Registration in violation of this  
17 Section, or who fails to execute an assignment of registration  
18 to the transferee as required by subsection (k) of this  
19 Section.

20 (n) Any person who accepts delivery of a handgun that has  
21 not been previously registered and assigned to the transferee  
22 shall file an application for an original Certificate of  
23 Handgun Registration within 20 days after taking possession of  
24 the handgun. Any person who owns a handgun on the effective  
25 date of this Act shall file an application for an original  
26 Certificate of Handgun Registration not later than 90 days

1 after the effective date of this Act.

2 (o) Transfer of ownership of a registered handgun shall not  
3 be considered complete until the transferee has complied with  
4 subsection (l) of this Section, provided that a transferor who  
5 has complied with subsection (k) of this Section, and has  
6 complied with the requirements of Section 3 and 3.1 of the  
7 Firearm Owners Identification Card Act, if applicable, shall  
8 not be liable as an owner by virtue of the transferee's failure  
9 to comply with subsection (l) for damages arising out of use of  
10 the handgun.

11 (p) The Department has authority to deny an application for  
12 or to revoke and seize a Certificate of Handgun Registration  
13 previously issued under this Section if the Department finds  
14 that:

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

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

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

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

24 (r) Whenever an application for a Certificate of Handgun  
25 Registration is denied, whenever the Department fails to act on  
26 an application within 30 days of its receipt, or whenever a

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

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

25 (2) Any person prohibited from possessing a handgun  
26 under Sections 24-1.1 or 24-3.1 of the Criminal Code of



1           2012 or acquiring a Certificate of Handgun Registration  
2           under this Section may apply to the Director of the  
3           Department of State Police or petition the circuit court in  
4           the county where the petitioner resides, whichever is  
5           applicable in accordance with this subsection (r),  
6           requesting relief from the prohibition and the Director or  
7           court may grant this relief if it is established by the  
8           applicant to the court's or Director's satisfaction that:

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

15                   (B) the applicant has not been convicted of a  
16                   forcible felony under the laws of this State or any  
17                   other jurisdiction within 20 years of the applicant's  
18                   application for a Certificate of Handgun Registration,  
19                   or at least 20 years have passed since the end of any  
20                   period of imprisonment imposed in relation to that  
21                   conviction;

22                   (C) the circumstances regarding a criminal  
23                   conviction, where applicable, the applicant's criminal  
24                   history and his or her reputation are such that the  
25                   applicant will not be likely to act in a manner  
26                   dangerous to public safety; and

1           (D) granting relief would not be contrary to the  
2           public interest.

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

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

18          (5) Any person who is prohibited from possessing a  
19          handgun under 18 U.S.C. 922(d)(4) and 922(g)(4) of the  
20          federal Gun Control Act of 1968 may apply to the Department  
21          of State Police requesting relief from the prohibition and  
22          the Director shall grant this relief if it is established  
23          to the Director's satisfaction that the person will not be  
24          likely to act in a manner dangerous to public safety and  
25          granting relief would not be contrary to the public  
26          interest.

1           (s) Notwithstanding any other provision of law, including  
2 the Freedom of Information Act, it is the public policy of this  
3 State that the names and information of persons who have  
4 applied for or received Certificates of Handgun Registration  
5 under this Section are considered private and shall not be  
6 disclosed. No State or local law enforcement agency shall  
7 provide the names and information of holders of or applicants  
8 for Certificates of Handgun Registration, except that the  
9 Department may provide confirmation that a person has or has  
10 not been issued, applied for, or denied a Certificate of  
11 Handgun Registration in connection with a criminal  
12 investigation.

13           (t) The Department of State Police may perform its duties  
14 under this Act through the Department's Firearm Owner's  
15 Identification Card Office.

16           (u) Altered, forged or counterfeit Certificate of Handgun  
17 Registration.

18           (1) Any person who forges or materially alters a  
19 Certificate of Handgun Registration or who counterfeits a  
20 Certificate of Handgun Registration commits a Class 2  
21 felony.

22           (2) Any person who knowingly possesses a forged or  
23 materially altered Certificate of Handgun Registration  
24 with the intent to use it commits a Class 2 felony.

25           (3) A person who possesses a Certificate of Handgun  
26 Registration with knowledge that it is counterfeit commits

1 a Class 2 felony.

