



## 98TH GENERAL ASSEMBLY

### State of Illinois

#### 2013 and 2014

##### HB2811

by Rep. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act. Provides that names and information of people who have applied for or received Certificates of Handgun Registration are exempt from public inspections and copying. Amends the State Finance Act. Creates the National Instant Criminal Background Check System Improvement Fund and the Illinois LEADS Information and Technology Improvement Fund. Amends the Firearm Owners Identification Act. Provides that the Act may now be cited to as the "Firearm Owners Identification Card and Certificate of Handgun Registration Act". Defines "Certificate of Handgun Registration" and "handgun". Prohibits any person in the State from carrying or possessing a handgun without a Certificate of Handgun Registration. Sets forth requirements concerning exemptions, applications for registration, registration fees, the distribution of moneys received from certain fees, and the denial of an application. Creates penalties for the possession of a handgun without a current certificate of registration, knowingly providing false or misleading information or evidence in connection with an application, and the failure to report to local law enforcement that a registered handgun is lost, stolen, missing, or destroyed. Sets forth procedures for the return of a certificate of registration for a handgun that is lost, stolen, or otherwise disposed of. Amends various Acts to make conforming changes. Effective July 1, 2014.

LRB098 09647 MRW 39793 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning safety.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

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

1 Illinois Sexually Transmissible Disease Control Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (x) Information which is exempted from disclosure under

1 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the  
2 Illinois Municipal Code.

3 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
4 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
5 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,  
6 eff. 1-1-13.)

7 Section 10. The Department of State Police Law of the Civil  
8 Administrative Code of Illinois is amended by changing Sections  
9 2605-45 and 2605-120 as follows:

10 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

11 Sec. 2605-45. Division of Administration. The Division of  
12 Administration shall exercise the following functions:

13 (1) Exercise the rights, powers, and duties vested in  
14 the Department by the Governor's Office of Management and  
15 Budget Act.

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

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

20 (4) Operate an electronic data processing and computer  
21 center for the storage and retrieval of data pertaining to  
22 criminal activity.

23 (5) Exercise the rights, powers, and duties vested in  
24 the former Division of State Troopers by Section 17 of the

1 State Police Act.

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

6 (6.5) Exercise the rights, powers, and duties vested in  
7 the Department by the Firearm Owners Identification Card  
8 and Certificate of Handgun Registration Act.

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

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

13 (20 ILCS 2605/2605-120) (was 20 ILCS 2605/55a in part)

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

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

23 Section 15. The Criminal Identification Act is amended by  
24 changing Section 2.2 as follows:

1 (20 ILCS 2630/2.2)

2 Sec. 2.2. Notification to the Department. Upon judgment of  
3 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
4 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012 when the defendant has been determined, pursuant  
6 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,  
7 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the  
8 circuit court clerk shall include notification and a copy of  
9 the written determination in a report of the conviction to the  
10 Department of State Police Firearm Owner's Identification Card  
11 Office to enable the office to perform its duties under  
12 Sections 4 and 8 of the Firearm Owners Identification Card and  
13 Certificate of Handgun Registration Act and to report that  
14 determination to the Federal Bureau of Investigation to assist  
15 the Bureau in identifying persons prohibited from purchasing  
16 and possessing a firearm pursuant to the provisions of 18  
17 U.S.C. 922. The written determination described in this Section  
18 shall be included in the defendant's record of arrest and  
19 conviction in the manner and form prescribed by the Department  
20 of State Police.

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

22 Section 20. The State Finance Act is amended by adding  
23 Sections 5.829, 5.830, 5.831, 6z-98, and 6z-99 as follows:



1 (30 ILCS 105/5.829 new)

2 Sec. 5.829. The Handgun Certificate Administration Fund.

3 (30 ILCS 105/5.830 new)

4 Sec. 5.830. The National Instant Criminal Background Check  
5 System Improvement Fund.

6 (30 ILCS 105/5.831 new)

7 Sec. 5.831. The Illinois LEADS Information and Technology  
8 Improvement Fund.

9 (30 ILCS 105/6z-98 new)

10 Sec. 6z-98. National Instant Criminal Background Check  
11 System Improvement Fund.

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

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

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

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

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

8           (30 ILCS 105/6z-99 new)

9       Sec. 6z-99. Illinois LEADS Information and Technology  
10 Improvement Fund.

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

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

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

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

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

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

8           Section 25. The School Code is amended by changing Sections  
9       10-22.6, 10-27.1A, and 34-8.05 as follows:

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

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

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

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

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

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

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

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

1 less than one year:

2 (1) A firearm. For the purposes of this Section,  
3 "firearm" means any gun, rifle, shotgun, weapon as defined  
4 by Section 921 of Title 18 of the United States Code,  
5 firearm as defined in Section 1.1 of the Firearm Owners  
6 Identification Card and Certificate of Handgun  
7 Registration Act, or firearm as defined in Section 24-1 of  
8 the Criminal Code of 2012. The expulsion period under this  
9 subdivision (1) may be modified by the superintendent, and  
10 the superintendent's determination may be modified by the  
11 board on a case-by-case basis.

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

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

1 charter districts and districts organized under Article 34.

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

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

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

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

24 (g) A school district may adopt a policy providing that if  
25 a student is suspended or expelled for any reason from any  
26 public or private school in this or any other state, the



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

10 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
11 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;  
12 97-1150, eff. 1-25-13.)

13 (105 ILCS 5/10-27.1A)

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

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

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

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

1 subsequent offense is a Class C misdemeanor. If the person  
2 found to be in possession of the firearm on school grounds is a  
3 minor, the law enforcement agency shall detain that minor until  
4 such time as the agency makes a determination pursuant to  
5 clause (a) of subsection (1) of Section 5-401 of the Juvenile  
6 Court Act of 1987, as to whether the agency reasonably believes  
7 that the minor is delinquent. If the law enforcement agency  
8 determines that probable cause exists to believe that the minor  
9 committed a violation of item (4) of subsection (a) of Section  
10 24-1 of the Criminal Code of 2012 while on school grounds, the  
11 agency shall detain the minor for processing pursuant to  
12 Section 5-407 of the Juvenile Court Act of 1987.

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

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

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

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

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

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

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

16 (105 ILCS 5/34-8.05)

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

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

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

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

13 Section 30. The Lead Poisoning Prevention Act is amended by  
14 changing Section 2 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

2 Section 35. The Firearm Owners Identification Card Act is  
3 amended by changing Sections 0.01, 1, 1.1, 3, 3.1, 4, 6.1, and  
4 14 and by adding Section 3.4 as follows:

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

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

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

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

11 Sec. 1. It is hereby declared as a matter of legislative  
12 determination that in order to promote and protect the health,  
13 safety and welfare of the public, it is necessary and in the  
14 public interest to provide a system of identifying persons who  
15 are not qualified to acquire or possess firearms, firearm  
16 ammunition, stun guns, and tasers within the State of Illinois  
17 by the establishment of a system of Firearm Owner's  
18 Identification Cards and handgun registration, thereby  
19 establishing a practical and workable system by which law  
20 enforcement authorities will be afforded an opportunity to  
21 identify those persons who are prohibited by Section 24-3.1 of  
22 the Criminal Code of 2012, from acquiring or possessing  
23 firearms and firearm ammunition and who are prohibited by this

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

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

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

6 Sec. 1.1. For purposes of this Act:

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

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

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

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

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

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

21 "Certificate of Handgun Registration" means a certificate  
22 issued by the Illinois Department of State Police under Section  
23 3.4 of this Act.

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

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

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

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

12 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
13 B-B gun which expels breakable paint balls containing  
14 washable marking colors;

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

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

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

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

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

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

11 "Gun show" means an event or function:

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

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

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

23 "Gun show" does not include training or safety classes,  
24 competitive shooting events, such as rifle, shotgun, or handgun  
25 matches, trap, skeet, or sporting clays shoots, dinners,  
26 banquets, raffles, or any other event where the sale or

1 transfer of firearms is not the primary course of business.

2 "Gun show promoter" means a person who organizes or  
3 operates a gun show.

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

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

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

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

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

19 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

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

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

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

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

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

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

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

21 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

22 Sec. 3.1. Dial up system.

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

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

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

26 (c) If receipt of a firearm would not violate Section 24-3



1 of the Criminal Code of 2012, federal law, or this Act the  
2 Department of State Police shall:

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

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

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

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

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

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

1 government to facilitate participation in the National Instant  
2 Criminal Background Check System by their enforcement  
3 agencies.

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

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

7 (430 ILCS 65/3.4 new)

8 Sec. 3.4. Certificate of Handgun Registration.

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

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

15 (1) any person who is exempt from the Firearm Owners  
16 Identification Card and Certificate of Handgun  
17 Registration Act requirements pursuant to subsection (b)  
18 of Section 2 of this Act;

19 (2) any person who is exempt from the Firearm Owners  
20 Identification Card and Certificate of Handgun  
21 Registration Act requirements pursuant to subsection (c)  
22 of Section 2 of this Act;

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

25 (4) a federally licensed firearm dealer holding a new

1 handgun for transfer or sale.

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

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

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

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

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

16 (5) the date the handgun was acquired;

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

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

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

26 (B) as of the date of application, would still be

1 eligible to receive a Firearm Owner's Identification  
2 Card from the Department.

