



Rep. Brandon W. Phelps

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FISCAL NOTE ACT  
MAY APPLY

09800SB2193ham002

LRB098 10174 MRW 46318 a

1 AMENDMENT TO SENATE BILL 2193

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2193 by replacing  
3 everything after the enacting clause with the following:

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

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

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

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

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

14 "Department" means the Department of State Police.

15 "Director" means the Director of State Police.

16 "Handgun" means any device which is designed to expel a

1 projectile or projectiles by the action of an explosion,  
2 expansion of gas, or escape of gas that is designed to be held  
3 and fired by the use of a single hand. "Handgun" does not  
4 include:

5 (1) a stun gun or taser;

6 (2) a machine gun as defined in item (i) of paragraph  
7 (7) of subsection (a) of Section 24-1 of the Criminal Code  
8 of 2012;

9 (3) a short-barreled rifle or shotgun as defined in  
10 item (ii) of paragraph (7) of subsection (a) of Section  
11 24-1 of the Criminal Code of 2012; or

12 (4) any pneumatic gun, spring gun, paint ball gun, or  
13 B-B gun which expels a single globular projectile not  
14 exceeding .18 inch in diameter, or which has a maximum  
15 muzzle velocity of less than 700 feet per second, or which  
16 expels breakable paint balls containing washable marking  
17 colors.

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

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

23 "Licensee" means a person issued a license to carry a  
24 concealed handgun.

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

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

3 Section 10. Issuance of licenses to carry a concealed  
4 firearm.

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

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

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

10 (3) has submitted the requisite fees; and

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

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

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

20 (1) carry a loaded or unloaded concealed firearm, fully  
21 concealed or partially concealed, on or about his or her  
22 person; and

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

25 (d) The Department shall make applications for a license

1 available no later than 180 days after the effective date of  
2 this Act. The Department shall establish rules for the  
3 availability and submission of applications in accordance with  
4 this Act.

5 (e) An application for a license submitted to the  
6 Department that contains all the information and materials  
7 required by this Act, including the requisite fee, shall be  
8 deemed completed. Except as otherwise provided in this Act, no  
9 later than 90 days after receipt of a completed application,  
10 the Department shall issue or deny the applicant a license.

11 (f) The Department shall deny the applicant a license if  
12 the applicant fails to meet the requirements under this Act or  
13 the Department receives a determination from the Board that the  
14 applicant is ineligible for a license. The Department must  
15 notify the applicant stating the grounds for the denial. The  
16 notice of denial must inform the applicant of his or her right  
17 to an appeal through administrative and judicial review.

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

20 (1) when the licensee is carrying or possessing a  
21 concealed firearm on his or her land or in his or her  
22 abode, legal dwelling, or fixed place of business, or on  
23 the land or in the legal dwelling of another person as an  
24 invitee with that person's permission;

25 (2) when the person is authorized to carry a firearm  
26 under Section 24-2 of the Criminal Code of 2012, except

1 subsection (a-5) of that Section; or

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

5 (h) If an officer of a law enforcement agency initiates an  
6 investigative stop, including but not limited to a traffic  
7 stop, of a licensee who is carrying a concealed firearm, upon  
8 the request of the officer the licensee shall disclose to the  
9 officer that he or she is in possession of a concealed firearm  
10 under this Act, present the license upon the request of the  
11 officer, and identify the location of the concealed firearm.

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

25 (j) No later than 10 days after receipt of a completed  
26 application, the Department shall enter the relevant

1 information about the applicant into the database under  
2 subsection (i) of this Section which is accessible by law  
3 enforcement agencies.

4 Section 15. Objections by law enforcement agencies.

5 (a) Any law enforcement agency may submit an objection to a  
6 license applicant based upon a reasonable suspicion that the  
7 applicant is a danger to himself or herself or others, or a  
8 threat to public safety. The objection shall be made by the  
9 chief law enforcement officer of the law enforcement agency, or  
10 his or her designee, and must include any information relevant  
11 to the objection. If a law enforcement agency submits an  
12 objection within 30 days after the entry of an applicant into  
13 the database, the Department shall submit the objection and all  
14 information related to the application to the Board within 10  
15 days of completing all necessary background checks.

16 (b) If an applicant has 5 or more arrests for any reason,  
17 that have been entered into the Criminal History Records  
18 Information (CHRI) System, within the 7 years preceding the  
19 date of application for a license, or has 3 or more arrests  
20 within the 7 years preceding the date of application for a  
21 license for any combination of gang-related offenses, the  
22 Department shall object and submit the applicant's arrest  
23 record, the application materials, and any additional  
24 information submitted by a law enforcement agency to the Board.  
25 For purposes of this subsection, "gang-related offense" is an

1 offense described in Section 12-6.4, Section 24-1.8, Section  
2 25-5, Section 33-4, or Section 33G-4, or in paragraph (1) of  
3 subsection (a) of Section 12-6.2, paragraph (2) of subsection  
4 (b) of Section 16-30, paragraph (2) of subsection (b) of  
5 Section 31-4, or item (iii) of paragraph (1.5) of subsection  
6 (i) of Section 48-1 of the Criminal Code of 2012.

7 (c) The referral of an objection under this Section to the  
8 Board shall toll the 90-day period for the Department to issue  
9 or deny the applicant a license under subsection (e) of Section  
10 10 of this Act, during the period of review and until the Board  
11 issues its decision.

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

15 Section 20. Concealed Carry Licensing Review Board.

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

1 shall designate one commissioner as the Chairperson. The Board  
2 shall consist of:

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

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

8 (3) 3 commissioners with at least 5 years of experience  
9 as a federal agent or employee with investigative  
10 experience or duties related to criminal justice under the  
11 United States Department of Justice, Drug Enforcement  
12 Administration, Department of Homeland Security, or  
13 Federal Bureau of Investigation; and

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

17 (b) The initial terms of the commissioners shall end on  
18 January 12, 2015. Thereafter, the commissioners shall hold  
19 office for 4 years, with terms expiring on the second Monday in  
20 January of the fourth year. Commissioners may be reappointed.  
21 Vacancies in the office of commissioner shall be filled in the  
22 same manner as the original appointment, for the remainder of  
23 the unexpired term. The Governor may remove a commissioner for  
24 incompetence, neglect of duty, malfeasance, or inability to  
25 serve. Commissioners shall receive compensation in an amount  
26 equal to the compensation of members of the Executive Ethics



1 Commission and may be reimbursed for reasonable expenses  
2 actually incurred in the performance of their Board duties,  
3 from funds appropriated for that purpose.

4 (c) The Board shall meet at the call of the chairperson as  
5 often as necessary to consider objections to applications for a  
6 license under this Act. If necessary to ensure the  
7 participation of a commissioner, the Board shall allow a  
8 commissioner to participate in a Board meeting by electronic  
9 communication. Any commissioner participating electronically  
10 shall be deemed present for purposes of establishing a quorum  
11 and voting.

12 (d) The Board shall adopt rules for the conduct of  
13 hearings. The Board shall maintain a record of its decisions  
14 and all materials considered in making its decisions. All Board  
15 decisions and voting records shall be kept confidential and all  
16 materials considered by the Board shall be exempt from  
17 inspection except upon order of a court.

18 (e) In considering an objection of a law enforcement agency  
19 or the Department, the Board shall review the materials  
20 received with the objection from the law enforcement agency or  
21 the Department. By a vote of at least 4 commissioners, the  
22 Board may request additional information from the law  
23 enforcement agency, Department, or the applicant, or the  
24 testimony of the law enforcement agency, Department, or the  
25 applicant. The Board may only consider information submitted by  
26 the Department, a law enforcement agency, or the applicant. The

1 Board shall review each objection and determine by a majority  
2 of commissioners whether an applicant is eligible for a  
3 license.

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

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

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

13 (3) the Board notifies the applicant and the Department  
14 that the Board needs an additional 30 days to issue a  
15 decision.

16 (g) If the Board determines by a preponderance of the  
17 evidence that the applicant poses a danger to himself or  
18 herself or others, or is a threat to public safety, then the  
19 Board shall affirm the objection of the law enforcement agency  
20 or the Department and shall notify the Department that the  
21 applicant is ineligible for a license. If the Board does not  
22 determine by a preponderance of the evidence that the applicant  
23 poses a danger to himself or herself or others, or is a threat  
24 to public safety, then the Board shall notify the Department  
25 that the applicant is eligible for a license.

26 (h) Meetings of the Board shall not be subject to the Open

1 Meetings Act and records of the Board shall not be subject to  
2 the Freedom of Information Act.

3 (i) The Board shall report monthly to the Governor and the  
4 General Assembly on the number of objections received and  
5 provide details of the circumstances in which the Board has  
6 determined to deny licensure based on law enforcement or  
7 Department objections under Section 15 of this Act. The report  
8 shall not contain any identifying information about the  
9 applicants.

10 Section 25. Qualifications for a license.

11 The Department shall issue a license to an applicant  
12 completing an application in accordance with Section 30 of this  
13 Act if the person:

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

15 (2) has a currently valid Firearm Owner's  
16 Identification Card and at the time of application meets  
17 the requirements for the issuance of a Firearm Owner's  
18 Identification Card and is not prohibited under the Firearm  
19 Owners Identification Card Act or federal law from  
20 possessing or receiving a firearm;

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

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

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

6 (4) is not the subject of a pending arrest warrant,  
7 prosecution, or proceeding for an offense or action that  
8 could lead to disqualification to own or possess a firearm;

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

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

15 Section 30. Contents of license application.

16 (a) The license application shall be in writing, under  
17 penalty of perjury, on a standard form adopted by the  
18 Department and shall be accompanied by the documentation  
19 required in this Section and the applicable fee. Each  
20 application form shall include the following statement printed  
21 in bold type: "Warning: Entering false information on this form  
22 is punishable as perjury under Section 32-2 of the Criminal  
23 Code of 2012."