2 (v) Certificate of Handgun Registration and handgun  
3 transfer violations.

4 (1) Any person who transports or possesses a handgun  
5 without a current Certificate of Handgun Registration  
6 commits a Class 2 felony.

7 (2) Any person who knowingly enters false or misleading  
8 information or who submits false or misleading evidence in  
9 connection with the application described in subsection  
10 (c) of this Section commits a Class 2 felony.

11 (3) Any person who sells, transfers, or otherwise  
12 disposes of his or her registered handgun and does not  
13 notify the Department of that sale, transfer, or  
14 disposition within the timelines in this Section commits a  
15 Class A misdemeanor.

16 (4) Any federally licensed dealer who does not submit  
17 an application on behalf of a purchaser in accordance with  
18 subsection (k-5) of this Section commits a Class A  
19 misdemeanor.

20 Section 100. The Freedom of Information Act is amended by  
21 changing Section 7.5 as follows:

22 (5 ILCS 140/7.5)

23 Sec. 7.5. Statutory Exemptions. To the extent provided for  
24 by the statutes referenced below, the following shall be exempt

1 from inspection and copying:

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

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

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

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

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

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

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

24 (h) Information the disclosure of which is exempted under  
25 the State Officials and Employees Ethics Act, and records of  
26 any lawfully created State or local inspector general's office

1 that would be exempt if created or obtained by an Executive  
2 Inspector General's office under that Act.

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

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

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

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

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

22 (n) Defense budgets and petitions for certification of  
23 compensation and expenses for court appointed trial counsel as  
24 provided under Sections 10 and 15 of the Capital Crimes  
25 Litigation Act. This subsection (n) shall apply until the  
26 conclusion of the trial of the case, even if the prosecution

1 chooses not to pursue the death penalty prior to trial or  
2 sentencing.

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

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

12 (q) Information prohibited from being disclosed by the  
13 Personnel Records Review Act.

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

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

18 (t) All identified or deidentified health information in  
19 the form of health data or medical records contained in, stored  
20 in, submitted to, transferred by, or released from the Illinois  
21 Health Information Exchange, and identified or deidentified  
22 health information in the form of health data and medical  
23 records of the Illinois Health Information Exchange in the  
24 possession of the Illinois Health Information Exchange  
25 Authority due to its administration of the Illinois Health  
26 Information Exchange. The terms "identified" and

1 "deidentified" shall be given the same meaning as in the Health  
2 Insurance Accountability and Portability Act of 1996, Public  
3 Law 104-191, or any subsequent amendments thereto, and any  
4 regulations promulgated thereunder.

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

7 (v) Names and information of people who have applied for or  
8 received Firearm Owner's Identification Cards or Certificates  
9 of Handgun Registration under the Firearm Owners  
10 Identification Card Act and the Illinois Firearm Safety Act.

11 (w) Personally identifiable information which is exempted  
12 from disclosure under subsection (g) of Section 19.1 of the  
13 Toll Highway Act.

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

17 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
18 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
19 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,  
20 eff. 1-1-13.)

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

24 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)



1           Sec. 2605-45. Division of Administration. The Division of  
2 Administration shall exercise the following functions:

3           (1) Exercise the rights, powers, and duties vested in  
4 the Department by the Governor's Office of Management and  
5 Budget Act.

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

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

10          (4) Operate an electronic data processing and computer  
11 center for the storage and retrieval of data pertaining to  
12 criminal activity.

13          (5) Exercise the rights, powers, and duties vested in  
14 the former Division of State Troopers by Section 17 of the  
15 State Police Act.

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

20          (6.5) Exercise the rights, powers, and duties vested in  
21 the Department by the Firearm Owners Identification Card  
22 Act and the Illinois Firearm Safety Act.

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

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

1 (20 ILCS 2605/2605-120) (was 20 ILCS 2605/55a in part)

2 Sec. 2605-120. Firearm Owners Identification Card Act and  
3 the Illinois Firearm Safety Act. To exercise the rights,  
4 powers, and duties that have been vested in the Department of  
5 Public Safety by the Firearm Owners Identification Card Act and  
6 the Illinois Firearm Safety Act.