3 (d) Any person who transports or possesses a handgun  
4 without a current Certificate of Handgun Registration is guilty  
5 of a Class 2 felony. Any person who knowingly enters false or  
6 misleading information or who submits false or misleading  
7 evidence in connection with the application described in  
8 subsection (c) of this Section is guilty of a Class 2 felony.  
9 Any person who knows or should know that his or her registered  
10 handgun is lost, stolen, missing, or destroyed but does not  
11 report that occurrence to local law enforcement is guilty of a  
12 Class A misdemeanor. Any person who sells, transfers, or  
13 otherwise disposes of his or her registered handgun and does  
14 not notify the Department of that sale, transfer, or  
15 disposition within the timelines in this Act is guilty of a  
16 Class A misdemeanor. Any federally licensed dealer who does not  
17 submit an application on behalf of a purchaser in accordance  
18 with subsection (k-5) of this Section is guilty of a Class A  
19 misdemeanor.

20 (e) The Department shall issue an original or transferred  
21 certificate of registration or shall issue a written denial of  
22 the application within 30 days after the application is  
23 received.

24 (e-5) There is created in the State treasury the Handgun  
25 Certificate Administration Fund to be used by the Department of  
26 State Police for the administration of handgun registration as

1 required by this Act.

2 (f) A nonrefundable application fee of \$20 shall be payable  
3 for each original or transferred certificate of handgun  
4 registration. All moneys received from this \$20 fee shall be  
5 deposited as follows:

6 (1) \$10 to the Handgun Certificate Administration Fund  
7 for the administration of handgun registration;

8 (2) \$5 to the Illinois LEADS Information and Technology  
9 Improvement Fund; and

10 (3) \$5 to the National Instant Criminal Background  
11 Check System Improvement Fund.

12 (g) A nonrefundable fee of \$10 shall be payable for each  
13 duplicate or replacement Certificate of Handgun Registration.  
14 All moneys received from this \$10 fee shall be deposited into  
15 the Handgun Certificate Administration Fund for the  
16 administration of handgun registration.

17 (h) Certificates of handgun registration shall expire  
18 every 5 years. The fee for renewal of a certificate of handgun  
19 registration is \$10. All moneys received from this \$10 fee  
20 shall be deposited into the Handgun Certificate Administration  
21 Fund for the administration of handgun registration.

22 (i) Every person issued a certificate of handgun  
23 registration shall notify local law enforcement within 72 hours  
24 when:

25 (1) the person knows, or should have known, that his or  
26 her handgun is lost, stolen, destroyed, or otherwise

1 missing; or

2 (2) the person knows, or should have known, that his or  
3 her Certificate of Handgun Registration is lost, stolen,  
4 destroyed, or otherwise missing.

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

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

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

13 (j) Every person issued a certificate of handgun  
14 registration, in addition to any other requirements of this  
15 Section, shall immediately return to the Department his or her  
16 copy of the Certificate of Handgun Registration for any handgun  
17 which is lost, stolen, 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 amendatory Act of the 98th General Assembly shall  
26 file an application for an original certificate of handgun

1 registration not later than 90 days after the effective date of  
2 this amendatory Act of the 98th General Assembly.

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



1 a 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 such 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 such  
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 relevant 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.

25 (2) Any person prohibited from possessing a firearm  
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 Section 3.4 of this Act may apply to the Director of  
3       the Department of State Police or petition the circuit  
4       court in the county where the petitioner resides, whichever  
5       is applicable in accordance with this subsection (r),  
6       requesting relief from such prohibition and the Director or  
7       court may grant such 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 such hearing in the circuit  
12              court and at the hearing the State's Attorney was  
13              afforded an opportunity to present evidence and object  
14              to the 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 Firearm Owner's Identification Card,  
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 reputation are such that the applicant  
25              will not be likely to act in a manner dangerous to  
26              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 of State Police that the disability  
16           has been removed and that the applicant is eligible to  
17           obtain a Certificate of Handgun Registration.

18           (5) Any person who is prohibited from possessing a  
19           firearm 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 such prohibition and  
22           the Director shall grant such 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 people who have applied  
4 for or received certificates of handgun registration under this  
5 Section are considered private and shall not be disclosed. No  
6 State or local law enforcement agency shall provide the names  
7 and information of holders of or applicants for certificates of  
8 handgun registration, except that the Department may provide  
9 confirmation that an individual has or has not been issued,  
10 applied for, or denied a Certificate of Handgun Registration in  
11 connection with a criminal investigation.

12       (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

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

22                   (i) He or she is 21 years of age or over, or if he  
23                   or she is under 21 years of age that he or she has the  
24                   written consent of his or her parent or legal guardian  
25                   to possess and acquire firearms and firearm ammunition

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

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

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

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

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

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

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

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

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

17           (x) (Blank);

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

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

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

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

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

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

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

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

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

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

1           (xiv) He or she is a resident of the State of  
2           Illinois; 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 promulgate rules to enforce the provisions of  
4 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 and Certificate of Handgun  
26 Registration Act.".

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

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

7 (430 ILCS 65/6.1)

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

10 (a) Any person who forges or materially alters a Firearm  
11 Owner's Identification Card or Certificate of Handgun  
12 Registration or who counterfeits a Firearm Owner's  
13 Identification Card or Certificate of Handgun Registration  
14 commits a Class 2 felony.

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

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

23 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

24 Sec. 14. Sentence.

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

6 (a-5) A violation of paragraph (1) of subsection (a) of  
7 Section 2, when the person's Firearm Owner's Identification  
8 Card is expired but the person is not otherwise disqualified  
9 from owning, purchasing, or possessing firearms, is a petty  
10 offense if the card was expired for 6 months or less from the  
11 date of expiration.

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

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

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

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

25 (3) the person does not possess a currently valid  
26 Firearm Owner's Identification Card, and the person is not

1 otherwise eligible under this Act.

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

4 (d-5) Any person who knowingly enters false information on  
5 an application for a Firearm Owner's Identification Card or a  
6 Certificate of Handgun Registration, who knowingly gives a  
7 false answer to any question on the application, or who  
8 knowingly submits false evidence in connection with an  
9 application is guilty of a Class 2 felony.

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

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

13 Section 45. The Clerks of Courts Act is amended by changing  
14 Section 27.3a as follows:

15 (705 ILCS 105/27.3a)

16 Sec. 27.3a. Fees for automated record keeping, probation  
17 and court services operations, and State and Conservation  
18 Police operations.

19 1. The expense of establishing and maintaining automated  
20 record keeping systems in the offices of the clerks of the  
21 circuit court shall be borne by the county. To defray such  
22 expense in any county having established such an automated  
23 system or which elects to establish such a system, the county  
24 board may require the clerk of the circuit court in their

1 county to charge and collect a court automation fee of not less  
2 than \$1 nor more than \$15 to be charged and collected by the  
3 clerk of the court. Such fee shall be paid at the time of  
4 filing the first pleading, paper or other appearance filed by  
5 each party in all civil cases or by the defendant in any  
6 felony, traffic, misdemeanor, municipal ordinance, or  
7 conservation case upon a judgment of guilty or grant of  
8 supervision, provided that the record keeping system which  
9 processes the case category for which the fee is charged is  
10 automated or has been approved for automation by the county  
11 board, and provided further that no additional fee shall be  
12 required if more than one party is presented in a single  
13 pleading, paper or other appearance. Such fee shall be  
14 collected in the manner in which all other fees or costs are  
15 collected.

16 1.1. Starting on July 6, 2012 (the effective date of Public  
17 Act 97-761) and pursuant to an administrative order from the  
18 chief judge of the circuit or the presiding judge of the county  
19 authorizing such collection, a clerk of the circuit court in  
20 any county that imposes a fee pursuant to subsection 1 of this  
21 Section shall also charge and collect an additional \$10  
22 operations fee for probation and court services department  
23 operations.

24 This additional fee shall be paid by the defendant in any  
25 felony, traffic, misdemeanor, local ordinance, or conservation  
26 case upon a judgment of guilty or grant of supervision, except

1 such \$10 operations fee shall not be charged and collected in  
2 cases governed by Supreme Court Rule 529 in which the bail  
3 amount is \$120 or less.

4 1.2. With respect to the fee imposed and collected under  
5 subsection 1.1 of this Section, each clerk shall transfer all  
6 fees monthly to the county treasurer for deposit into the  
7 probation and court services fund created under Section 15.1 of  
8 the Probation and Probation Officers Act, and such monies shall  
9 be disbursed from the fund only at the direction of the chief  
10 judge of the circuit or another judge designated by the Chief  
11 Circuit Judge in accordance with the policies and guidelines  
12 approved by the Supreme Court.