24 (b) The application shall contain the following:

25 (1) the applicant's name, current address, date and

1 year of birth, place of birth, height, weight, hair color,  
2 eye color, maiden name or any other name the applicant has  
3 used or identified with, and any address where the  
4 applicant resided for more than 30 days within the 10 years  
5 preceding the date of the license application;

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

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

16 (4) an affirmation that the applicant possesses a  
17 currently valid Firearm Owner's Identification Card and  
18 card number if possessed or notice the applicant is  
19 applying for a Firearm Owner's Identification Card in  
20 conjunction with the license application;

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

23 (A) a felony;

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

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

6           (6) whether the applicant has failed a drug test for a  
7           drug for which the applicant did not have a prescription,  
8           within the previous year, and if so, the provider of the  
9           test, the specific substance involved, and the date of the  
10          test;

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

14          (8) a full set of fingerprints submitted to the  
15          Department in electronic format, provided the Department  
16          may accept an application submitted without a set of  
17          fingerprints in which case the Department shall be granted  
18          30 days in addition to the 90 days provided under  
19          subsection (e) of Section 10 of this Act to issue or deny a  
20          license;

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

24          (10) a photocopy of any certificates or other evidence  
25          of compliance with the training requirements under this  
26          Act.

1 Section 35. Investigation of the applicant.

2 The Department shall conduct a background check of the  
3 applicant to ensure compliance with the requirements of this  
4 Act and all federal, State, and local laws. The background  
5 check shall include a search of the following:

6 (1) the National Instant Criminal Background Check  
7 System of the Federal Bureau of Investigation;

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

11 (3) all available federal, state, and local records  
12 regarding wanted persons;

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

15 (5) the files of the Department of Human Services  
16 relating to mental health and developmental disabilities;  
17 and

18 (6) all other available records of a federal, state, or  
19 local agency or other public entity in any jurisdiction  
20 likely to contain information relevant to whether the  
21 applicant is prohibited from purchasing, possessing, or  
22 carrying a firearm under federal, state, or local law.

23 (7) Fingerprints collected under Section 30 shall be  
24 checked against the Department of State Police and Federal  
25 Bureau of Investigation criminal history record databases

1 now and hereafter filed.

2 Section 40. Non-resident license applications.

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

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

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

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

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

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

25 (B) if applicable, has a license or permit to carry



1 a firearm or concealed firearm issued by his or her  
2 state or territory of residence and attach a copy of  
3 the license or permit to the application;

4 (C) understands Illinois laws pertaining to the  
5 possession and transport of firearms, and

6 (D) acknowledges that the applicant is subject to  
7 the jurisdiction of the Department and Illinois courts  
8 for any violation of this Act; and

9 (3) a photocopy of any certificates or other evidence  
10 of compliance with the training requirements under Section  
11 75 of this Act; and

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

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

1 (e) Nothing in this Act shall prohibit a non-resident from  
2 transporting a concealed firearm within his or her vehicle in  
3 Illinois, if the concealed firearm remains within his or her  
4 vehicle and the non-resident:

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

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

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

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

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

23 Section 50. License renewal.

24 Applications for renewal of a license shall be made to the

1 Department. A license shall be renewed for a period of 5 years  
2 upon receipt of a completed renewal application, completion of  
3 3 hours of training required under Section 75 of this Section,  
4 payment of the applicable renewal fee, and completion of an  
5 investigation under Section 35 of this Act. The renewal  
6 application shall contain the information required in Section  
7 30 of this Act, except that the applicant need not resubmit a  
8 full set of fingerprints.

9 Section 55. Change of address or name; lost, destroyed, or  
10 stolen licenses.

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

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

18 (2) the requisite fee.

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

23 (1) a notarized statement that the licensee no longer  
24 possesses the license, and that it was lost, destroyed, or  
25 stolen;

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

3           (3) the requisite fee.

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

7           Section 60. Fees.

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

11          (b) An applicant for a new license or a renewal shall  
12          submit \$150 with the application, of which \$120 shall be  
13          apportioned to the State Police Firearm Services Fund, \$20  
14          shall be apportioned to the Mental Health Reporting Fund, and  
15          \$10 shall be apportioned to the State Crime Laboratory Fund.

16          (c) A non-resident applicant for a new license or renewal  
17          shall submit \$300 with the application, of which \$250 shall be  
18          apportioned to the State Police Firearm Services Fund, \$40  
19          shall be apportioned to the Mental Health Reporting Fund, and  
20          \$10 shall be apportioned to the State Crime Laboratory Fund.

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

1 Section 65. Prohibited areas.

2 (a) A licensee under this Act shall not knowingly carry a  
3 firearm on or into:

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

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

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

1 Wildlife Code.

2 (4) Any building designated for matters before a  
3 circuit court, appellate court, or the Supreme Court, and  
4 any building or portion of a building under the control of  
5 the Supreme Court.

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

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

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

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

19 (9) Any building, real property, and parking area under  
20 the control of an establishment that serves alcohol on its  
21 premises, if more than 50% of the establishment's gross  
22 receipts within the prior 3 months is from the sale of  
23 alcohol.

24 (10) Any public gathering or special event conducted on  
25 property open to the public that requires the issuance of a  
26 permit from the unit of local government, provided this

1 prohibition shall not apply to a licensee who must walk  
2 through a public gathering in order to access his or her  
3 residence, place of business, or vehicle.

4 (11) Any building or real property that has been issued  
5 a Special Event Retailer's license as defined in Section  
6 1-3.17.1 of the Liquor Control Act during the time  
7 designated for the sale of alcohol by the special event  
8 retailer's license, or a Special use permit license as  
9 defined in subsection (q) of Section 5-1 of the Liquor  
10 Control Act during the time designated for the sale of  
11 alcohol by the Special use permit license.

12 (12) Any public playground.

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

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

21 (15) Any building, classroom, laboratory, medical  
22 clinic, hospital, artistic venue, athletic venue,  
23 entertainment venue, officially recognized  
24 university-related organization property, whether owned or  
25 leased, and any real property, including parking areas,  
26 sidewalks, and common areas under the control of a public

1 or private community college, college, or university.

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

6 (17) Any stadium, arena, or the real property or  
7 parking area under the control of a stadium, arena, or any  
8 collegiate or professional sporting event.

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

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

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

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

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

26 (23) Any area where firearms are prohibited under



1 federal law.

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

4 (1) prohibiting persons from carrying a firearm within  
5 a vehicle owned, leased, or controlled by the college or  
6 university;

7 (2) developing resolutions, regulations, or policies  
8 regarding student, employee, or visitor misconduct and  
9 discipline, including suspension and expulsion;

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

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

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

26 (b) Notwithstanding subsection (a) of this Section except

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

18 (c) A licensee shall not be in violation of this Section  
19 while he or she is traveling along a public right of way that  
20 touches or crosses any of the premises under subsection (a) of  
21 this Section if the concealed firearm is carried on his or her  
22 person in accordance with the provisions of this Act or is  
23 being transported in a vehicle by the licensee in accordance  
24 with all other applicable provisions of law.

25 (d) Signs stating that the carrying of firearms is  
26 prohibited shall be clearly and conspicuously posted at the

1 entrance of a building, premises, or real property specified in  
2 this Section as a prohibited area, unless the building or  
3 premises is a private residence. Signs shall be of a uniform  
4 design as established by the Department and shall be 4 inches  
5 by 6 inches in size. The Department shall adopt rules for  
6 standardized signs to be used under this subsection.

7 Section 70. Violations.

8 (a) A license issued or renewed under this Act shall be  
9 revoked if, at any time, the licensee is found to be ineligible  
10 for a license under this Act or the licensee no longer meets  
11 the eligibility requirements of the Firearm Owners  
12 Identification Card Act.

13 (b) A license shall be suspended if an order of protection,  
14 emergency order of protection, plenary order of protection, or  
15 interim order of protection under Article 112A of the Code of  
16 Criminal Procedure of 1963 or under the Illinois Domestic  
17 Violence Act of 1986 is issued against a licensee for the  
18 duration of the order, or if the Department is made aware of a  
19 similar order issued against the licensee in any other  
20 jurisdiction. If an order of protection is issued against a  
21 licensee, the licensee shall surrender the license, as  
22 applicable, to the court at the time the order is entered or to  
23 the law enforcement agency or entity serving process at the  
24 time the licensee is served the order. The court, law  
25 enforcement agency, or entity responsible for serving the order

1 shall notify the Department within 7 days and transmit the  
2 license to the Department.

3 (c) A license is invalid upon expiration of the license,  
4 unless the licensee has submitted an application to renew the  
5 license, and the applicant is otherwise eligible to possess a  
6 license under this Act.

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

12 (e) Except as otherwise provided, a licensee in violation  
13 of this Act shall be guilty of a Class B misdemeanor. A second  
14 or subsequent violation is a Class A misdemeanor. The  
15 Department may suspend a license for up to 6 months for a  
16 second violation and shall permanently revoke a license for 3  
17 or more violations of Section 65 of this Act. Any person  
18 convicted of a violation under this Section shall pay a \$150  
19 fee to be deposited into the Mental Health Reporting Fund, plus  
20 any applicable court costs or fees.

21 (f) A licensee convicted or found guilty of a violation of  
22 this Act who has a valid license and is otherwise eligible to  
23 carry a concealed firearm shall only be subject to the  
24 penalties under this Section and shall not be subject to the  
25 penalties under Section 21-6, paragraph (4), (8), or (10) of  
26 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)

1 of paragraph (3) of subsection (a) of Section 24-1.6 of the  
2 Criminal Code of 2012. Except as otherwise provided in this  
3 subsection, nothing in this subsection prohibits the licensee  
4 from being subjected to penalties for violations other than  
5 those specified in this Act.