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

10 Section 125. The Criminal Identification Act is amended by  
11 changing Section 2.2 as follows:

12 (20 ILCS 2630/2.2)

13 Sec. 2.2. Notification to the Department. Upon judgment of  
14 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
15 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012 when the defendant has been determined, pursuant  
17 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,  
18 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the  
19 circuit court clerk shall include notification and a copy of  
20 the written determination in a report of the conviction to the  
21 Department of State Police Firearm Owner's Identification Card  
22 Office to enable the office to perform its duties under  
23 Sections 4 and 8 of the Firearm Owners Identification Card Act

1 and Section 5 of the Illinois Firearm Safety Act and to report  
2 that determination to the Federal Bureau of Investigation to  
3 assist the Bureau in identifying persons prohibited from  
4 purchasing and possessing a firearm pursuant to the provisions  
5 of 18 U.S.C. 922. The written determination described in this  
6 Section shall be included in the defendant's record of arrest  
7 and conviction in the manner and form prescribed by the  
8 Department of State Police.

9 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

10 Section 140. The State Finance Act is amended by adding  
11 Sections 5.826, 5.827, 5.828, 6z-98, and 6z-99 as follows:

12 (30 ILCS 105/5.826 new)

13 Sec. 5.826. The Handgun Certificate Administration Fund.

14 (30 ILCS 105/5.827 new)

15 Sec. 5.827. The National Instant Criminal Background Check  
16 System Improvement Fund.

17 (30 ILCS 105/5.828 new)

18 Sec. 5.828. The Illinois LEADS Information and Technology  
19 Improvement Fund.

20 (30 ILCS 105/6z-98 new)

21 Sec. 6z-98. National Instant Criminal Background Check

1 System Improvement Fund.

2 (a) There is created in the State treasury a special fund  
3 known as National Instant Criminal Background Check System  
4 Improvement Fund. The Fund shall receive revenue under Section  
5 5 of the Illinois Firearm Safety Act. The Fund may also receive  
6 revenue from grants, donations, appropriations, and any other  
7 legal source.

8 (b) The Department of State Police shall use moneys in the  
9 Fund to perform its duties and responsibilities under  
10 subsection (e) of Section 3.1 of the Firearm Owners  
11 Identification Card Act and Section 5 of the Illinois Firearm  
12 Safety Act.

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

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

18 (e) The Fund shall not be subject to administrative  
19 chargebacks.

20 (30 ILCS 105/6z-99 new)

21 Sec. 6z-99. Illinois LEADS Information and Technology  
22 Improvement Fund.

23 (a) There is created in the State treasury a special fund  
24 known as the Illinois LEADS Information and Technology  
25 Improvement Fund. The Fund shall receive revenue under Section

1 5 of the Illinois Firearm Safety Act. The Fund may also receive  
2 revenue from grants, donations, appropriations, and any other  
3 legal source.

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

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

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

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

17 (f) The Fund shall not be subject to administrative  
18 chargebacks.

19 Section 200. The Firearm Owners Identification Card Act is  
20 amended by changing Sections 3 and 3.1 as follows:

21 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

22 Sec. 3. (a) Except as provided in Section 3a, no person may  
23 knowingly transfer, or cause to be transferred, any firearm,  
24 firearm ammunition, stun gun, or taser to any person within

1 this State unless the transferee with whom he deals displays a  
2 currently valid Firearm Owner's Identification Card which has  
3 previously been issued in his name by the Department of State  
4 Police under the provisions of this Act. In addition, all  
5 firearm, stun gun, and taser transfers by federally licensed  
6 firearm dealers are subject to Section 3.1. In addition, the  
7 transferor and transferee of a handgun shall be subject to  
8 Section 5 of the Illinois Firearm Safety Act regardless of  
9 whether the transferor is a federally licensed firearm dealer.

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

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

1 is available; and, if the transfer was completed within this  
2 State, the transferee's Firearm Owner's Identification Card  
3 number. On or after January 1, 2006, the record shall contain  
4 the date of application for transfer of the firearm. On demand  
5 of a peace officer such transferor shall produce for inspection  
6 such record of transfer. If the transfer or sale took place at  
7 a gun show, the record shall include the unique identification  
8 number. Failure to record the unique identification number is a  
9 petty offense.