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

24 1.6. Starting on July 1, 2012 (the effective date of Public  
25 Act 97-46), a clerk of the circuit court in any county that  
26 imposes a fee pursuant to subsection 1 of this Section shall

1 charge and collect an additional fee in an amount equal to the  
2 amount of the fee imposed pursuant to subsection 1 of this  
3 Section. This additional fee shall be paid by the defendant  
4 upon a judgment of guilty or grant of supervision for a  
5 conservation violation under the State Parks Act, the  
6 Recreational Trails of Illinois Act, the Illinois Explosives  
7 Act, the Timber Buyers Licensing Act, the Forest Products  
8 Transportation Act, the Firearm Owners Identification Card and  
9 Certificate of Handgun Registration Act, the Environmental  
10 Protection Act, the Fish and Aquatic Life Code, the Wildlife  
11 Code, the Cave Protection Act, the Illinois Exotic Weed Act,  
12 the Illinois Forestry Development Act, the Ginseng Harvesting  
13 Act, the Illinois Lake Management Program Act, the Illinois  
14 Natural Areas Preservation Act, the Illinois Open Land Trust  
15 Act, the Open Space Lands Acquisition and Development Act, the  
16 Illinois Prescribed Burning Act, the State Forest Act, the  
17 Water Use Act of 1983, the Illinois Veteran, Youth, and Young  
18 Adult Conservation Jobs Act, the Snowmobile Registration and  
19 Safety Act, the Boat Registration and Safety Act, the Illinois  
20 Dangerous Animals Act, the Hunter and Fishermen Interference  
21 Prohibition Act, the Wrongful Tree Cutting Act, or Section  
22 11-1426.1, 11-1426.2, 11-1427, 11-1427.1, 11-1427.2,  
23 11-1427.3, 11-1427.4, or 11-1427.5 of the Illinois Vehicle  
24 Code, or Section 48-3 or 48-10 of the Criminal Code of 2012.

25 2. With respect to the fee imposed under subsection 1 of  
26 this Section, each clerk shall commence such charges and

1 collections upon receipt of written notice from the chairman of  
2 the county board together with a certified copy of the board's  
3 resolution, which the clerk shall file of record in his office.

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

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

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



1 Fund.

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

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

20 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;  
21 97-453, eff. 8-19-11; 97-738, eff. 7-5-12; 97-761, eff. 7-6-12;  
22 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; 97-1150, eff.  
23 1-25-13.)

24 Section 50. The Criminal Code of 2012 is amended by  
25 changing Sections 2-7.1, 2-7.5, 12-3.05, 17-30, 24-1.1,

1 24-1.6, 24-3, 24-3.2, 24-3.4, 24-3.5, and 24-9 as follows:

2 (720 ILCS 5/2-7.1)

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

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

8 (720 ILCS 5/2-7.5)

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

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

14 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

15 Sec. 12-3.05. Aggravated battery.

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

20 (1) Causes great bodily harm or permanent disability or  
21 disfigurement.

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

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

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

11 (i) performing his or her official duties;

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

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

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

18 (5) Strangles another individual.

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

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

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

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

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

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

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

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

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

24                         (i) performing his or her official duties;

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

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

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

5                 (i) performing his or her official duties;

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

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

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

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

15           (8) A taxi driver on duty.

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

20           (10) A person authorized to serve process under Section  
21           2-202 of the Code of Civil Procedure or a special process  
22           server appointed by the circuit court while that individual  
23           is in the performance of his or her duties as a process  
24           server.

25           (e) Offense based on use of a firearm. A person commits  
26           aggravated battery when, in committing a battery, he or she

1 knowingly does any of the following:

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

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

11 (i) performing his or her official duties;

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

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

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

21 (i) performing his or her official duties;

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

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

26 (4) Discharges a firearm and causes any injury to a

1 person he or she knows to be a teacher, a student in a  
2 school, or a school employee, and the teacher, student, or  
3 employee is upon school grounds or grounds adjacent to a  
4 school or in any part of a building used for school  
5 purposes.

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

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

14 (i) performing his or her official duties;

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

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

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

23 (i) performing his or her official duties;

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

26 (iii) battered in retaliation for performing his

1 or her official duties.

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

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

11 (1) Uses a deadly weapon other than by discharge of a  
12 firearm, or uses an air rifle as defined in Section  
13 24.8-0.1 of this Code ~~the Air Rifle Act.~~

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

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

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

24 (1) Violates Section 401 of the Illinois Controlled  
25 Substances Act by unlawfully delivering a controlled  
26 substance to another and any user experiences great bodily



1           harm or permanent disability as a result of the injection,  
2           inhalation, or ingestion of any amount of the controlled  
3           substance.

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

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

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

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

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

25          Aggravated battery as defined in subdivision (a)(1) is a  
26          Class 1 felony when the aggravated battery was intentional and

1 involved the infliction of torture, as defined in paragraph  
2 (14) of subsection (b) of Section 9-1 of this Code, as the  
3 infliction of or subjection to extreme physical pain, motivated  
4 by an intent to increase or prolong the pain, suffering, or  
5 agony of the victim.

6 Aggravated battery under subdivision (a)(5) is a Class 1  
7 felony if:

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

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

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

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

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

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

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

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

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

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

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

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

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

24           "Building or other structure used to provide shelter" has  
25           the meaning ascribed to "shelter" in Section 1 of the Domestic  
26           Violence Shelters Act.

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

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

10 "Firearm" has the meaning provided under Section 1.1 of the  
11 Firearm Owners Identification Card and Certificate of Handgun  
12 Registration Act, and does not include an air rifle as defined  
13 by Section 24.8-0.1 of this Code ~~1 of the Air Rifle Act.~~

14 "Machine gun" has the meaning ascribed to it in Section  
15 24-1 of this Code.

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

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

22 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;  
23 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.  
24 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,  
25 and 97-467, eff. 1-1-12; 97-1109, eff. 1-1-13.)

1 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

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

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

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

24 The trier of fact may infer that the defendant has  
25 knowingly changed, altered, removed, or obliterated the serial  
26 number, product identification number, part number, component

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

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

25 (d) Sentence.

26 (1) A violation of subsection (a) of this Section is a

1 Class 4 felony if the value of the appliance or appliances  
2 exceeds \$1,000 and a Class B misdemeanor if the value of  
3 the appliance or appliances is \$1,000 or less.

4 (2) A violation of subsection (b) of this Section is a  
5 Class A misdemeanor.

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

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

10 (f) Definitions. In this Section:

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

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

23 "Manufacturer's identification number" means any serial  
24 number or other similar numerical or alphabetical designation  
25 imprinted upon or attached to or placed, stamped, or otherwise  
26 imprinted upon or attached to a household appliance or item by

1 the manufacturer for purposes of identifying a particular  
2 appliance or item individually or by lot number.

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

4 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

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

18 (b) It is unlawful for any person confined in a penal  
19 institution, which is a facility of the Illinois Department of  
20 Corrections, to possess any weapon prohibited under Section  
21 24-1 of this Code or any firearm or firearm ammunition,  
22 regardless of the intent with which he possesses it.

23 (c) It shall be an affirmative defense to a violation of  
24 subsection (b), that such possession was specifically  
25 authorized by rule, regulation, or directive of the Illinois



1 Department of Corrections or order issued pursuant thereto.

2 (d) The defense of necessity is not available to a person  
3 who is charged with a violation of subsection (b) of this  
4 Section.

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

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

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

16 (720 ILCS 5/24-1.6)

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

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

20 (1) Carries on or about his or her person or in any  
21 vehicle or concealed on or about his or her person except  
22 when on his or her land or in his or her abode, legal  
23 dwelling, or fixed place of business, or on the land or in  
24 the legal dwelling of another person as an invitee with  
25 that person's permission, any pistol, revolver, stun gun or

1 taser or other firearm; or

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

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

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

16 (B) the firearm possessed was uncased, unloaded  
17 and the ammunition for the weapon was immediately  
18 accessible at the time of the offense; or

19 (C) the person possessing the firearm has not been  
20 issued a currently valid Firearm Owner's  
21 Identification Card; or

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

26 (E) the person possessing the weapon was engaged in

1 a misdemeanor violation of the Cannabis Control Act, in  
2 a misdemeanor violation of the Illinois Controlled  
3 Substances Act, or in a misdemeanor violation of the  
4 Methamphetamine Control and Community Protection Act;  
5 or

6 (F) (blank); or

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

10 (H) the person possessing the weapon was engaged in  
11 the commission or attempted commission of a  
12 misdemeanor involving the use or threat of violence  
13 against the person or property of another; or

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

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

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

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a  
2 person who has been issued a currently valid Firearm  
3 Owner's Identification Card.

4 (d) Sentence.

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

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

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

23 (4) Aggravated unlawful use of a weapon while wearing  
24 or in possession of body armor as defined in Section 33F-1  
25 by a person who has not been issued a valid Firearms  
26 Owner's Identification Card in accordance with Section 5 of

1 the Firearm Owners Identification Card and Certificate of  
2 Handgun Registration Act is a Class X felony.

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

5 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;  
6 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

7 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

9 (A) A person commits the offense of unlawful sale or  
10 delivery of firearms when he or she knowingly does any of the  
11 following:

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

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

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

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

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

25 (f) Sells or gives any firearms to any person who is

1           intellectually disabled.

2           (g) Delivers any firearm of a size which may be  
3           concealed upon the person, incidental to a sale, without  
4           withholding delivery of such firearm for at least 72 hours  
5           after application for its purchase has been made, or  
6           delivers any rifle, shotgun or other long gun, or a stun  
7           gun or taser, incidental to a sale, without withholding  
8           delivery of such rifle, shotgun or other long gun, or a  
9           stun gun or taser for at least 24 hours after application  
10          for its purchase has been made. However, this paragraph (g)  
11          does not apply to: (1) the sale of a firearm to a law  
12          enforcement officer if the seller of the firearm knows that  
13          the person to whom he or she is selling the firearm is a  
14          law enforcement officer or the sale of a firearm to a  
15          person who desires to purchase a firearm for use in  
16          promoting the public interest incident to his or her  
17          employment as a bank guard, armed truck guard, or other  
18          similar employment; (2) a mail order sale of a firearm to a  
19          nonresident of Illinois under which the firearm is mailed  
20          to a point outside the boundaries of Illinois; (3) the sale  
21          of a firearm to a nonresident of Illinois while at a  
22          firearm showing or display recognized by the Illinois  
23          Department of State Police; or (4) the sale of a firearm to  
24          a dealer licensed as a federal firearms dealer under  
25          Section 923 of the federal Gun Control Act of 1968 (18  
26          U.S.C. 923). For purposes of this paragraph (g),

1 "application" means when the buyer and seller reach an  
2 agreement to purchase a firearm.