6 (g) A licensee whose license is revoked, suspended, or  
7 denied shall, within 48 hours of receiving notice of the  
8 revocation, suspension, or denial surrender his or her  
9 concealed carry license to the local law enforcement agency  
10 where the person resides. The local law enforcement agency  
11 shall provide the licensee a receipt and transmit the concealed  
12 carry license to the Department of State Police. If the  
13 licensee whose concealed carry license has been revoked,  
14 suspended, or denied fails to comply with the requirements of  
15 this subsection, the law enforcement agency where the person  
16 resides may petition the circuit court to issue a warrant to  
17 search for and seize the concealed carry license in the  
18 possession and under the custody or control of the licensee  
19 whose concealed carry license has been revoked, suspended, or  
20 denied. The observation of a concealed carry license in the  
21 possession of a person whose license has been revoked,  
22 suspended, or denied constitutes a sufficient basis for the  
23 arrest of that person for violation of this subsection. A  
24 violation of this subsection is a Class A misdemeanor.

25 (h) A license issued or renewed under this Act shall be  
26 revoked if, at any time, the licensee is found ineligible for a

1 Firearm Owner's Identification Card, or the licensee no longer  
2 possesses a valid Firearm Owner's Identification Card. A  
3 licensee whose license is revoked under this subsection (h)  
4 shall surrender his or her concealed carry license as provided  
5 for in subsection (g) of this Section.

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

10 Section 75. Applicant firearm training.

11 (a) Within 60 days of the effective date of this Act, the  
12 Department shall begin approval of firearm training courses and  
13 shall make a list of approved courses available of the  
14 Department's website.

15 (b) An applicant for a new license shall provide proof of  
16 completion of a firearms training course or combination of  
17 courses approved by the Department of at least 16 hours, which  
18 includes range qualification time under subsection (c) of this  
19 Section, that covers the following:

20 (1) firearm safety;

21 (2) the basic principles of marksmanship;

22 (3) care, cleaning, loading, and unloading of a  
23 concealable firearm;

24 (4) all applicable State and federal laws relating to  
25 the ownership, storage, carry, and transportation of a

1 firearm; and

2 (5) instruction on the appropriate and lawful  
3 interaction with law enforcement while transporting or  
4 carrying a concealed firearm.

5 (c) An applicant for a new license shall provide proof of  
6 certification by a certified instructor that the applicant  
7 passed a live fire exercise with a concealable firearm  
8 consisting of:

9 (1) a minimum of 30 rounds; and

10 (2) 10 rounds from a distance of 5 yards; 10 rounds  
11 from a distance of 7 yards; and 10 rounds from a distance  
12 of 10 yards at a B-27 silhouette target approved by the  
13 Department.

14 (d) An applicant for renewal of a license shall provide  
15 proof of completion of a firearms training course or  
16 combination of courses approved by the Department of at least 3  
17 hours.

18 (e) A certificate of completion for an applicant firearm  
19 training course shall not be issued to a student who:

20 (1) does not follow the orders of the certified  
21 firearms instructor;

22 (2) in the judgment of the certified instructor,  
23 handles a firearm in a manner that poses a danger to the  
24 student or to others; or

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

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

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

13           (h) A person who has qualified to carry a firearm as an  
14 active law enforcement officer, a person certified as a  
15 firearms instructor by this Act or by the Illinois Law  
16 Enforcement Training Standards Board, or a person who has  
17 completed the required training and has been issued a firearm  
18 control card by the Department of Financial and Professional  
19 Regulation shall be exempt from the requirements of this  
20 Section.

21           Section 80. Firearms instructor training.

22           (a) Within 60 days of the effective date of this Act, the  
23 Department shall begin approval of certified firearms  
24 instructors and enter certified firearms instructors into an  
25 online registry on the Department's website.



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

7 (c) A person seeking to become a certified firearms  
8 instructor shall:

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

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

11 (3) meet the requirements of Section 25 of this Act,  
12 and any additional uniformly applied requirements  
13 established by the Department.

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

17 (1) possess a high school diploma or GED certificate;

18 and

19 (2) have at least one of the following valid firearms  
20 instructor certifications:

21 (A) certification from a law enforcement agency;

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

24 (C) certification from a firearm instructor  
25 qualification course offered by the Illinois Law  
26 Enforcement Training Standards Board; or

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

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

9           Section 85. Background Checks for Sales.

10          A license to carry a concealed firearm issued by this  
11          State shall not exempt the licensee from the requirements of a  
12          background check, including a check of the National Instant  
13          Criminal Background Check System, upon purchase or transfer of  
14          a firearm.

15          Section 87. Administrative and judicial review.

16          (a) Whenever an application for a concealed carry license  
17          is denied, whenever the Department fails to act on an  
18          application within 90 days of its receipt, or whenever a  
19          license is revoked or suspended as provided in this Act, the  
20          aggrieved party may appeal to the Director for a hearing upon  
21          the denial, revocation, suspension, or failure to act on the  
22          application, unless the denial was made by the Concealed Carry  
23          Licensing Review Board, in which case the aggrieved party may  
24          petition the circuit court in writing in the county of his or

1 her residence for a hearing upon the denial.

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

7 Section 90. Preemption.

8 The regulation, licensing, possession, carrying, and  
9 transportation of firearms and ammunition are exclusive powers  
10 and function of the State. Except as explicitly provided in  
11 this Act, a home rule unit may not regulate or license any  
12 matter related to firearms, including the possession,  
13 carrying, and transportation of firearms. This Section is a  
14 limitation under subsection (h) of Section 6 of Article VII of  
15 the Illinois Constitution on the exercise by home rule units of  
16 powers and functions exercised by the State. Any ordinance or  
17 regulation enacted on or before the effective date of this Act  
18 that is inconsistent with this Act shall be invalidated on the  
19 effective date of this amendatory Act of the 98th General  
20 Assembly.

21 Section 92. Consolidation of concealed carry license and  
22 Firearm Owner's Identification Card.

23 (a) The Director shall create a task force to develop a  
24 plan to incorporate and consolidate the concealed carry license

1 under this Act and the Firearm Owner's Identification Card  
2 under the Firearm Owners Identification Card Act into a  
3 designation on the Illinois driver's license or Illinois  
4 identification card of a person with authority to possess a  
5 firearm under the Firearm Owners Identification Card Act, or  
6 authority to possess a firearm under the Firearm Owners  
7 Identification Card Act and authority to carry a concealed  
8 firearm under this Act. The plan must provide for an  
9 alternative card for:

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

14 (2) a resident without an Illinois driver's license or  
15 Illinois identification card, who has been granted  
16 authority to possess a firearm under the Firearm Owners  
17 Identification Card Act.

18 The plan shall include statutory changes necessary to  
19 implement it.

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

21 (1) one member appointed by the Speaker of the House of  
22 Representatives;

23 (2) one member appointed by the House of  
24 Representatives Minority Leader;

25 (3) one member appointed by the President of the  
26 Senate;

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

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

3 (6) one member appointed by the Director of State  
4 Police;

5 (7) one member appointed by the Speaker of the House of  
6 Representatives representing the National Rifle  
7 Association;

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

10 (9) one member appointed by the Governor representing  
11 the Chicago Police Department.

12 The task force shall elect a chairperson from its  
13 membership. Members shall serve without compensation.

14 (c) The task force shall file the plan supported by a  
15 majority of its members with the General Assembly and the  
16 Secretary of State on or before March 1, 2014.

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

18 Section 95. Procurement; rulemaking.

19 (a) The Department of State Police, in consultation with  
20 and subject to the approval of the Chief Procurement Officer,  
21 may procure a single contract or multiple contracts to  
22 implement the provisions of this Act. A contract or contracts  
23 under this paragraph are not subject to the provisions of the  
24 Illinois Procurement Code, except for Sections 20-60, 20-65,  
25 20-70, and 20-160 and Article 50 of that Code, provided that

1 the Chief Procurement Officer may, in writing with  
2 justification, waive any certification required under Article  
3 50. This exemption shall be repealed one year from the  
4 effective date of this Act.

5 (b) The Department shall adopt rules to implement the  
6 provisions of this Act. The Department may adopt rules  
7 necessary to implement the provisions of this Act through the  
8 use of emergency rulemaking in accordance with Section 5-45 of  
9 the Illinois Administrative Procedure Act for a period not to  
10 exceed 180 days after the effective date of this Act.

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

14 Section 105. Duty of school administrator. It is the duty  
15 of the principal of a public elementary or secondary school, or  
16 his or her designee, and the chief administrative officer of a  
17 private elementary or secondary school or a public or private  
18 community college, college, or university, or his or her  
19 designee, to report to the Department of State Police when a  
20 student is determined to pose a clear and present danger to  
21 himself, herself, or to others, within 24 hours of the  
22 determination as provided in Section 6-103.3 of the Mental  
23 Health and Developmental Disabilities Code. "Clear and present  
24 danger" has the meaning as defined in paragraph (2) of the

1 definition of "clear and present danger" in Section 1.1 of the  
2 Firearm Owners Identification Card Act.

3 Section 110. Immunity. A principal or chief administrative  
4 officer, or the designee of a principal or chief administrative  
5 officer, making the determination and reporting under Section  
6 105 of this Law shall not be held criminally, civilly, or  
7 professionally liable, except for willful or wanton  
8 misconduct.

9 Section 115. The Open Meetings Act is amended by changing  
10 Section 2 as follows:

11 (5 ILCS 120/2) (from Ch. 102, par. 42)

12 Sec. 2. Open meetings.

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

16 (b) Construction of exceptions. The exceptions contained  
17 in subsection (c) are in derogation of the requirement that  
18 public bodies meet in the open, and therefore, the exceptions  
19 are to be strictly construed, extending only to subjects  
20 clearly within their scope. The exceptions authorize but do not  
21 require the holding of a closed meeting to discuss a subject  
22 included within an enumerated exception.

23 (c) Exceptions. A public body may hold closed meetings to

1 consider the following subjects:

2 (1) The appointment, employment, compensation,  
3 discipline, performance, or dismissal of specific  
4 employees of the public body or legal counsel for the  
5 public body, including hearing testimony on a complaint  
6 lodged against an employee of the public body or against  
7 legal counsel for the public body to determine its  
8 validity.