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

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

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

24 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

25 Sec. 3.1. Dial up system.

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

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



1 person from obtaining or require revocation of a currently  
2 valid Firearm Owner's Identification Card.

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

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

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

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

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

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

1 Department of State Police shall implement a program to  
2 distribute grant moneys, with funds appropriated for that  
3 purpose, to units of local government to facilitate  
4 participation in the National Instant Criminal Background  
5 Check System by their enforcement agencies.

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

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

9 Section 300. The Criminal Code of 2012 is amended by  
10 changing Sections 24-1.1 and 24-3.4 as follows:

11 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

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

24 (b) It is unlawful for any person confined in a penal

1 institution, which is a facility of the Illinois Department of  
2 Corrections, to possess any weapon prohibited under Section  
3 24-1 of this Code or any firearm or firearm ammunition,  
4 regardless of the intent with which he possesses it.

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

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

12 (e) Sentence. Violation of this Section by a person not  
13 confined in a penal institution shall be a Class 3 felony for  
14 which the person shall be sentenced to no less than 2 years and  
15 no more than 10 years and any second or subsequent violation  
16 shall be a Class 2 felony for which the person shall be  
17 sentenced to a term of imprisonment of not less than 3 years  
18 and not more than 14 years. Violation of this Section by a  
19 person not confined in a penal institution who has been  
20 convicted of a forcible felony, a felony violation of Article  
21 24 of this Code or of the Firearm Owners Identification Card  
22 Act or of Section 5 of the Illinois Firearm Safety Act,  
23 stalking or aggravated stalking, or a Class 2 or greater felony  
24 under the Illinois Controlled Substances Act, the Cannabis  
25 Control Act, or the Methamphetamine Control and Community  
26 Protection Act is a Class 2 felony for which the person shall

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

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

23 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

25 (a) It shall be unlawful for any person who holds a license

1 to sell at retail any alcoholic liquor issued by the Illinois  
2 Liquor Control Commission or local liquor control commissioner  
3 under the Liquor Control Act of 1934 or an agent or employee of  
4 the licensee to sell or deliver to any other person a firearm  
5 in or on the real property of the establishment where the  
6 licensee is licensed to sell alcoholic liquors unless the sale  
7 or delivery of the firearm is otherwise lawful under this  
8 Article and under the Firearm Owners Identification Card Act  
9 and Section 5 of the Illinois Firearm Safety Act.

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

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

13 Section 325. The Unified Code of Corrections is amended by  
14 changing Section 5-5-3.2 as follows:

15 (730 ILCS 5/5-5-3.2)

16 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
17 Sentencing.

18 (a) The following factors shall be accorded weight in favor  
19 of imposing a term of imprisonment or may be considered by the  
20 court as reasons to impose a more severe sentence under Section  
21 5-8-1 or Article 4.5 of Chapter V:

22 (1) the defendant's conduct caused or threatened  
23 serious harm;

24 (2) the defendant received compensation for committing

1 the offense;

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

4 (4) the defendant, by the duties of his office or by  
5 his position, was obliged to prevent the particular offense  
6 committed or to bring the offenders committing it to  
7 justice;

8 (5) the defendant held public office at the time of the  
9 offense, and the offense related to the conduct of that  
10 office;

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

14 (7) the sentence is necessary to deter others from  
15 committing the same crime;

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

18 (9) the defendant committed the offense against a  
19 person who is physically handicapped or such person's  
20 property;

21 (10) by reason of another individual's actual or  
22 perceived race, color, creed, religion, ancestry, gender,  
23 sexual orientation, physical or mental disability, or  
24 national origin, the defendant committed the offense  
25 against (i) the person or property of that individual; (ii)  
26 the person or property of a person who has an association

1 with, is married to, or has a friendship with the other  
2 individual; or (iii) the person or property of a relative  
3 (by blood or marriage) of a person described in clause (i)  
4 or (ii). For the purposes of this Section, "sexual  
5 orientation" means heterosexuality, homosexuality, or  
6 bisexuality;

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

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

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

25 (14) the defendant held a position of trust or  
26 supervision such as, but not limited to, family member as

1 defined in Section 11-0.1 of the Criminal Code of 2012,  
2 teacher, scout leader, baby sitter, or day care worker, in  
3 relation to a victim under 18 years of age, and the  
4 defendant committed an offense in violation of Section  
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
6 11-14.4 except for an offense that involves keeping a place  
7 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
8 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
9 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
10 of 2012 against that victim;