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

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

19 (j) Sells or gives a firearm while engaged in the  
20 business of selling firearms at wholesale or retail without  
21 being licensed as a federal firearms dealer under Section  
22 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
23 In this paragraph (j):

24 A person "engaged in the business" means a person who  
25 devotes time, attention, and labor to engaging in the  
26 activity as a regular course of trade or business with the



1 principal objective of livelihood and profit, but does not  
2 include a person who makes occasional repairs of firearms  
3 or who occasionally fits special barrels, stocks, or  
4 trigger mechanisms to firearms.

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

14 (k) Sells or transfers ownership of a firearm to a  
15 person who does not display to the seller or transferor of  
16 the firearm a currently valid Firearm Owner's  
17 Identification Card that has previously been issued in the  
18 transferee's name by the Department of State Police under  
19 the provisions of the Firearm Owners Identification Card  
20 and Certificate of Handgun Registration Act. This  
21 paragraph (k) does not apply to the transfer of a firearm  
22 to a person who is exempt from the requirement of  
23 possessing a Firearm Owner's Identification Card under  
24 Section 2 of the Firearm Owners Identification Card and  
25 Certificate of Handgun Registration Act. For the purposes  
26 of this Section, a currently valid Firearm Owner's

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

9 (1) Not being entitled to the possession of a firearm,  
10 delivers the firearm, knowing it to have been stolen or  
11 converted. It may be inferred that a person who possesses a  
12 firearm with knowledge that its serial number has been  
13 removed or altered has knowledge that the firearm is stolen  
14 or converted.

15 (B) Paragraph (h) of subsection (A) does not include  
16 firearms sold within 6 months after enactment of Public Act  
17 78-355 (approved August 21, 1973, effective October 1, 1973),  
18 nor is any firearm legally owned or possessed by any citizen or  
19 purchased by any citizen within 6 months after the enactment of  
20 Public Act 78-355 subject to confiscation or seizure under the  
21 provisions of that Public Act. Nothing in Public Act 78-355  
22 shall be construed to prohibit the gift or trade of any firearm  
23 if that firearm was legally held or acquired within 6 months  
24 after the enactment of that Public Act.

25 (C) Sentence.

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

1 of firearms in violation of paragraph (c), (e), (f), (g),  
2 or (h) of subsection (A) commits a Class 4 felony.

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

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

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

1           regardless of the time of day or time of year at which the  
2           offense was committed, commits a Class 1 felony for which  
3           the sentence shall be a term of imprisonment of no less  
4           than 5 years and no more than 15 years.

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

21          (6) Any person convicted of unlawful sale or delivery  
22          of firearms in violation of paragraph (j) of subsection (A)  
23          commits a Class A misdemeanor. A second or subsequent  
24          violation is a Class 4 felony.

25          (7) Any person convicted of unlawful sale or delivery  
26          of firearms in violation of paragraph (k) of subsection (A)

1           commits a Class 4 felony. A third or subsequent conviction  
2           for a violation of paragraph (k) of subsection (A) is a  
3           Class 1 felony.

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

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

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

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

23 (D) For purposes of this Section:

24 "School" means a public or private elementary or secondary  
25 school, community college, college, or university.

26 "School related activity" means any sporting, social,

1 academic, or other activity for which students' attendance or  
2 participation is sponsored, organized, or funded in whole or in  
3 part by a school or school district.

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

11 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,  
12 eff. 1-1-12; 97-813, eff. 7-13-12.)

13 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

19 For purposes of this Section:

20 "Armor piercing bullet" means any handgun bullet or handgun  
21 ammunition with projectiles or projectile cores constructed  
22 entirely (excluding the presence of traces of other substances)  
23 from tungsten alloys, steel, iron, brass, bronze, beryllium  
24 copper or depleted uranium, or fully jacketed bullets larger  
25 than 22 caliber whose jacket has a weight of more than 25% of

1 the total weight of the projectile, and excluding those handgun  
2 projectiles whose cores are composed of soft materials such as  
3 lead or lead alloys, zinc or zinc alloys, frangible projectiles  
4 designed primarily for sporting purposes, and any other  
5 projectiles or projectile cores that the U. S. Secretary of the  
6 Treasury finds to be primarily intended to be used for sporting  
7 purposes or industrial purposes or that otherwise does not  
8 constitute "armor piercing ammunition" as that term is defined  
9 by federal law.

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

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

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

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



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

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

7 (1) Peace officers;

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

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

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

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

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

19 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

21 (a) It shall be unlawful for any person who holds a license  
22 to sell at retail any alcoholic liquor issued by the Illinois  
23 Liquor Control Commission or local liquor control commissioner  
24 under the Liquor Control Act of 1934 or an agent or employee of  
25 the licensee to sell or deliver to any other person a firearm

1 in or on the real property of the establishment where the  
2 licensee is licensed to sell alcoholic liquors unless the sale  
3 or delivery of the firearm is otherwise lawful under this  
4 Article and under the Firearm Owners Identification Card and  
5 Certificate of Handgun Registration Act.

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

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

9 (720 ILCS 5/24-3.5)

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

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

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

20 (2) on which the transferee certifies that he or she is  
21 not prohibited by federal law from transporting or shipping  
22 a firearm in interstate or foreign commerce or receiving a  
23 firearm that has been shipped or transported in interstate  
24 or foreign commerce or possessing a firearm in or affecting  
25 commerce.

1           (b) A person commits the offense of unlawful purchase of a  
2 firearm who knowingly purchases or attempts to purchase a  
3 firearm with the intent to deliver that firearm to another  
4 person who is prohibited by federal or State law from  
5 possessing a firearm.

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

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

18           (e) Sentence.

19           (1) A person who commits the offense of unlawful  
20 purchase of a firearm:

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

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

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

6 (2) In addition to any other penalty that may be  
7 imposed for a violation of this Section, the court may  
8 sentence a person convicted of a violation of subsection  
9 (c) of this Section to a fine not to exceed \$250,000 for  
10 each violation.

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

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

14 (720 ILCS 5/24-9)

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

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

25 (1) secured by a device or mechanism, other than the

1 firearm safety, designed to render a firearm temporarily  
2 inoperable; or

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

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

7 (b) Sentence. A person who violates this Section is guilty  
8 of a Class C misdemeanor and shall be fined not less than  
9 \$1,000. A second or subsequent violation of this Section is a  
10 Class A misdemeanor.

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

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

15 (2) to any firearm obtained by a minor under the age of  
16 14 because of an unlawful entry of the premises by the  
17 minor or another person.

18 (d) For the purposes of this Section, "firearm" has the  
19 meaning ascribed to it in Section 1.1 of the Firearm Owners  
20 Identification Card and Certificate of Handgun Registration  
21 Act.

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

23 Section 55. The Methamphetamine Control and Community  
24 Protection Act is amended by changing Section 10 as follows:

1 (720 ILCS 646/10)

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

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

5 "Anhydrous ammonia equipment" means all items used to  
6 store, hold, contain, handle, transfer, transport, or apply  
7 anhydrous ammonia for lawful purposes.

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

13 "Deliver" or "delivery" has the meaning provided in  
14 subsection (h) of Section 102 of the Illinois Controlled  
15 Substances Act.

16 "Director" means the Director of State Police or the  
17 Director's designated agents.

18 "Dispose" or "disposal" means to abandon, discharge,  
19 release, deposit, inject, dump, spill, leak, or place  
20 methamphetamine waste onto or into any land, water, or well of  
21 any type so that the waste has the potential to enter the  
22 environment, be emitted into the air, or be discharged into the  
23 soil or any waters, including groundwater.

24 "Emergency response" means the act of collecting evidence  
25 from or securing a methamphetamine laboratory site,  
26 methamphetamine waste site or other methamphetamine-related

1 site and cleaning up the site, whether these actions are  
2 performed by public entities or private contractors paid by  
3 public entities.

4 "Emergency service provider" means a local, State, or  
5 federal peace officer, firefighter, emergency medical  
6 technician-ambulance, emergency medical  
7 technician-intermediate, emergency medical  
8 technician-paramedic, ambulance driver, or other medical or  
9 first aid personnel rendering aid, or any agent or designee of  
10 the foregoing.

11 "Finished methamphetamine" means methamphetamine in a form  
12 commonly used for personal consumption.

13 "Firearm" has the meaning provided in Section 1.1 of the  
14 Firearm Owners Identification Card and Certificate of Handgun  
15 Registration Act.

16 "Manufacture" means to produce, prepare, compound,  
17 convert, process, synthesize, concentrate, purify, separate,  
18 extract, or package any methamphetamine, methamphetamine  
19 precursor, methamphetamine manufacturing catalyst,  
20 methamphetamine manufacturing reagent, methamphetamine  
21 manufacturing solvent, or any substance containing any of the  
22 foregoing.

23 "Methamphetamine" means the chemical methamphetamine (a  
24 Schedule II controlled substance under the Illinois Controlled  
25 Substances Act) or any salt, optical isomer, salt of optical  
26 isomer, or analog thereof, with the exception of

1 3,4-Methylenedioxyamphetamine (MDMA) or any other  
2 scheduled substance with a separate listing under the Illinois  
3 Controlled Substances Act.