9 (2) Collective negotiating matters between the public  
10 body and its employees or their representatives, or  
11 deliberations concerning salary schedules for one or more  
12 classes of employees.

13 (3) The selection of a person to fill a public office,  
14 as defined in this Act, including a vacancy in a public  
15 office, when the public body is given power to appoint  
16 under law or ordinance, or the discipline, performance or  
17 removal of the occupant of a public office, when the public  
18 body is given power to remove the occupant under law or  
19 ordinance.

20 (4) Evidence or testimony presented in open hearing, or  
21 in closed hearing where specifically authorized by law, to  
22 a quasi-adjudicative body, as defined in this Act, provided  
23 that the body prepares and makes available for public  
24 inspection a written decision setting forth its  
25 determinative reasoning.

26 (5) The purchase or lease of real property for the use



1 of the public body, including meetings held for the purpose  
2 of discussing whether a particular parcel should be  
3 acquired.

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

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

10 (8) Security procedures and the use of personnel and  
11 equipment to respond to an actual, a threatened, or a  
12 reasonably potential danger to the safety of employees,  
13 students, staff, the public, or public property.

14 (9) Student disciplinary cases.

15 (10) The placement of individual students in special  
16 education programs and other matters relating to  
17 individual students.

18 (11) Litigation, when an action against, affecting or  
19 on behalf of the particular public body has been filed and  
20 is pending before a court or administrative tribunal, or  
21 when the public body finds that an action is probable or  
22 imminent, in which case the basis for the finding shall be  
23 recorded and entered into the minutes of the closed  
24 meeting.

25 (12) The establishment of reserves or settlement of  
26 claims as provided in the Local Governmental and

1 Governmental Employees Tort Immunity Act, if otherwise the  
2 disposition of a claim or potential claim might be  
3 prejudiced, or the review or discussion of claims, loss or  
4 risk management information, records, data, advice or  
5 communications from or with respect to any insurer of the  
6 public body or any intergovernmental risk management  
7 association or self insurance pool of which the public body  
8 is a member.

9 (13) Conciliation of complaints of discrimination in  
10 the sale or rental of housing, when closed meetings are  
11 authorized by the law or ordinance prescribing fair housing  
12 practices and creating a commission or administrative  
13 agency for their enforcement.

14 (14) Informant sources, the hiring or assignment of  
15 undercover personnel or equipment, or ongoing, prior or  
16 future criminal investigations, when discussed by a public  
17 body with criminal investigatory responsibilities.

18 (15) Professional ethics or performance when  
19 considered by an advisory body appointed to advise a  
20 licensing or regulatory agency on matters germane to the  
21 advisory body's field of competence.

22 (16) Self evaluation, practices and procedures or  
23 professional ethics, when meeting with a representative of  
24 a statewide association of which the public body is a  
25 member.

26 (17) The recruitment, credentialing, discipline or

1 formal peer review of physicians or other health care  
2 professionals for a hospital, or other institution  
3 providing medical care, that is operated by the public  
4 body.

5 (18) Deliberations for decisions of the Prisoner  
6 Review Board.

7 (19) Review or discussion of applications received  
8 under the Experimental Organ Transplantation Procedures  
9 Act.

10 (20) The classification and discussion of matters  
11 classified as confidential or continued confidential by  
12 the State Government Suggestion Award Board.

13 (21) Discussion of minutes of meetings lawfully closed  
14 under this Act, whether for purposes of approval by the  
15 body of the minutes or semi-annual review of the minutes as  
16 mandated by Section 2.06.

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

19 (23) The operation by a municipality of a municipal  
20 utility or the operation of a municipal power agency or  
21 municipal natural gas agency when the discussion involves  
22 (i) contracts relating to the purchase, sale, or delivery  
23 of electricity or natural gas or (ii) the results or  
24 conclusions of load forecast studies.

25 (24) Meetings of a residential health care facility  
26 resident sexual assault and death review team or the

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

3 (25) Meetings of an independent team of experts under  
4 Brian's Law.

5 (26) Meetings of a mortality review team appointed  
6 under the Department of Juvenile Justice Mortality Review  
7 Team Act.

8 (27) Confidential information, when discussed by one  
9 or more members of an elder abuse fatality review team,  
10 designated under Section 15 of the Elder Abuse and Neglect  
11 Act, while participating in a review conducted by that team  
12 of the death of an elderly person in which abuse or neglect  
13 is suspected, alleged, or substantiated; provided that  
14 before the review team holds a closed meeting, or closes an  
15 open meeting, to discuss the confidential information,  
16 each participating review team member seeking to disclose  
17 the confidential information in the closed meeting or  
18 closed portion of the meeting must state on the record  
19 during an open meeting or the open portion of a meeting the  
20 nature of the information to be disclosed and the legal  
21 basis for otherwise holding that information confidential.

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

26 (29) Meetings between internal or external auditors

1 and governmental audit committees, finance committees, and  
2 their equivalents, when the discussion involves internal  
3 control weaknesses, identification of potential fraud risk  
4 areas, known or suspected frauds, and fraud interviews  
5 conducted in accordance with generally accepted auditing  
6 standards of the United States of America.

7 (30) Deliberations for decisions of the Concealed  
8 Carry Licensing Review Board under the Firearm Concealed  
9 Carry Act.

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

11 "Employee" means a person employed by a public body whose  
12 relationship with the public body constitutes an  
13 employer-employee relationship under the usual common law  
14 rules, and who is not an independent contractor.

15 "Public office" means a position created by or under the  
16 Constitution or laws of this State, the occupant of which is  
17 charged with the exercise of some portion of the sovereign  
18 power of this State. The term "public office" shall include  
19 members of the public body, but it shall not include  
20 organizational positions filled by members thereof, whether  
21 established by law or by a public body itself, that exist to  
22 assist the body in the conduct of its business.

23 "Quasi-adjudicative body" means an administrative body  
24 charged by law or ordinance with the responsibility to conduct  
25 hearings, receive evidence or testimony and make  
26 determinations based thereon, but does not include local

1 electoral boards when such bodies are considering petition  
2 challenges.

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

7 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;  
8 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.  
9 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,  
10 eff. 8-1-12.)

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

13 (5 ILCS 140/7.5)

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

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

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

22 (c) Applications, related documents, and medical records  
23 received by the Experimental Organ Transplantation Procedures  
24 Board and any and all documents or other records prepared by

1 the Experimental Organ Transplantation Procedures Board or its  
2 staff relating to applications it has received.

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

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

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

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

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

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

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

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

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

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

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

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

23           (p) Security portions of system safety program plans,  
24 investigation reports, surveys, schedules, lists, data, or  
25 information compiled, collected, or prepared by or for the  
26 Regional Transportation Authority under Section 2.11 of the



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

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

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

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

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

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

24 (v) Names and information of people who have applied for or  
25 received Firearm Owner's Identification Cards under the  
26 Firearm Owners Identification Card Act or applied for or

1 received a concealed carry license under the Firearm Concealed  
2 Carry Act, unless otherwise authorized by the Firearm Concealed  
3 Carry Act; and databases under the Firearm Concealed Carry Act,  
4 records of the Concealed Carry Licensing Review Board under the  
5 Firearm Concealed Carry Act, and law enforcement agency  
6 objections under the Firearm Concealed Carry Act.

7 (w) Personally identifiable information which is exempted  
8 from disclosure under subsection (g) of Section 19.1 of the  
9 Toll Highway Act.

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

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

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

19 (15 ILCS 305/13.5 new)

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

22 The Secretary of State shall allow the Department of State  
23 Police to access the driver's license or Illinois  
24 Identification card photograph, if available, of an applicant

1 for a firearm concealed carry license under the Firearm  
2 Concealed Carry Act for the purpose of identifying the firearm  
3 concealed carry license applicant and issuing a license to the  
4 applicant.

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

8 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

9 Sec. 2605-300. Records; crime laboratories; personnel. To  
10 do the following:

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

13 (2) Be a central repository for criminal history record  
14 information.

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

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

20 (5) Establish general and field crime laboratories.

21 (6) Register and file for record information that may  
22 be required by law for the issuance of firearm owner's  
23 identification cards under the Firearm Owners  
24 Identification Card Act and concealed carry licenses under

1       the Firearm Concealed Carry Act.

2           (7)     Employ     polygraph     operators,     laboratory  
3     technicians, and other specially qualified persons to aid  
4     in the identification of criminal activity.

5           (8)     Undertake   other   identification,   information,  
6     laboratory, statistical, or registration activities that  
7     may be required by law.

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

11           (20 ILCS 2605/2605-595 new)

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

13       (a) There is created in the State treasury a special fund  
14       known as the State Police Firearm Services Fund. The Fund shall  
15       receive revenue under the Firearm Concealed Carry Act and  
16       Section 5 of the Firearm Owners Identification Card Act. The  
17       Fund may also receive revenue from grants, pass-through grants,  
18       donations, appropriations, and any other legal source.

19       (b) The Department of State Police may use moneys in the  
20       Fund to finance any of its lawful purposes, mandates,  
21       functions, and duties under the Firearm Owners Identification  
22       Card Act and the Firearm Concealed Carry Act, including the  
23       cost of sending notices of expiration of Firearm Owner's  
24       Identification Cards, concealed carry licenses, the prompt and  
25       efficient processing of applications under the Firearm Owners

1 Identification Card Act and the Firearm Concealed Carry Act,  
2 the improved efficiency and reporting of the LEADS and federal  
3 NICS law enforcement data systems, and support for  
4 investigations required under these Acts and law. Any surplus  
5 funds beyond what is needed to comply with the aforementioned  
6 purposes shall be used by the Department to improve the LEADS  
7 and criminal history background check system.