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

16 (16) the defendant committed an offense in violation of  
17 one of the following Sections while in a school, regardless  
18 of the time of day or time of year; on any conveyance  
19 owned, leased, or contracted by a school to transport  
20 students to or from school or a school related activity; on  
21 the real property of a school; or on a public way within  
22 1,000 feet of the real property comprising any school:  
23 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
24 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,



1 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
2 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
3 Criminal Code of 2012;

4 (16.5) the defendant committed an offense in violation  
5 of one of the following Sections while in a day care  
6 center, regardless of the time of day or time of year; on  
7 the real property of a day care center, regardless of the  
8 time of day or time of year; or on a public way within  
9 1,000 feet of the real property comprising any day care  
10 center, regardless of the time of day or time of year:  
11 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
12 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
13 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
14 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
15 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
16 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
17 Criminal Code of 2012;

18 (17) the defendant committed the offense by reason of  
19 any person's activity as a community policing volunteer or  
20 to prevent any person from engaging in activity as a  
21 community policing volunteer. For the purpose of this  
22 Section, "community policing volunteer" has the meaning  
23 ascribed to it in Section 2-3.5 of the Criminal Code of  
24 2012;

25 (18) the defendant committed the offense in a nursing  
26 home or on the real property comprising a nursing home. For

1 the purposes of this paragraph (18), "nursing home" means a  
2 skilled nursing or intermediate long term care facility  
3 that is subject to license by the Illinois Department of  
4 Public Health under the Nursing Home Care Act, the  
5 Specialized Mental Health Rehabilitation Act, or the ID/DD  
6 Community Care Act;

7 (19) the defendant was a federally licensed firearm  
8 dealer and was previously convicted of a violation of  
9 subsection (a) of Section 3 of the Firearm Owners  
10 Identification Card Act or Section 5 of the Illinois  
11 Firearm Safety Act and has now committed either a felony  
12 violation of the Firearm Owners Identification Card Act or  
13 Section 5 of the Illinois Firearm Safety Act or an act of  
14 armed violence while armed with a firearm;

15 (20) the defendant (i) committed the offense of  
16 reckless homicide under Section 9-3 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 or the offense of driving  
18 under the influence of alcohol, other drug or drugs,  
19 intoxicating compound or compounds or any combination  
20 thereof under Section 11-501 of the Illinois Vehicle Code  
21 or a similar provision of a local ordinance and (ii) was  
22 operating a motor vehicle in excess of 20 miles per hour  
23 over the posted speed limit as provided in Article VI of  
24 Chapter 11 of the Illinois Vehicle Code;

25 (21) the defendant (i) committed the offense of  
26 reckless driving or aggravated reckless driving under

1 Section 11-503 of the Illinois Vehicle Code and (ii) was  
2 operating a motor vehicle in excess of 20 miles per hour  
3 over the posted speed limit as provided in Article VI of  
4 Chapter 11 of the Illinois Vehicle Code;

5 (22) the defendant committed the offense against a  
6 person that the defendant knew, or reasonably should have  
7 known, was a member of the Armed Forces of the United  
8 States serving on active duty. For purposes of this clause  
9 (22), the term "Armed Forces" means any of the Armed Forces  
10 of the United States, including a member of any reserve  
11 component thereof or National Guard unit called to active  
12 duty;

13 (23) the defendant committed the offense against a  
14 person who was elderly, disabled, or infirm by taking  
15 advantage of a family or fiduciary relationship with the  
16 elderly, disabled, or infirm person;

17 (24) the defendant committed any offense under Section  
18 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012 and possessed 100 or more images;

20 (25) the defendant committed the offense while the  
21 defendant or the victim was in a train, bus, or other  
22 vehicle used for public transportation;

23 (26) the defendant committed the offense of child  
24 pornography or aggravated child pornography, specifically  
25 including paragraph (1), (2), (3), (4), (5), or (7) of  
26 subsection (a) of Section 11-20.1 of the Criminal Code of