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

8 "Methamphetamine manufacturing environment" means a  
9 structure or vehicle in which:

- 10 (1) methamphetamine is being or has been manufactured;  
11 (2) chemicals that are being used, have been used, or  
12 are intended to be used to manufacture methamphetamine are  
13 stored;  
14 (3) methamphetamine manufacturing materials that have  
15 been used to manufacture methamphetamine are stored; or  
16 (4) methamphetamine manufacturing waste is stored.

17 "Methamphetamine manufacturing material" means any  
18 methamphetamine precursor, substance containing any  
19 methamphetamine precursor, methamphetamine manufacturing  
20 catalyst, substance containing any methamphetamine  
21 manufacturing catalyst, methamphetamine manufacturing reagent,  
22 substance containing any methamphetamine manufacturing  
23 reagent, methamphetamine manufacturing solvent, substance  
24 containing any methamphetamine manufacturing solvent, or any  
25 other chemical, substance, ingredient, equipment, apparatus,  
26 or item that is being used, has been used, or is intended to be



1 used in the manufacture of methamphetamine.

2 "Methamphetamine manufacturing reagent" means any  
3 substance other than a methamphetamine manufacturing catalyst  
4 that has been used, is being used, or is intended to be used to  
5 react with and chemically alter any methamphetamine precursor.

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

13 "Methamphetamine manufacturing waste" means any chemical,  
14 substance, ingredient, equipment, apparatus, or item that is  
15 left over from, results from, or is produced by the process of  
16 manufacturing methamphetamine, other than finished  
17 methamphetamine.

18 "Methamphetamine precursor" means ephedrine,  
19 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
20 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
21 isomer, or salt of an optical isomer of any of these chemicals.

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

26 "Package" means an item marked for retail sale that is not

1 designed to be further broken down or subdivided for the  
2 purpose of retail sale.

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

13 "Person with a disability" means a person who suffers from  
14 a permanent physical or mental impairment resulting from  
15 disease, injury, functional disorder, or congenital condition  
16 which renders the person incapable of adequately providing for  
17 his or her own health and personal care.

18 "Procure" means to purchase, steal, gather, or otherwise  
19 obtain, by legal or illegal means, or to cause another to take  
20 such action.

21 "Second or subsequent offense" means an offense under this  
22 Act committed by an offender who previously committed an  
23 offense under this Act, the Illinois Controlled Substances Act,  
24 the Cannabis Control Act, or another Act of this State, another  
25 state, or the United States relating to methamphetamine,  
26 cannabis, or any other controlled substance.

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

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

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

20 Section 60. The Unified Code of Corrections is amended by  
21 changing Sections 5-5-3 and 5-5-3.2 as follows:

22 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

23 Sec. 5-5-3. Disposition.

24 (a) (Blank).

1 (b) (Blank).

2 (c) (1) (Blank).

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

10 (A) First degree murder where the death penalty is  
11 not imposed.

12 (B) Attempted first degree murder.

13 (C) A Class X felony.

14 (D) A violation of Section 401.1 or 407 of the  
15 Illinois Controlled Substances Act, or a violation of  
16 subdivision (c) (1.5) or (c) (2) of Section 401 of that  
17 Act which relates to more than 5 grams of a substance  
18 containing cocaine, fentanyl, or an analog thereof.

19 (D-5) A violation of subdivision (c) (1) of Section  
20 401 of the Illinois Controlled Substances Act which  
21 relates to 3 or more grams of a substance containing  
22 heroin or an analog thereof.

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

25 (F) A Class 2 or greater felony if the offender had  
26 been convicted of a Class 2 or greater felony,

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

11 (F-5) A violation of Section 24-1, 24-1.1, or  
12 24-1.6 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012 for which imprisonment is prescribed in  
14 those Sections.

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

18 (H) Criminal sexual assault.

19 (I) Aggravated battery of a senior citizen as  
20 described in Section 12-4.6 or subdivision (a)(4) of  
21 Section 12-3.05 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012.

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

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

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

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

9 (K) Vehicular hijacking.

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

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

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

21 (O) A violation of Section 12-6.1 or 12-6.5 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (P) A violation of paragraph (1), (2), (3), (4),  
24 (5), or (7) of subsection (a) of Section 11-20.1 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012.

26 (Q) A violation of subsection (b) or (b-5) of

1 Section 20-1, Section 20-1.2, or Section 20-1.3 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 (R) A violation of Section 24-3A of the Criminal  
4 Code of 1961 or the Criminal Code of 2012.

5 (S) (Blank).

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

8 (U) A second or subsequent violation of Section  
9 6-303 of the Illinois Vehicle Code committed while his  
10 or her driver's license, permit, or privilege was  
11 revoked because of a violation of Section 9-3 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012,  
13 relating to the offense of reckless homicide, or a  
14 similar provision of a law of another state.

15 (V) A violation of paragraph (4) of subsection (c)  
16 of Section 11-20.1B or paragraph (4) of subsection (c)  
17 of Section 11-20.3 of the Criminal Code of 1961, or  
18 paragraph (6) of subsection (a) of Section 11-20.1 of  
19 the Criminal Code of 2012 when the victim is under 13  
20 years of age and the defendant has previously been  
21 convicted under the laws of this State or any other  
22 state of the offense of child pornography, aggravated  
23 child pornography, aggravated criminal sexual abuse,  
24 aggravated criminal sexual assault, predatory criminal  
25 sexual assault of a child, or any of the offenses  
26 formerly known as rape, deviate sexual assault,

1 indecent liberties with a child, or aggravated  
2 indecent liberties with a child where the victim was  
3 under the age of 18 years or an offense that is  
4 substantially equivalent to those offenses.

5 (W) A violation of Section 24-3.5 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012.

7 (X) A violation of subsection (a) of Section 31-1a  
8 of the Criminal Code of 1961 or the Criminal Code of  
9 2012.

10 (Y) A conviction for unlawful possession of a  
11 firearm by a street gang member when the firearm was  
12 loaded or contained firearm ammunition.

13 (Z) A Class 1 felony committed while he or she was  
14 serving a term of probation or conditional discharge  
15 for a felony.

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

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

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

24 (DD) A conviction for aggravated assault under  
25 paragraph (6) of subsection (c) of Section 12-2 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012 if



1           the firearm is aimed toward the person against whom the  
2           firearm is being used.

3           (3) (Blank).

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

8           (4.1) (Blank).

9           (4.2) Except as provided in paragraphs (4.3) and (4.8)  
10          of this subsection (c), a minimum of 100 hours of community  
11          service shall be imposed for a second violation of Section  
12          6-303 of the Illinois Vehicle Code.

13          (4.3) A minimum term of imprisonment of 30 days or 300  
14          hours of community service, as determined by the court,  
15          shall be imposed for a second violation of subsection (c)  
16          of Section 6-303 of the Illinois Vehicle Code.

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

23          (4.5) A minimum term of imprisonment of 30 days shall  
24          be imposed for a third violation of subsection (c) of  
25          Section 6-303 of the Illinois Vehicle Code.

26          (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days  
2 shall be imposed for a fourth or subsequent violation of  
3 subsection (c) of Section 6-303 of the Illinois Vehicle  
4 Code.

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

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

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

22 (4.10) A mandatory prison sentence for a Class 1 felony  
23 shall be imposed, and the person shall be eligible for an  
24 extended term sentence, for a fourth or subsequent  
25 violation of subsection (a-5) of Section 6-303 of the  
26 Illinois Vehicle Code, as provided in subsection (d-3.5) of

1           that Section. The person's driving privileges shall be  
2           revoked for the remainder of his or her life.

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

5                     (A) a period of conditional discharge;

6                     (B) a fine;

7                     (C) make restitution to the victim under Section  
8                     5-5-6 of this Code.

9           (5.1) In addition to any other penalties imposed, and  
10           except as provided in paragraph (5.2) or (5.3), a person  
11           convicted of violating subsection (c) of Section 11-907 of  
12           the Illinois Vehicle Code shall have his or her driver's  
13           license, permit, or privileges suspended for at least 90  
14           days but not more than one year, if the violation resulted  
15           in damage to the property of another person.

16           (5.2) In addition to any other penalties imposed, and  
17           except as provided in paragraph (5.3), a person convicted  
18           of violating subsection (c) of Section 11-907 of the  
19           Illinois Vehicle Code shall have his or her driver's  
20           license, permit, or privileges suspended for at least 180  
21           days but not more than 2 years, if the violation resulted  
22           in injury to another person.

23           (5.3) In addition to any other penalties imposed, a  
24           person convicted of violating subsection (c) of Section  
25           11-907 of the Illinois Vehicle Code shall have his or her  
26           driver's license, permit, or privileges suspended for 2

1 years, if the violation resulted in the death of another  
2 person.

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

8 (5.5) In addition to any other penalties imposed, a  
9 person convicted of violating Section 3-707 of the Illinois  
10 Vehicle Code during a period in which his or her driver's  
11 license, permit, or privileges were suspended for a  
12 previous violation of that Section shall have his or her  
13 driver's license, permit, or privileges suspended for an  
14 additional 6 months after the expiration of the original  
15 3-month suspension and until he or she has paid a  
16 reinstatement fee of \$100.