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

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

13 (30 ILCS 105/5.826 new)

14 Sec. 5.826. The Mental Health Reporting Fund.

15 (30 ILCS 105/5.827 new)

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

17 (30 ILCS 105/6z-98 new)

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

19 (a) There is created in the State treasury a special fund  
20 known as the Mental Health Reporting Fund. The Fund shall  
21 receive revenue under the Firearm Concealed Carry Act. The Fund  
22 may also receive revenue from grants, pass-through grants,

1 donations, appropriations, and any other legal source.

2 (b) The Department of State Police and Department of Human  
3 Services shall coordinate to use moneys in the Fund to finance  
4 their respective duties of collecting and reporting data on  
5 mental health records and ensuring that mental health firearm  
6 possession prohibitors are enforced as set forth under the  
7 Firearm Concealed Carry Act and the Firearm Owners  
8 Identification Card Act. Any surplus in the Fund beyond what is  
9 necessary to ensure compliance with mental health reporting  
10 under these Acts shall be used by the Department of Human  
11 Services for mental health treatment programs.

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

15 (30 ILCS 105/5.206 rep.)

16 Section 135. The State Finance Act is amended by repealing  
17 Section 5.206.

18 Section 140. The Illinois Explosives Act is amended by  
19 changing Section 2005 as follows:

20 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

21 Sec. 2005. Qualifications for licensure.

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

23 (1) is under 21 years of age;

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

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

5           (4) is a fugitive from justice;

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

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

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

14           (b) A person who has been granted a "relief from  
15 disabilities" regarding criminal convictions and indictments,  
16 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.  
17 845) may receive a license provided all other qualifications  
18 under this Act are met.

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

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

23           (405 ILCS 5/6-103.1)

24           Sec. 6-103.1. Adjudication as a mentally disabled person

1 ~~mental defective.~~

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

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

16 (405 ILCS 5/6-103.2 new)

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

18 For purposes of this Section, if a person is determined to  
19 be developmentally disabled as defined in Section 1.1 of the  
20 Firearm Owners Identification Card Act by a physician, clinical  
21 psychologist, or qualified examiner, whether practicing at a  
22 public or by a private mental health facility or developmental  
23 disability facility, the physician, clinical psychologist, or  
24 qualified examiner shall notify the Department of Human  
25 Services within 24 hours of making the determination that the



1 person has a developmental disability. The Department of Human  
2 Services shall immediately update its records and information  
3 relating to mental health and developmental disabilities, and  
4 if appropriate, shall notify the Department of State Police in  
5 a form and manner prescribed by the Department of State Police.  
6 Information disclosed under this Section shall remain  
7 privileged and confidential, and shall not be redisclosed,  
8 except as required under subsection (e) of Section 3.1 of the  
9 Firearm Owners Identification Card Act, nor used for any other  
10 purpose. The method of providing this information shall  
11 guarantee that the information is not released beyond that  
12 which is necessary for the purpose of this Section and shall be  
13 provided by rule by the Department of Human Services. The  
14 identity of the person reporting under this Section shall not  
15 be disclosed to the subject of the report.

16 The physician, clinical psychologist, or qualified  
17 examiner making the determination and his or her employer may  
18 not be held criminally, civilly, or professionally liable for  
19 making or not making the notification required under this  
20 Section, except for willful or wanton misconduct.

21 (405 ILCS 5/6-103.3 new)

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

23 If a person is determined to pose a clear and present  
24 danger to himself, herself, or to others by a physician,  
25 clinical psychologist, or qualified examiner, whether employed

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

1 willful or wanton misconduct. This Section does not apply to a  
2 law enforcement official, if making the notification under this  
3 Section will interfere with an ongoing or pending criminal  
4 investigation.

5 For the purposes of this Section:

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

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

12 Section 150. The Firearm Owners Identification Card Act is  
13 amended by changing Sections 1.1, 3.1, 4, 5, 8, 8.1, 9, 10, and  
14 13.2 and by adding Sections 5.1 and 9.5 as follows:

15 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

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

17 Sec. 1.1. For purposes of this Act:

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

19 (1) convicted of an offense involving the use or  
20 possession of cannabis, a controlled substance, or  
21 methamphetamine within the past year; or

22 (2) determined by the Department of State Police to be  
23 addicted to narcotics based upon federal law or federal  
24 guidelines.

1       "Addicted to narcotics" does not include possession or use  
2 of a prescribed controlled substance under the direction and  
3 authority of a physician or other person authorized to  
4 prescribe the controlled substance when the controlled  
5 substance is used in the prescribed manner.

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

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

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

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

19           (3.5) is guilty but mentally ill, as provided in  
20 Section 5-2-6 of the Unified Code of Corrections;

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

22           (5) is not guilty by reason of lack of mental  
23 responsibility under ~~pursuant~~ to Articles 50a and 72b of  
24 the Uniform Code of Military Justice, 10 U.S.C. 850a,  
25 876b~~;~~

26           (6) is a sexually violent person under subsection (f)

1 of Section 5 of the Sexually Violent Persons Commitment  
2 Act;

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

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

7 (9) is not guilty by reason of insanity under the  
8 Juvenile court Act of 1987;

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

12 (11) is subject to involuntary admission on an  
13 outpatient as defined in Section 1-119.1 of the Mental  
14 Health and Developmental Disabilities Code;

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

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

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

21 (1) communicates a serious threat of physical violence  
22 against a reasonably identifiable victim or poses a clear  
23 and imminent risk of serious physical injury to himself,  
24 herself, or another person as determined by a physician,  
25 clinical psychologist, or qualified examiner; or

26 (2) demonstrates threatening physical or verbal

1 behavior, such as violent, suicidal, or assaultive  
2 threats, actions, or other behavior, as determined by a  
3 physician, clinical psychologist, qualified examiner,  
4 school administrator, or law enforcement official.

5 "Clinical psychologist" has the meaning provided in  
6 Section 1-103 of the Mental Health and Developmental  
7 Disabilities Code.

8 "Controlled substance" means a controlled substance or  
9 controlled substance analog as defined in the Illinois  
10 Controlled Substances Act.

11 "Counterfeit" means to copy or imitate, without legal  
12 authority, with intent to deceive.

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

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

23 "Firearm" means any device, by whatever name known, which  
24 is designed to expel a projectile or projectiles by the action  
25 of an explosion, expansion of gas or escape of gas; excluding,  
26 however:

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

5           (1.1) any pneumatic gun, spring gun, paint ball gun, or  
6 B-B gun which expels breakable paint balls containing  
7 washable marking colors;

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

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

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

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

23           (1) any ammunition exclusively designed for use with a  
24 device used exclusively for signalling or safety and  
25 required or recommended by the United States Coast Guard or  
26 the Interstate Commerce Commission; and

1           (2) any ammunition designed exclusively for use with a  
2 stud or rivet driver or other similar industrial  
3 ammunition.

4 "Gun show" means an event or function:

5           (1) at which the sale and transfer of firearms is the  
6 regular and normal course of business and where 50 or more  
7 firearms are displayed, offered, or exhibited for sale,  
8 transfer, or exchange; or

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

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

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

21 "Gun show promoter" means a person who organizes or  
22 operates a gun show.

23 "Gun show vendor" means a person who exhibits, sells,  
24 offers for sale, transfers, or exchanges any firearms at a gun  
25 show, regardless of whether the person arranges with a gun show  
26 promoter for a fixed location from which to exhibit, sell,



1 offer for sale, transfer, or exchange any firearm.

2 "Intellectually disabled" means significantly subaverage  
3 general intellectual functioning which exists concurrently  
4 with impairment in adaptive behavior and which originates  
5 before the age of 18 years.

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

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

20 "Patient" means:

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

26 (2) a person who voluntarily receives mental health

1 treatment as an out-patient or is provided services by a  
2 public or private mental health facility, and who poses a  
3 clear and present danger to himself, herself, or to others.

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

6 "Qualified examiner" has the meaning provided in Section  
7 1-122 of the Mental Health and Developmental Disabilities Code.

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

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

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

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

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

19 Sec. 1.1. For purposes of this Act:

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

21 (1) convicted of an offense involving the use or  
22 possession of cannabis, a controlled substance, or  
23 methamphetamine within the past year; or

24 (2) determined by the Department of State Police to be  
25 addicted to narcotics based upon federal law or federal

1 guidelines.

2 "Addicted to narcotics" does not include possession or use  
3 of a prescribed controlled substance under the direction and  
4 authority of a physician or other person authorized to  
5 prescribe the controlled substance when the controlled  
6 substance is used in the prescribed manner.

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

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

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

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

20 (3.5) is guilty but mentally ill, as provided in  
21 Section 5-2-6 of the Unified Code of Corrections;

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

23 (5) is not guilty by reason of lack of mental  
24 responsibility under ~~pursuant to~~ Articles 50a and 72b of  
25 the Uniform Code of Military Justice, 10 U.S.C. 850a,  
26 876b~~;~~

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

3           (7) is a sexually dangerous person under subsection (f)  
4 of Section 5 of the Sexually Dangerous Persons Act; or

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

7           (9) is not guilty by reason of insanity under the  
8 Juvenile court Act of 1987;

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

12           (11) is subject to involuntary admission on an  
13 outpatient as defined in Section 1-119.1 of the Mental  
14 Health and Developmental Disabilities Code;

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

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

20 "Clear and present danger" means a person:

21           (1) communicates a serious threat of physical violence  
22 against a reasonably identifiable victim or poses a clear  
23 and imminent risk of serious physical injury to himself,  
24 herself, or another person as determined by a physician,  
25 clinical psychologist, or qualified examiner; or

26           (2) demonstrates threatening physical or verbal

1 behavior, such as violent, suicidal, or assaultive  
2 threats, actions, or other behavior, as determined by a  
3 physician, clinical psychologist, qualified examiner,  
4 school administrator, or law enforcement official.

5 "Clinical psychologist" has the meaning provided in  
6 Section 1-103 of the Mental Health and Developmental  
7 Disabilities Code.

8 "Controlled substance" means a controlled substance or  
9 controlled substance analog as defined in the Illinois  
10 Controlled Substances Act.