1 1961 or the Criminal Code of 2012 where a child engaged in,  
2 solicited for, depicted in, or posed in any act of sexual  
3 penetration or bound, fettered, or subject to sadistic,  
4 masochistic, or sadomasochistic abuse in a sexual context  
5 and specifically including paragraph (1), (2), (3), (4),  
6 (5), or (7) of subsection (a) of Section 11-20.1B or  
7 Section 11-20.3 of the Criminal Code of 1961 where a child  
8 engaged in, solicited for, depicted in, or posed in any act  
9 of sexual penetration or bound, fettered, or subject to  
10 sadistic, masochistic, or sadomasochistic abuse in a  
11 sexual context;

12 (27) the defendant committed the offense of first  
13 degree murder, assault, aggravated assault, battery,  
14 aggravated battery, robbery, armed robbery, or aggravated  
15 robbery against a person who was a veteran and the  
16 defendant knew, or reasonably should have known, that the  
17 person was a veteran performing duties as a representative  
18 of a veterans' organization. For the purposes of this  
19 paragraph (27), "veteran" means an Illinois resident who  
20 has served as a member of the United States Armed Forces, a  
21 member of the Illinois National Guard, or a member of the  
22 United States Reserve Forces; and "veterans' organization"  
23 means an organization comprised of members of which  
24 substantially all are individuals who are veterans or  
25 spouses, widows, or widowers of veterans, the primary  
26 purpose of which is to promote the welfare of its members

1 and to provide assistance to the general public in such a  
2 way as to confer a public benefit; or

3 (28) the defendant committed the offense of assault,  
4 aggravated assault, battery, aggravated battery, robbery,  
5 armed robbery, or aggravated robbery against a person that  
6 the defendant knew or reasonably should have known was a  
7 letter carrier or postal worker while that person was  
8 performing his or her duties delivering mail for the United  
9 States Postal Service.

10 For the purposes of this Section:

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

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

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

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

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

1 years after the previous conviction, excluding time spent  
2 in custody, and such charges are separately brought and  
3 tried and arise out of different series of acts; or

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

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

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

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

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

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

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

24 (ii) the theft of human corpses;

25 (iii) the kidnapping of humans;

26 (iv) the desecration of any cemetery, religious,

1 fraternal, business, governmental, educational, or  
2 other building or property; or

3 (v) ritualized abuse of a child; or

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

14 (6) When a defendant is convicted of an offense  
15 committed while using a firearm with a laser sight attached  
16 to it. For purposes of this paragraph, "laser sight" has  
17 the meaning ascribed to it in Section 26-7 of the Criminal  
18 Code of 2012; or

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

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

7           (c) The following factors may be considered by the court as  
8 reasons to impose an extended term sentence under Section 5-8-2  
9 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

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

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

25           (2) When a defendant is convicted of voluntary  
26 manslaughter, second degree murder, involuntary



1 manslaughter, or reckless homicide in which the defendant  
2 has been convicted of causing the death of more than one  
3 individual.

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

14 (4) If the victim was under 18 years of age at the time  
15 of the commission of the offense, when a defendant is  
16 convicted of aggravated criminal sexual assault or  
17 predatory criminal sexual assault of a child under  
18 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
19 of Section 12-14.1 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

21 (5) When a defendant is convicted of a felony violation  
22 of Section 24-1 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
24 finding that the defendant is a member of an organized  
25 gang.

26 (6) When a defendant was convicted of unlawful use of

1 weapons under Section 24-1 of the Criminal Code of 1961 or  
2 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
3 a weapon that is not readily distinguishable as one of the  
4 weapons enumerated in Section 24-1 of the Criminal Code of  
5 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

25 (d) For the purposes of this Section, "organized gang" has  
26 the meaning ascribed to it in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 (e) The court may impose an extended term sentence under  
3 Article 4.5 of Chapter V upon an offender who has been  
4 convicted of a felony violation of Section 11-1.20, 11-1.30,  
5 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
6 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
7 when the victim of the offense is under 18 years of age at the  
8 time of the commission of the offense and, during the  
9 commission of the offense, the victim was under the influence  
10 of alcohol, regardless of whether or not the alcohol was  
11 supplied by the offender; and the offender, at the time of the  
12 commission of the offense, knew or should have known that the  
13 victim had consumed alcohol.

14 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,  
15 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;  
16 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.  
17 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,  
18 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,  
19 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;  
20 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.  
21 1-25-13.)".