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

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

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000  
25 for a first offense and \$2,000 for a second or subsequent  
26 offense upon a person convicted of or placed on supervision

1 for battery when the individual harmed was a sports  
2 official or coach at any level of competition and the act  
3 causing harm to the sports official or coach occurred  
4 within an athletic facility or within the immediate  
5 vicinity of the athletic facility at which the sports  
6 official or coach was an active participant of the athletic  
7 contest held at the athletic facility. For the purposes of  
8 this paragraph (11), "sports official" means a person at an  
9 athletic contest who enforces the rules of the contest,  
10 such as an umpire or referee; "athletic facility" means an  
11 indoor or outdoor playing field or recreational area where  
12 sports activities are conducted; and "coach" means a person  
13 recognized as a coach by the sanctioning authority that  
14 conducted the sporting event.

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

20 (13) A person convicted of or placed on court  
21 supervision for an assault or aggravated assault when the  
22 victim and the offender are family or household members as  
23 defined in Section 103 of the Illinois Domestic Violence  
24 Act of 1986 or convicted of domestic battery or aggravated  
25 domestic battery may be required to attend a Partner Abuse  
26 Intervention Program under protocols set forth by the

1 Illinois Department of Human Services under such terms and  
2 conditions imposed by the court. The costs of such classes  
3 shall be paid by the offender.

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

22 (e) In cases where prosecution for aggravated criminal  
23 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012 results in conviction  
25 of a defendant who was a family member of the victim at the  
26 time of the commission of the offense, the court shall consider

1 the safety and welfare of the victim and may impose a sentence  
2 of probation only where:

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

4 (A) the defendant is willing to undergo a court  
5 approved counseling program for a minimum duration of 2  
6 years; or

7 (B) the defendant is willing to participate in a  
8 court approved plan including but not limited to the  
9 defendant's:

10 (i) removal from the household;

11 (ii) restricted contact with the victim;

12 (iii) continued financial support of the  
13 family;

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

15 and

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

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

25 Probation may be revoked or modified pursuant to Section  
26 5-6-4; except where the court determines at the hearing that

1 the defendant violated a condition of his or her probation  
2 restricting contact with the victim or other family members or  
3 commits another offense with the victim or other family  
4 members, the court shall revoke the defendant's probation and  
5 impose a term of imprisonment.

6 For the purposes of this Section, "family member" and  
7 "victim" shall have the meanings ascribed to them in Section  
8 11-0.1 of the Criminal Code of 2012.

9 (f) (Blank).

10 (g) Whenever a defendant is convicted of an offense under  
11 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
12 11-14.3, 11-14.4 except for an offense that involves keeping a  
13 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
14 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
15 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, the defendant shall undergo medical  
17 testing to determine whether the defendant has any sexually  
18 transmissible disease, including a test for infection with  
19 human immunodeficiency virus (HIV) or any other identified  
20 causative agent of acquired immunodeficiency syndrome (AIDS).  
21 Any such medical test shall be performed only by appropriately  
22 licensed medical practitioners and may include an analysis of  
23 any bodily fluids as well as an examination of the defendant's  
24 person. Except as otherwise provided by law, the results of  
25 such test shall be kept strictly confidential by all medical  
26 personnel involved in the testing and must be personally



1 delivered in a sealed envelope to the judge of the court in  
2 which the conviction was entered for the judge's inspection in  
3 camera. Acting in accordance with the best interests of the  
4 victim and the public, the judge shall have the discretion to  
5 determine to whom, if anyone, the results of the testing may be  
6 revealed. The court shall notify the defendant of the test  
7 results. The court shall also notify the victim if requested by  
8 the victim, and if the victim is under the age of 15 and if  
9 requested by the victim's parents or legal guardian, the court  
10 shall notify the victim's parents or legal guardian of the test  
11 results. The court shall provide information on the  
12 availability of HIV testing and counseling at Department of  
13 Public Health facilities to all parties to whom the results of  
14 the testing are revealed and shall direct the State's Attorney  
15 to provide the information to the victim when possible. A  
16 State's Attorney may petition the court to obtain the results  
17 of any HIV test administered under this Section, and the court  
18 shall grant the disclosure if the State's Attorney shows it is  
19 relevant in order to prosecute a charge of criminal  
20 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 against the  
22 defendant. The court shall order that the cost of any such test  
23 shall be paid by the county and may be taxed as costs against  
24 the convicted defendant.

25 (g-5) When an inmate is tested for an airborne communicable  
26 disease, as determined by the Illinois Department of Public

1 Health including but not limited to tuberculosis, the results  
2 of the test shall be personally delivered by the warden or his  
3 or her designee in a sealed envelope to the judge of the court  
4 in which the inmate must appear for the judge's inspection in  
5 camera if requested by the judge. Acting in accordance with the  
6 best interests of those in the courtroom, the judge shall have  
7 the discretion to determine what if any precautions need to be  
8 taken to prevent transmission of the disease in the courtroom.

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

1 whom the results of the testing are revealed and shall direct  
2 the State's Attorney to provide the information to the victim  
3 when possible. A State's Attorney may petition the court to  
4 obtain the results of any HIV test administered under this  
5 Section, and the court shall grant the disclosure if the  
6 State's Attorney shows it is relevant in order to prosecute a  
7 charge of criminal transmission of HIV under Section 12-5.01 or  
8 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
9 2012 against the defendant. The court shall order that the cost  
10 of any such test shall be paid by the county and may be taxed as  
11 costs against the convicted defendant.

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

19 (j) In cases when prosecution for any violation of Section  
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
21 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
22 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
23 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
24 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012, any violation of the Illinois Controlled  
26 Substances Act, any violation of the Cannabis Control Act, or

1 any violation of the Methamphetamine Control and Community  
2 Protection Act results in conviction, a disposition of court  
3 supervision, or an order of probation granted under Section 10  
4 of the Cannabis Control Act, Section 410 of the Illinois  
5 Controlled Substance Act, or Section 70 of the Methamphetamine  
6 Control and Community Protection Act of a defendant, the court  
7 shall determine whether the defendant is employed by a facility  
8 or center as defined under the Child Care Act of 1969, a public  
9 or private elementary or secondary school, or otherwise works  
10 with children under 18 years of age on a daily basis. When a  
11 defendant is so employed, the court shall order the Clerk of  
12 the Court to send a copy of the judgment of conviction or order  
13 of supervision or probation to the defendant's employer by  
14 certified mail. If the employer of the defendant is a school,  
15 the Clerk of the Court shall direct the mailing of a copy of  
16 the judgment of conviction or order of supervision or probation  
17 to the appropriate regional superintendent of schools. The  
18 regional superintendent of schools shall notify the State Board  
19 of Education of any notification under this subsection.

20 (j-5) A defendant at least 17 years of age who is convicted  
21 of a felony and who has not been previously convicted of a  
22 misdemeanor or felony and who is sentenced to a term of  
23 imprisonment in the Illinois Department of Corrections shall as  
24 a condition of his or her sentence be required by the court to  
25 attend educational courses designed to prepare the defendant  
26 for a high school diploma and to work toward a high school

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

26 (k) (Blank).

1 (1) (A) Except as provided in paragraph (C) of subsection  
2 (1), whenever a defendant, who is an alien as defined by  
3 the Immigration and Nationality Act, is convicted of any  
4 felony or misdemeanor offense, the court after sentencing  
5 the defendant may, upon motion of the State's Attorney,  
6 hold sentence in abeyance and remand the defendant to the  
7 custody of the Attorney General of the United States or his  
8 or her designated agent to be deported when:

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

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

15 Otherwise, the defendant shall be sentenced as  
16 provided in this Chapter V.

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

26 (1) a final order of deportation has been issued

1           against the defendant pursuant to proceedings under  
2           the Immigration and Nationality Act, and

3                   (2) the deportation of the defendant would not  
4           deprecate the seriousness of the defendant's conduct  
5           and would not be inconsistent with the ends of justice.

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

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

19          (m) A person convicted of criminal defacement of property  
20          under Section 21-1.3 of the Criminal Code of 1961 or the  
21          Criminal Code of 2012, in which the property damage exceeds  
22          \$300 and the property damaged is a school building, shall be  
23          ordered to perform community service that may include cleanup,  
24          removal, or painting over the defacement.

25          (n) The court may sentence a person convicted of a  
26          violation of Section 12-19, 12-21, 16-1.3, or 17-56, or

1 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
2 of 1961 or the Criminal Code of 2012 (i) to an impact  
3 incarceration program if the person is otherwise eligible for  
4 that program under Section 5-8-1.1, (ii) to community service,  
5 or (iii) if the person is an addict or alcoholic, as defined in  
6 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
7 substance or alcohol abuse program licensed under that Act.

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

13 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
14 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
15 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
16 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
17 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.  
18 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,  
19 eff. 1-25-13.)

20 (730 ILCS 5/5-5-3.2)

21 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
22 Sentencing.