11 "Counterfeit" means to copy or imitate, without legal  
12 authority, with intent to deceive.

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

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

23 "Firearm" means any device, by whatever name known, which  
24 is designed to expel a projectile or projectiles by the action  
25 of an explosion, expansion of gas or escape of gas; excluding,  
26 however:

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

5           (1.1) any pneumatic gun, spring gun, paint ball gun, or  
6 B-B gun which expels breakable paint balls containing  
7 washable marking colors;

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

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

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

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

23           (1) any ammunition exclusively designed for use with a  
24 device used exclusively for signalling or safety and  
25 required or recommended by the United States Coast Guard or  
26 the Interstate Commerce Commission; and

1           (2) any ammunition designed exclusively for use with a  
2 stud or rivet driver or other similar industrial  
3 ammunition.

4 "Gun show" means an event or function:

5           (1) at which the sale and transfer of firearms is the  
6 regular and normal course of business and where 50 or more  
7 firearms are displayed, offered, or exhibited for sale,  
8 transfer, or exchange; or

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

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

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

21 "Gun show promoter" means a person who organizes or  
22 operates a gun show.

23 "Gun show vendor" means a person who exhibits, sells,  
24 offers for sale, transfers, or exchanges any firearms at a gun  
25 show, regardless of whether the person arranges with a gun show  
26 promoter for a fixed location from which to exhibit, sell,

1 offer for sale, transfer, or exchange any firearm.

2 "Intellectually disabled" means significantly subaverage  
3 general intellectual functioning which exists concurrently  
4 with impairment in adaptive behavior and which originates  
5 before the age of 18 years.

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

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

21 "Patient" means:

22 (1) a person who voluntarily receives mental health  
23 treatment as an in-patient or resident of any public or  
24 private mental health facility, unless the treatment was  
25 solely for an alcohol abuse disorder and no other secondary  
26 substance abuse disorder or mental illness; or



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

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

7           "Qualified examiner" has the meaning provided in Section  
8           1-122 of the Mental Health and Developmental Disabilities Code.

9           ~~"Patient in a mental institution" means the person was~~  
10          ~~admitted, either voluntarily or involuntarily, to a mental~~  
11          ~~institution for mental health treatment, unless the treatment~~  
12          ~~was voluntary and solely for an alcohol abuse disorder and no~~  
13          ~~other secondary substance abuse disorder or mental illness.~~

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

18          "School administrator" means the person required to report  
19          under the School Administrator Reporting of Mental Health Clear  
20          and Present Danger Determinations Law.

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

23          (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;  
24          97-1167, eff. 6-1-13.)

1           Sec. 3.1. Dial up system.

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

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

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

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

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

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

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

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

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

1 Background Check System Index, Denied Persons Files.

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

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

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

13 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

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

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

24 (i) He or she is 21 years of age or over, or if he  
25 or she is under 21 years of age that he or she has the

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

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

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

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

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

22 (vi) He or she is not an alien who is unlawfully  
23 present in the United States under the laws of the  
24 United States;

25 (vii) He or she is not subject to an existing order  
26 of protection prohibiting him or her from possessing a

1 firearm;

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

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

23 (x) (Blank);

24 (xi) He or she is not an alien who has been  
25 admitted to the United States under a non-immigrant  
26 visa (as that term is defined in Section 101(a)(26) of

1 the Immigration and Nationality Act (8 U.S.C.  
2 1101(a)(26)), or that he or she is an alien who has  
3 been lawfully admitted to the United States under a  
4 non-immigrant visa if that alien is:

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

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

9 (A) accredited to the United States  
10 Government or the Government's mission to an  
11 international organization having its  
12 headquarters in the United States; or

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

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

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

21 (5) one who has received a waiver from the  
22 Attorney General of the United States pursuant to  
23 18 U.S.C. 922(y)(3);

24 (xii) He or she is not a minor subject to a  
25 petition filed under Section 5-520 of the Juvenile  
26 Court Act of 1987 alleging that the minor is a

1 delinquent minor for the commission of an offense that  
2 if committed by an adult would be a felony;

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

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

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

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

13 (xvii) He or she is not developmentally disabled;  
14 and

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



1 requested. The information received shall be destroyed  
2 within one year of receipt.

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

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

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

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

1 States Department of the Treasury Internal Revenue Service Form  
2 4029. In lieu of a photograph, an applicant regardless of age  
3 seeking a religious exemption to the photograph requirement  
4 shall submit fingerprints on a form and manner prescribed by  
5 the Department with his or her application.

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

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

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

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

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

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

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

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

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

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

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

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

24                  (vi) He or she is not an alien who is unlawfully  
25                  present in the United States under the laws of the  
26                  United States;

1           (vii) He or she is not subject to an existing order  
2 of protection prohibiting him or her from possessing a  
3 firearm;

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

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

25           (x) (Blank);

26           (xi) He or she is not an alien who has been

1 admitted to the United States under a non-immigrant  
2 visa (as that term is defined in Section 101(a)(26) of  
3 the Immigration and Nationality Act (8 U.S.C.  
4 1101(a)(26))), or that he or she is an alien who has  
5 been lawfully admitted to the United States under a  
6 non-immigrant visa if that alien is:

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

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

11 (A) accredited to the United States  
12 Government or the Government's mission to an  
13 international organization having its  
14 headquarters in the United States; or

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

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

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

23 (5) one who has received a waiver from the  
24 Attorney General of the United States pursuant to  
25 18 U.S.C. 922(y)(3);

26 (xii) He or she is not a minor subject to a

1 petition filed under Section 5-520 of the Juvenile  
2 Court Act of 1987 alleging that the minor is a  
3 delinquent minor for the commission of an offense that  
4 if committed by an adult would be a felony;

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

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

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

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

15 (xvii) He or she is not developmentally disabled;  
16 and

17 (3) Upon request by the Department of State Police,  
18 sign a release on a form prescribed by the Department of  
19 State Police waiving any right to confidentiality and  
20 requesting the disclosure to the Department of State Police  
21 of limited mental health institution admission information  
22 from another state, the District of Columbia, any other  
23 territory of the United States, or a foreign nation  
24 concerning the applicant for the sole purpose of  
25 determining whether the applicant is or was a patient in a  
26 mental health institution and disqualified because of that

1 status from receiving a Firearm Owner's Identification  
2 Card. No mental health care or treatment records may be  
3 requested. The information received shall be destroyed  
4 within one year of receipt.

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

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

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

24 (a-20) Each applicant for a Firearm Owner's Identification  
25 Card shall furnish to the Department of State Police his or her  
26 photograph. An applicant who is 21 years of age or older

1 seeking a religious exemption to the photograph requirement  
2 must furnish with the application an approved copy of United  
3 States Department of the Treasury Internal Revenue Service Form  
4 4029. In lieu of a photograph, an applicant regardless of age  
5 seeking a religious exemption to the photograph requirement  
6 shall submit fingerprints on a form and manner prescribed by  
7 the Department with his or her application.

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

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

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

20 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

21 Sec. 5. The Department of State Police shall either approve  
22 or deny all applications within 30 days from the date they are  
23 received, and every applicant found qualified under ~~pursuant to~~  
24 Section 8 of this Act by the Department shall be entitled to a  
25 Firearm Owner's Identification Card upon the payment of a \$10



1 fee. Any applicant who is an active duty member of the Armed  
2 Forces of the United States, a member of the Illinois National  
3 Guard, or a member of the Reserve Forces of the United States  
4 is exempt from the application fee. \$6 of each fee derived from  
5 the issuance of Firearm Owner's Identification Cards, or  
6 renewals thereof, shall be deposited in the Wildlife and Fish  
7 Fund in the State Treasury; \$1 of the ~~such~~ fee shall be  
8 deposited in the State Police Services Fund and \$3 of the ~~such~~  
9 fee shall be deposited in the State Police Firearm Services  
10 Fund. ~~Firearm Owner's Notification Fund. Monies in the Firearm~~  
11 ~~Owner's Notification Fund shall be used exclusively to pay for~~  
12 ~~the cost of sending notices of expiration of Firearm Owner's~~  
13 ~~Identification Cards under Section 13.2 of this Act. Excess~~  
14 ~~monies in the Firearm Owner's Notification Fund shall be used~~  
15 ~~to ensure the prompt and efficient processing of applications~~  
16 ~~received under Section 4 of this Act.~~

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

18 (430 ILCS 65/5.1 new)

19 Sec. 5.1. State Police Firearm Services Fund. All moneys  
20 remaining in the Firearm Owner's Notification Fund on the  
21 effective date of this amendatory Act of the 98th General  
22 Assembly shall be transferred into the State Police Firearm  
23 Services Fund, a special fund created in the State treasury, to  
24 be expended by the Department of State Police, for the purposes  
25 specified in this Act and Section 2605-595 of the Department of

1 State Police Law of the Civil Administrative Code of Illinois.

2 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

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

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

20 (d) A person addicted to narcotics;

21 (e) A person who has been a patient of a mental health  
22 facility ~~institution~~ within the past 5 years or a person who  
23 has been a patient in a mental health facility more than 5  
24 years ago who has not received the certification required under  
25 subsection (u) of this Section. An active law enforcement

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

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

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

15 (g) A person who is intellectually disabled;

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

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

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

26 (1) admitted to the United States for lawful hunting or

1 sporting purposes;

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

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

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

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

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

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

19 (j) (Blank);

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

24 (l) A person who has been convicted of domestic battery,  
25 aggravated domestic battery, or a substantially similar  
26 offense in another jurisdiction committed before, on or after

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

15 (m) (Blank);

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

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

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

26 (q) A person who is not a resident of the State of

1 Illinois, except as provided in subsection (a-10) of Section  
2 ~~4~~;

3 (r) A person who has been adjudicated as a mentally  
4 disabled person;

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

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

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

1 through administrative or judicial action under Section 10 or  
2 11 of this Act; or