23 (a) The following factors shall be accorded weight in favor  
24 of imposing a term of imprisonment or may be considered by the  
25 court as reasons to impose a more severe sentence under Section



1 5-8-1 or Article 4.5 of Chapter V:

2 (1) the defendant's conduct caused or threatened  
3 serious harm;

4 (2) the defendant received compensation for committing  
5 the offense;

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

8 (4) the defendant, by the duties of his office or by  
9 his position, was obliged to prevent the particular offense  
10 committed or to bring the offenders committing it to  
11 justice;

12 (5) the defendant held public office at the time of the  
13 offense, and the offense related to the conduct of that  
14 office;

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

18 (7) the sentence is necessary to deter others from  
19 committing the same crime;

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

22 (9) the defendant committed the offense against a  
23 person who is physically handicapped or such person's  
24 property;

25 (10) by reason of another individual's actual or  
26 perceived race, color, creed, religion, ancestry, gender,

1 sexual orientation, physical or mental disability, or  
2 national origin, the defendant committed the offense  
3 against (i) the person or property of that individual; (ii)  
4 the person or property of a person who has an association  
5 with, is married to, or has a friendship with the other  
6 individual; or (iii) the person or property of a relative  
7 (by blood or marriage) of a person described in clause (i)  
8 or (ii). For the purposes of this Section, "sexual  
9 orientation" means heterosexuality, homosexuality, or  
10 bisexuality;

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

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

24 (13) the defendant committed or attempted to commit a  
25 felony while he was wearing a bulletproof vest. For the  
26 purposes of this paragraph (13), a bulletproof vest is any

1 device which is designed for the purpose of protecting the  
2 wearer from bullets, shot or other lethal projectiles;

3 (14) the defendant held a position of trust or  
4 supervision such as, but not limited to, family member as  
5 defined in Section 11-0.1 of the Criminal Code of 2012,  
6 teacher, scout leader, baby sitter, or day care worker, in  
7 relation to a victim under 18 years of age, and the  
8 defendant committed an offense in violation of Section  
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
10 11-14.4 except for an offense that involves keeping a place  
11 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
12 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
13 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
14 of 2012 against that victim;

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

20 (16) the defendant committed an offense in violation of  
21 one of the following Sections while in a school, regardless  
22 of the time of day or time of year; on any conveyance  
23 owned, leased, or contracted by a school to transport  
24 students to or from school or a school related activity; on  
25 the real property of a school; or on a public way within  
26 1,000 feet of the real property comprising any school:

1 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
2 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
4 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
5 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
6 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
7 Criminal Code of 2012;

8 (16.5) the defendant committed an offense in violation  
9 of one of the following Sections while in a day care  
10 center, regardless of the time of day or time of year; on  
11 the real property of a day care center, regardless of the  
12 time of day or time of year; or on a public way within  
13 1,000 feet of the real property comprising any day care  
14 center, regardless of the time of day or time of year:  
15 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
16 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
18 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
19 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
20 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
21 Criminal Code of 2012;

22 (17) the defendant committed the offense by reason of  
23 any person's activity as a community policing volunteer or  
24 to prevent any person from engaging in activity as a  
25 community policing volunteer. For the purpose of this  
26 Section, "community policing volunteer" has the meaning

1 ascribed to it in Section 2-3.5 of the Criminal Code of  
2 2012;

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

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

19 (20) the defendant (i) committed the offense of  
20 reckless homicide under Section 9-3 of the Criminal Code of  
21 1961 or the Criminal Code of 2012 or the offense of driving  
22 under the influence of alcohol, other drug or drugs,  
23 intoxicating compound or compounds or any combination  
24 thereof under Section 11-501 of the Illinois Vehicle Code  
25 or a similar provision of a local ordinance and (ii) was  
26 operating a motor vehicle in excess of 20 miles per hour

1 over the posted speed limit as provided in Article VI of  
2 Chapter 11 of the Illinois Vehicle Code;

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

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

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

21 (24) the defendant committed any offense under Section  
22 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
23 of 2012 and possessed 100 or more images;

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

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

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

1 means an organization comprised of members of which  
2 substantially all are individuals who are veterans or  
3 spouses, widows, or widowers of veterans, the primary  
4 purpose of which is to promote the welfare of its members  
5 and to provide assistance to the general public in such a  
6 way as to confer a public benefit; or

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

14 For the purposes of this Section:

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

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

21 "Public transportation" means the transportation or  
22 conveyance of persons by means available to the general public,  
23 and includes paratransit services.

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



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

8           (2) When a defendant is convicted of any felony and the  
9           court finds that the offense was accompanied by  
10          exceptionally brutal or heinous behavior indicative of  
11          wanton cruelty; or

12          (3) When a defendant is convicted of any felony  
13          committed against:

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

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

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

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

26               (i) the brutalizing or torturing of humans or

1 animals;

2 (ii) the theft of human corpses;

3 (iii) the kidnapping of humans;

4 (iv) the desecration of any cemetery, religious,  
5 fraternal, business, governmental, educational, or  
6 other building or property; or

7 (v) ritualized abuse of a child; or

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

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

23 (7) When a defendant who was at least 17 years of age  
24 at the time of the commission of the offense is convicted  
25 of a felony and has been previously adjudicated a  
26 delinquent minor under the Juvenile Court Act of 1987 for

1 an act that if committed by an adult would be a Class X or  
2 Class 1 felony when the conviction has occurred within 10  
3 years after the previous adjudication, excluding time  
4 spent in custody; or

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

11 (c) The following factors may be considered by the court as  
12 reasons to impose an extended term sentence under Section 5-8-2  
13 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

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

22 (1.5) When a defendant is convicted of first degree  
23 murder, after having been previously convicted of domestic  
24 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
25 (720 ILCS 5/12-3.3) committed on the same victim or after  
26 having been previously convicted of violation of an order

1 of protection (720 ILCS 5/12-30) in which the same victim  
2 was the protected person.

3 (2) When a defendant is convicted of voluntary  
4 manslaughter, second degree murder, involuntary  
5 manslaughter, or reckless homicide in which the defendant  
6 has been convicted of causing the death of more than one  
7 individual.

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

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

25 (5) When a defendant is convicted of a felony violation  
26 of Section 24-1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
2 finding that the defendant is a member of an organized  
3 gang.

4 (6) When a defendant was convicted of unlawful use of  
5 weapons under Section 24-1 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
7 a weapon that is not readily distinguishable as one of the  
8 weapons enumerated in Section 24-1 of the Criminal Code of  
9 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

1 assistance or first aid personnel, or hospital emergency  
2 room personnel.

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

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

18 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,  
19 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;  
20 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.  
21 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,  
22 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,  
23 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;  
24 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.  
25 1-25-13.)

1           Section 65. The Mental Health and Developmental  
2           Disabilities Confidentiality Act is amended by changing  
3           Section 12 as follows:

4           (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

5           Sec. 12. (a) If the United States Secret Service or the  
6           Department of State Police requests information from a mental  
7           health or developmental disability facility, as defined in  
8           Section 1-107 and 1-114 of the Mental Health and Developmental  
9           Disabilities Code, relating to a specific recipient and the  
10          facility director determines that disclosure of such  
11          information may be necessary to protect the life of, or to  
12          prevent the infliction of great bodily harm to, a public  
13          official, or a person under the protection of the United States  
14          Secret Service, only the following information may be  
15          disclosed: the recipient's name, address, and age and the date  
16          of any admission to or discharge from a facility; and any  
17          information which would indicate whether or not the recipient  
18          has a history of violence or presents a danger of violence to  
19          the person under protection. Any information so disclosed shall  
20          be used for investigative purposes only and shall not be  
21          publicly disseminated. Any person participating in good faith  
22          in the disclosure of such information in accordance with this  
23          provision shall have immunity from any liability, civil,  
24          criminal or otherwise, if such information is disclosed relying  
25          upon the representation of an officer of the United States

1 Secret Service or the Department of State Police that a person  
2 is under the protection of the United States Secret Service or  
3 is a public official.

4 For the purpose of this subsection (a), the term "public  
5 official" means the Governor, Lieutenant Governor, Attorney  
6 General, Secretary of State, State Comptroller, State  
7 Treasurer, member of the General Assembly, member of the United  
8 States Congress, Judge of the United States as defined in 28  
9 U.S.C. 451, Justice of the United States as defined in 28  
10 U.S.C. 451, United States Magistrate Judge as defined in 28  
11 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
12 Supreme, Appellate, Circuit, or Associate Judge of the State of  
13 Illinois. The term shall also include the spouse, child or  
14 children of a public official.

15 (b) The Department of Human Services (acting as successor  
16 to the Department of Mental Health and Developmental  
17 Disabilities) and all public or private hospitals and mental  
18 health facilities are required, as hereafter described in this  
19 subsection, to furnish the Department of State Police only such  
20 information as may be required for the sole purpose of  
21 determining whether an individual who may be or may have been a  
22 patient is disqualified because of that status from receiving  
23 or retaining a Firearm Owner's Identification Card under  
24 subsection (e) or (f) of Section 8 of the Firearm Owners  
25 Identification Card and Certificate of Handgun Registration  
26 Act or 18 U.S.C. 922(g) and (n). All public or private



1 hospitals and mental health facilities shall, in the form and  
2 manner required by the Department, provide such information as  
3 shall be necessary for the Department to comply with the  
4 reporting requirements to the Department of State Police. Such  
5 information shall be furnished within 7 days after admission to  
6 a public or private hospital or mental health facility or the  
7 provision of services to a patient described in clause (2) of  
8 this subsection (b). Any such information disclosed under this  
9 subsection shall remain privileged and confidential, and shall  
10 not be redisclosed, except as required by clause (e)(2) of  
11 Section 3.1 of the Firearm Owners Identification Card and  
12 Certificate of Handgun Registration Act, nor utilized for any  
13 other purpose. The method of requiring the providing of such  
14 information shall guarantee that no information is released  
15 beyond what is necessary for this purpose. In addition, the  
16 information disclosed shall be provided by the Department  
17 within the time period established by Section 24-3 of the  
18 Criminal Code of 2012 regarding the delivery of firearms. The  
19 method used shall be sufficient to provide the necessary  
20 information within the prescribed time period, which may  
21 include periodically providing lists to the Department of Human  
22 Services or any public or private hospital or mental health  
23 facility of Firearm Owner's Identification Card applicants on  
24 which the Department or hospital shall indicate the identities  
25 of those individuals who are to its knowledge disqualified from  
26 having a Firearm Owner's Identification Card for reasons

1 described herein. The Department may provide for a centralized  
2 source of information for the State on this subject under its  
3 jurisdiction.