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

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

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

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

15 (a) A person under 21 years of age who has been convicted  
16 of a misdemeanor other than a traffic offense or adjudged  
17 delinquent;

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

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

1 (d) A person addicted to narcotics;

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

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

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

21 (g) A person who is intellectually disabled;

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

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

26 (i-5) An alien who has been admitted to the United States



1 under a non-immigrant visa (as that term is defined in Section  
2 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
3 1101(a)(26))), except that this subsection (i-5) does not apply  
4 to any alien who has been lawfully admitted to the United  
5 States under a non-immigrant visa if that alien is:

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

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

10 (A) accredited to the United States Government or  
11 the Government's mission to an international  
12 organization having its headquarters in the United  
13 States; or

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

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

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

22 (5) one who has received a waiver from the Attorney  
23 General of the United States pursuant to 18 U.S.C.  
24 922(y)(3);

25 (j) (Blank);

26 (k) A person who has been convicted within the past 5 years

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

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

21 (m) (Blank);

22 (n) A person who is prohibited from acquiring or possessing  
23 firearms or firearm ammunition by any Illinois State statute or  
24 by federal law;

25 (o) A minor subject to a petition filed under Section 5-520  
26 of the Juvenile Court Act of 1987 alleging that the minor is a

1 delinquent minor for the commission of an offense that if  
2 committed by an adult would be a felony;

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

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

8 ~~or~~

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

11 (s) A person who has been found to be developmentally  
12 disabled;

13 (t) A person involuntarily admitted into a mental health  
14 facility;

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

1 clinical psychologist, or qualified examiner making the  
2 certification shall not be held criminally, civilly, or  
3 professionally liable for making or not making the  
4 certification required under this subsection, except for  
5 willful or wanton misconduct. This subsection does not apply to  
6 a person whose firearm possession rights have been restored  
7 through administrative or judicial action under Section 10 or  
8 11 of this Act; or

9 (v) Upon revocation of a person's Firearm Owner's  
10 Identification Card, the Department of State Police shall  
11 provide notice to the person and the person shall comply with  
12 Section 9.5 of this Act.

13 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
14 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;  
15 97-1167, eff. 6-1-13.)

16 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

17 Sec. 8.1. Notifications to the ~~Circuit Clerk to notify~~  
18 Department of State Police.

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

24 (b) Upon adjudication of any individual as a mentally  
25 disabled person ~~mental defective,~~ as defined in Section 1.1 of of

1 this Act or a finding that a person has been involuntarily  
2 admitted ~~or as provided in paragraph (3.5) of subsection (c) of~~  
3 ~~Section 104-26 of the Code of Criminal Procedure of 1963,~~ the  
4 court shall direct the circuit court clerk to immediately  
5 notify the Department of State Police, Firearm Owner's  
6 Identification (FOID) department, and shall forward a copy of  
7 the court order to the Department.

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

17 (d) If a person is determined to pose a clear and present  
18 danger to himself, herself, or to others by a physician,  
19 clinical psychologist, qualified examiner, law enforcement  
20 official, or school administrator, or is determined to be  
21 developmentally disabled by a physician, clinical  
22 psychologist, or qualified examiner, whether employed by the  
23 State or by a private mental health facility, then the  
24 physician, clinical psychologist, or qualified examiner shall,  
25 within 24 hours of making the determination, notify the  
26 Department of Human Services that the person poses a clear and

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

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

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

1 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

2 Sec. 9. Every person whose application for a Firearm  
3 Owner's Identification Card is denied, and every holder of such  
4 a Card whose Card is revoked or seized, shall receive a written  
5 notice from the Department of State Police stating specifically  
6 the grounds upon which his application has been denied or upon  
7 which his Identification Card has been revoked. The written  
8 notice shall include the requirements of Section 9.5 of this  
9 Act and the persons's right to administrative or judicial  
10 review under Section 10 and 11 of this Act. A copy of the  
11 written notice shall be provided to the sheriff and law  
12 enforcement agency where the person resides.

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

14 (430 ILCS 65/9.5 new)

15 Sec. 9.5. Revocation of Firearm Owner's Identification  
16 Card.

17 (a) A person who receives a revocation notice under Section  
18 9 of this Act shall, within 48 hours of receiving notice of the  
19 revocation:

20 (1) surrender his or her Firearm Owner's  
21 Identification Card to the local law enforcement agency  
22 where the person resides. The local law enforcement agency  
23 shall provide the person a receipt and transmit the Firearm  
24 Owner's Identification Card to the Department of State  
25 Police; and

1           (2) complete a Firearm Disposition Record on a form  
2           prescribed by the Department of State Police and place his  
3           or her firearms in the location or with the person reported  
4           in the Firearm Disposition Record. The form shall require  
5           the person to disclose:

6                   (A) the make, model, and serial number of each  
7                   firearm owned by or under the custody and control of  
8                   the revoked person;

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

11                  (C) if any firearm will be transferred to the  
12                  custody of another person, the name, address and  
13                  Firearm Owner's Identification Card number of the  
14                  transferee.

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

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



1       (d) A violation of subsection (a) of this Section is a  
2 Class A misdemeanor.

3       (e) The observation of a Firearm Owner's Identification  
4 Card in the possession of a person whose Firearm Owner's  
5 Identification Card has been revoked constitutes a sufficient  
6 basis for the arrest of that person for violation of this  
7 Section.

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

14       (g) Persons whose Firearm Owner's Identification Cards  
15 have been revoked and who receive notice under subsection (f)  
16 shall comply with the requirements of this Section within 48  
17 hours of receiving notice.

18       (430 ILCS 65/10) (from Ch. 38, par. 83-10)

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

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

22       (a) Whenever an application for a Firearm Owner's  
23 Identification Card is denied, whenever the Department fails to  
24 act on an application within 30 days of its receipt, or  
25 whenever such a Card is revoked or seized as provided for in

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

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

26 (c) Any person prohibited from possessing a firearm under

1 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or  
2 acquiring a Firearm Owner's Identification Card under Section 8  
3 of this Act may apply to the Director of State Police or  
4 petition the circuit court in the county where the petitioner  
5 resides, whichever is applicable in accordance with subsection  
6 (a) of this Section, requesting relief from such prohibition  
7 and the Director or court may grant such relief if it is  
8 established by the applicant to the court's or Director's  
9 satisfaction that:

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

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

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

25 (3) granting relief would not be contrary to the public  
26 interest; and

1 (4) granting relief would not be contrary to federal  
2 law.

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

15 (A) the officer has not received treatment  
16 involuntarily at a mental health facility, regardless  
17 of the length of admission; or has not been voluntarily  
18 admitted to a mental health facility for more than 30  
19 days and not for more than one incident within the past  
20 5 years; and

21 (B) the officer has not left the mental institution  
22 against medical advice.

23 (2) The Director of State Police shall grant expedited  
24 relief to active law enforcement officers described in  
25 paragraph (1) of this subsection (c-5) upon a determination  
26 by the Director that the officer's possession of a firearm

1 does not present a threat to themselves, others, or public  
2 safety. The Director shall act on the request for relief  
3 within 30 business days of receipt of:

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

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

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

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

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

25 (4) "Clinical psychologist", "psychiatrist", and  
26 "qualified examiner" shall have the same meaning as

1       provided in Chapter 1 of the Mental Health and  
2       Developmental Disabilities Code.

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

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

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

1 would not be contrary to the public interest. In making this  
2 determination, the Director shall receive evidence concerning  
3 (i) the circumstances regarding the firearms disabilities from  
4 which relief is sought; (ii) the petitioner's mental health and  
5 criminal history records, if any; (iii) the petitioner's  
6 reputation, developed at a minimum through character witness  
7 statements, testimony, or other character evidence; and (iv)  
8 changes in the petitioner's condition or circumstances since  
9 the disqualifying events relevant to the relief sought. If  
10 relief is granted under this subsection or by order of a court  
11 under this Section, the Director shall as soon as practicable  
12 but in no case later than 15 business days, update, correct,  
13 modify, or remove the person's record in any database that the  
14 Department of State Police makes available to the National  
15 Instant Criminal Background Check System and notify the United  
16 States Attorney General that the basis for the record being  
17 made available no longer applies. The Department of State  
18 Police shall adopt rules for the administration of this Section  
19 ~~subsection (f)~~.

20 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;  
21 97-1150, eff. 1-25-13.)

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

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

25 (a) Whenever an application for a Firearm Owner's

1 Identification Card is denied, whenever the Department fails to  
2 act on an application within 30 days of its receipt, or  
3 whenever such a Card is revoked or seized as provided for in  
4 Section 8 of this Act, the aggrieved party may appeal to the  
5 Director of State Police for a hearing upon such denial,  
6 revocation or seizure, unless the denial, revocation, or  
7 seizure was based upon a forcible felony, stalking, aggravated  
8 stalking, domestic battery, any violation of the Illinois  
9 Controlled Substances Act, the Methamphetamine Control and  
10 Community Protection Act, or the Cannabis Control Act that is  
11 classified as a Class 2 or greater felony, any felony violation  
12 of Article 24 of the Criminal Code of 1961 or the Criminal Code  
13 of 2012, or any adjudication as a delinquent minor for the  
14 commission of an offense that if committed by an adult would be  
15 a felony, in which case the aggrieved party may petition the  
16 circuit court in writing in the county of his or her residence  
17 for a hearing upon such denial, revocation, or seizure.

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



1 prohibited from obtaining, possessing, or using a firearm under  
2 federal law.

3 (c) Any person prohibited from possessing a firearm under  
4 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or  
5 acquiring a Firearm Owner's Identification Card under Section 8  
6 of this Act may apply to the Director of State Police or  
7 petition the circuit court in the county where the petitioner  
8 resides, whichever is applicable in accordance with subsection  
9 (a) of this Section, requesting relief from such prohibition  
10 and the Director or court may grant such relief if it is  
11 established by the applicant to the court's or Director's  
12 satisfaction that:

13 (0.05) when in the circuit court, the State's Attorney  
14 has been served with a written copy of the petition at  
15 least 30 days before any such hearing in the circuit court  
16 and at the hearing the State's Attorney was afforded an  
17 opportunity to present evidence and object to the petition;

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

24 (2) the circumstances regarding a criminal conviction,  
25 where applicable, the applicant's criminal history and his  
26 reputation are such that the applicant will not be likely

1 to act in a manner dangerous to public safety;

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

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

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

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

24 (B) the officer has not left the mental institution  
25 against medical advice.