4 Any person, institution, or agency, under this Act,  
5 participating in good faith in the reporting or disclosure of  
6 records and communications otherwise in accordance with this  
7 provision or with rules, regulations or guidelines issued by  
8 the Department shall have immunity from any liability, civil,  
9 criminal or otherwise, that might result by reason of the  
10 action. For the purpose of any proceeding, civil or criminal,  
11 arising out of a report or disclosure in accordance with this  
12 provision, the good faith of any person, institution, or agency  
13 so reporting or disclosing shall be presumed. The full extent  
14 of the immunity provided in this subsection (b) shall apply to  
15 any person, institution or agency that fails to make a report  
16 or disclosure in the good faith belief that the report or  
17 disclosure would violate federal regulations governing the  
18 confidentiality of alcohol and drug abuse patient records  
19 implementing 42 U.S.C. 290dd-3 and 290ee-3.

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

22 (1) "Hospital" means only that type of institution  
23 which is providing full-time residential facilities and  
24 treatment.

25 (2) "Patient" shall include only: (i) a person who is  
26 an in-patient or resident of any public or private hospital

1 or mental health facility or (ii) a person who is an  
2 out-patient or provided services by a public or private  
3 hospital or mental health facility whose mental condition  
4 is of such a nature that it is manifested by violent,  
5 suicidal, threatening, or assaultive behavior or reported  
6 behavior, for which there is a reasonable belief by a  
7 physician, clinical psychologist, or qualified examiner  
8 that the condition poses a clear and present or imminent  
9 danger to the patient, any other person or the community  
10 meaning the patient's condition poses a clear and present  
11 danger in accordance with subsection (f) of Section 8 of  
12 the Firearm Owners Identification Card and Certificate of  
13 Handgun Registration Act. The terms physician, clinical  
14 psychologist, and qualified examiner are defined in  
15 Sections 1-120, 1-103, and 1-122 of the Mental Health and  
16 Developmental Disabilities Code.

17 (3) "Mental health facility" is defined by Section  
18 1-114 of the Mental Health and Developmental Disabilities  
19 Code.

20 (c) Upon the request of a peace officer who takes a person  
21 into custody and transports such person to a mental health or  
22 developmental disability facility pursuant to Section 3-606 or  
23 4-404 of the Mental Health and Developmental Disabilities Code  
24 or who transports a person from such facility, a facility  
25 director shall furnish said peace officer the name, address,  
26 age and name of the nearest relative of the person transported

1 to or from the mental health or developmental disability  
2 facility. In no case shall the facility director disclose to  
3 the peace officer any information relating to the diagnosis,  
4 treatment or evaluation of the person's mental or physical  
5 health.

6 For the purposes of this subsection (c), the terms "mental  
7 health or developmental disability facility", "peace officer"  
8 and "facility director" shall have the meanings ascribed to  
9 them in the Mental Health and Developmental Disabilities Code.

10 (d) Upon the request of a peace officer or prosecuting  
11 authority who is conducting a bona fide investigation of a  
12 criminal offense, or attempting to apprehend a fugitive from  
13 justice, a facility director may disclose whether a person is  
14 present at the facility. Upon request of a peace officer or  
15 prosecuting authority who has a valid forcible felony warrant  
16 issued, a facility director shall disclose: (1) whether the  
17 person who is the subject of the warrant is present at the  
18 facility and (2) the date of that person's discharge or future  
19 discharge from the facility. The requesting peace officer or  
20 prosecuting authority must furnish a case number and the  
21 purpose of the investigation or an outstanding arrest warrant  
22 at the time of the request. Any person, institution, or agency  
23 participating in good faith in disclosing such information in  
24 accordance with this subsection (d) is immune from any  
25 liability, civil, criminal or otherwise, that might result by  
26 reason of the action.

1 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

2 Section 70. The Uniform Disposition of Unclaimed Property  
3 Act is amended by changing Section 1 as follows:

4 (765 ILCS 1025/1) (from Ch. 141, par. 101)

5 Sec. 1. As used in this Act, unless the context otherwise  
6 requires:

7 (a) "Banking organization" means any bank, trust company,  
8 savings bank, industrial bank, land bank, safe deposit company,  
9 or a private banker.

10 (b) "Business association" means any corporation, joint  
11 stock company, business trust, partnership, or any  
12 association, limited liability company, or other business  
13 entity consisting of one or more persons, whether or not for  
14 profit.

15 (c) "Financial organization" means any savings and loan  
16 association, building and loan association, credit union,  
17 currency exchange, co-operative bank, mutual funds, or  
18 investment company.

19 (d) "Holder" means any person in possession of property  
20 subject to this Act belonging to another, or who is trustee in  
21 case of a trust, or is indebted to another on an obligation  
22 subject to this Act.

23 (e) "Life insurance corporation" means any association or  
24 corporation transacting the business of insurance on the lives

1 of persons or insurance appertaining thereto, including, but  
2 not by way of limitation, endowments and annuities.

3 (f) "Owner" means a depositor in case of a deposit, a  
4 beneficiary in case of a trust, a creditor, claimant, or payee  
5 in case of other property, or any person having a legal or  
6 equitable interest in property subject to this Act, or his  
7 legal representative.

8 (g) "Person" means any individual, business association,  
9 financial organization, government or political subdivision or  
10 agency, public authority, estate, trust, or any other legal or  
11 commercial entity.

12 (h) "Utility" means any person who owns or operates, for  
13 public use, any plant, equipment, property, franchise, or  
14 license for the transmission of communications or the  
15 production, storage, transmission, sale, delivery, or  
16 furnishing of electricity, water, steam, oil or gas.

17 (i) (Blank).

18 (j) "Insurance company" means any person transacting the  
19 kinds of business enumerated in Section 4 of the Illinois  
20 Insurance Code other than life insurance.

21 (k) "Economic loss", as used in Sections 2a and 9 of this  
22 Act includes, but is not limited to, delivery charges,  
23 mark-downs and write-offs, carrying costs, restocking charges,  
24 lay-aways, special orders, issuance of credit memos, and the  
25 costs of special services or goods provided that reduce the  
26 property value or that result in lost sales opportunity.

1           (1) "Reportable property" means property, tangible or  
2 intangible, presumed abandoned under this Act that must be  
3 appropriately and timely reported and remitted to the Office of  
4 the State Treasurer under this Act. Interest, dividends, stock  
5 splits, warrants, or other rights that become reportable  
6 property under this Act include the underlying security or  
7 commodity giving rise to the interest, dividend, split,  
8 warrant, or other right to which the owner would be entitled.

9           (m) "Firearm" has the meaning ascribed to that term in the  
10 Firearm Owners Identification Card and Certificate of Handgun  
11 Registration Act.

12           (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,  
13 eff. 6-2-00.)

14           Section 99. Effective date. This Act takes effect July 1,  
15 2014.

1

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2

## Statutes amended in order of appearance

3

5 ILCS 140/7.5

4

20 ILCS 2605/2605-45

was 20 ILCS 2605/55a-5

5

20 ILCS 2605/2605-120

was 20 ILCS 2605/55a in part

6

20 ILCS 2630/2.2

7

30 ILCS 105/5.829 new

8

30 ILCS 105/5.830 new

9

30 ILCS 105/5.831 new

10

30 ILCS 105/6z-98 new

11

30 ILCS 105/6z-99 new

12

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

13

105 ILCS 5/10-27.1A

14

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15

410 ILCS 45/2

from Ch. 111 1/2, par. 1302

16

430 ILCS 65/0.01

from Ch. 38, par. 83-0.1

17

430 ILCS 65/1

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18

430 ILCS 65/1.1

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19

430 ILCS 65/3

from Ch. 38, par. 83-3

20

430 ILCS 65/3.1

from Ch. 38, par. 83-3.1

21

430 ILCS 65/3.4 new

22

430 ILCS 65/4

from Ch. 38, par. 83-4

23

430 ILCS 65/6.1

24

430 ILCS 65/14

from Ch. 38, par. 83-14

25

705 ILCS 105/27.3a



1	720 ILCS 5/2-7.1	
2	720 ILCS 5/2-7.5	
3	720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
4	720 ILCS 5/17-30	was 720 ILCS 5/16C-2
5	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
6	720 ILCS 5/24-1.6	
7	720 ILCS 5/24-3	from Ch. 38, par. 24-3
8	720 ILCS 5/24-3.2	from Ch. 38, par. 24-3.2
9	720 ILCS 5/24-3.4	from Ch. 38, par. 24-3.4
10	720 ILCS 5/24-3.5	
11	720 ILCS 5/24-9	
12	720 ILCS 646/10	
13	730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
14	730 ILCS 5/5-5-3.2	
15	740 ILCS 110/12	from Ch. 91 1/2, par. 812
16	765 ILCS 1025/1	from Ch. 141, par. 101