26 (2) The Director of State Police shall grant expedited

1 relief to active law enforcement officers described in  
2 paragraph (1) of this subsection (c-5) upon a determination  
3 by the Director that the officer's possession of a firearm  
4 does not present a threat to themselves, others, or public  
5 safety. The Director shall act on the request for relief  
6 within 30 business days of receipt of:

7 (A) a notarized statement from the officer in the  
8 form prescribed by the Director detailing the  
9 circumstances that led to the hospitalization;

10 (B) all documentation regarding the admission,  
11 evaluation, treatment and discharge from the treating  
12 licensed clinical psychologist or psychiatrist of the  
13 officer;

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

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

23 (3) Officers eligible for the expedited relief in  
24 paragraph (2) of this subsection (c-5) have the burden of  
25 proof on eligibility and must provide all information  
26 required. The Director may not consider granting expedited

1 relief until the proof and information is received.

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

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

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

20 (f) Any person who is subject to the disabilities of 18  
21 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act  
22 of 1968 because of an adjudication or commitment that occurred  
23 under the laws of this State or who was determined to be  
24 subject to the provisions of subsections (e), (f), or (g) of  
25 Section 8 of this Act may apply to the Department of State  
26 Police requesting relief from that prohibition. The Director

1 shall grant the relief if it is established by a preponderance  
2 of the evidence that the person will not be likely to act in a  
3 manner dangerous to public safety and that granting relief  
4 would not be contrary to the public interest. In making this  
5 determination, the Director shall receive evidence concerning  
6 (i) the circumstances regarding the firearms disabilities from  
7 which relief is sought; (ii) the petitioner's mental health and  
8 criminal history records, if any; (iii) the petitioner's  
9 reputation, developed at a minimum through character witness  
10 statements, testimony, or other character evidence; and (iv)  
11 changes in the petitioner's condition or circumstances since  
12 the disqualifying events relevant to the relief sought. If  
13 relief is granted under this subsection or by order of a court  
14 under this Section, the Director shall as soon as practicable  
15 but in no case later than 15 business days, update, correct,  
16 modify, or remove the person's record in any database that the  
17 Department of State Police makes available to the National  
18 Instant Criminal Background Check System and notify the United  
19 States Attorney General that the basis for the record being  
20 made available no longer applies. The Department of State  
21 Police shall adopt rules for the administration of this Section  
22 ~~subsection (f)~~.

23 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;  
24 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)

1           Sec. 13.2. The Department of State Police shall, 60 days  
2 prior to the expiration of a Firearm Owner's Identification  
3 Card, forward by first class mail to each person whose card is  
4 to expire a notification of the expiration of the card and an  
5 application which may be used to apply for renewal of the card.  
6 It is the obligation of the holder of a Firearm Owner's  
7 Identification Card to notify the Department of State Police of  
8 any address change since the issuance of the Firearm Owner's  
9 Identification Card. Whenever any person moves from the  
10 residence address named on his or her card, the person shall  
11 within 21 calendar days thereafter notify in a form and manner  
12 prescribed by the Department of his or her old and new  
13 residence addresses and the card number held by him or her. Any  
14 person whose legal name has changed from the name on the card  
15 that he or she has been previously issued must apply for a  
16 corrected card within 30 calendar days after the change. The  
17 cost for a corrected card shall be \$5 which shall be deposited  
18 into the State Police Firearm Services Fund ~~Firearm Owner's~~  
19 ~~Notification Fund~~.

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

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

23           (720 ILCS 5/24-1.6)

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

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

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

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

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

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

25 (A-5) the pistol, revolver, or handgun possessed  
26 was uncased, loaded, and immediately accessible at the

1           time of the offense and the person possessing the  
2           pistol, revolver, or handgun has not been issued a  
3           currently valid license under the Firearm Concealed  
4           Carry Act; or

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

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

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

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

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



1 or

2 (F) (blank); or

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

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

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

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

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

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

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

23 (ii) are not immediately accessible; or

24 (iii) are unloaded and enclosed in a case, firearm  
25 carrying box, shipping box, or other container by a  
26 person who has been issued a currently valid Firearm

1 Owner's Identification Card.

2 (d) Sentence.

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

8 (2) Except as otherwise provided in paragraphs (3) and  
9 (4) of this subsection (d), a first offense of aggravated  
10 unlawful use of a weapon committed with a firearm by a  
11 person 18 years of age or older where the factors listed in  
12 both items (A) and (C) or both items (A-5) and (C) of  
13 paragraph (3) of subsection (a) are present is a Class 4  
14 felony, for which the person shall be sentenced to a term  
15 of imprisonment of not less than one year and not more than  
16 3 years.

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

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

1 felony.

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

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

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
9 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
10 the following:

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

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

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

23 (4) Special agents employed by a railroad or a public  
24 utility to perform police functions, and guards of armored  
25 car companies, while actually engaged in the performance of

1 the duties of their employment or commuting between their  
2 homes and places of employment; and watchmen while actually  
3 engaged in the performance of the duties of their  
4 employment.

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

1 Private Security, Fingerprint Vendor, and Locksmith Act of  
2 2004. The firearm control card shall be carried by the  
3 private security contractor, private detective, or private  
4 alarm contractor, or employee of the licensed agency at all  
5 times when he or she is in possession of a concealable  
6 weapon.

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

1 cards issued under the provisions of this Section shall be  
2 the same as for those cards issued under the provisions of  
3 the Private Detective, Private Alarm, Private Security,  
4 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
5 control card shall be carried by the security guard at all  
6 times when he or she is in possession of a concealable  
7 weapon.

8 (7) Agents and investigators of the Illinois  
9 Legislative Investigating Commission authorized by the  
10 Commission to carry the weapons specified in subsections  
11 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
12 any investigation for the Commission.

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

1 a security officer and 20 hours of required firearm  
2 training, and has been issued a firearm control card by the  
3 Department of Financial and Professional Regulation.  
4 Conditions for renewal of firearm control cards issued  
5 under the provisions of this Section shall be the same as  
6 for those issued under the provisions of the Private  
7 Detective, Private Alarm, Private Security, Fingerprint  
8 Vendor, and Locksmith Act of 2004. Such firearm control  
9 card shall be carried by the person so trained at all times  
10 when such person is in possession of a concealable weapon.  
11 For purposes of this subsection, "financial institution"  
12 means a bank, savings and loan association, credit union or  
13 company providing armored car services.

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

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

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

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

26 (12.5) Probation officers while in the performance of

1 their duties, or while commuting between their homes,  
2 places of employment or specific locations that are part of  
3 their assigned duties, with the consent of the chief judge  
4 of the circuit for which they are employed.

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

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

15 (14) Manufacture, transportation, or sale of weapons  
16 to persons authorized under subdivisions (1) through  
17 (13.5) of this subsection to possess those weapons.

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

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

25 (1) Members of any club or organization organized for  
26 the purpose of practicing shooting at targets upon



1 established target ranges, whether public or private, and  
2 patrons of such ranges, while such members or patrons are  
3 using their firearms on those target ranges.

4 (2) Duly authorized military or civil organizations  
5 while parading, with the special permission of the  
6 Governor.

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

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

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

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

17 (1) Peace officers while in performance of their  
18 official duties.

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

22 (3) Members of the Armed Services or Reserve Forces of  
23 the United States or the Illinois National Guard, while in  
24 the performance of their official duty.

25 (4) Manufacture, transportation, or sale of machine  
26 guns to persons authorized under subdivisions (1) through

1 (3) of this subsection to possess machine guns, if the  
2 machine guns are broken down in a non-functioning state or  
3 are not immediately accessible.

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

18 During transportation, such weapons shall be broken  
19 down in a non-functioning state or not immediately  
20 accessible.

21 (6) The manufacture, transport, testing, delivery,  
22 transfer or sale, and all lawful commercial or experimental  
23 activities necessary thereto, of rifles, shotguns, and  
24 weapons made from rifles or shotguns, or ammunition for  
25 such rifles, shotguns or weapons, where engaged in by a  
26 person operating as a contractor or subcontractor pursuant

1 to a contract or subcontract for the development and supply  
2 of such rifles, shotguns, weapons or ammunition to the  
3 United States government or any branch of the Armed Forces  
4 of the United States, when such activities are necessary  
5 and incident to fulfilling the terms of such contract.

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

12 ~~During transportation, any such weapon shall be broken~~  
13 ~~down in a non-functioning state, or not immediately~~  
14 ~~accessible.~~

15 (7) A person possessing a rifle with a barrel or  
16 barrels less than 16 inches in length if: (A) the person  
17 has been issued a Curios and Relics license from the U.S.  
18 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
19 the person is an active member of a bona fide, nationally  
20 recognized military re-enacting group and the modification  
21 is required and necessary to accurately portray the weapon  
22 for historical re-enactment purposes; the re-enactor is in  
23 possession of a valid and current re-enacting group  
24 membership credential; and the overall length of the weapon  
25 as modified is not less than 26 inches.

26 ~~During transportation, any such weapon shall be broken~~

1 ~~down in a non-functioning state, or not immediately~~  
2 ~~accessible.~~

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

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

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

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

16 (1) Members of the Armed Services or Reserve Forces of  
17 the United States or the Illinois National Guard, while in  
18 the performance of their official duty.

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

21 (3) Laboratories having a department of forensic  
22 ballistics, or specializing in the development of  
23 ammunition or explosive ordinance.

24 (4) Commerce, preparation, assembly or possession of  
25 explosive bullets by manufacturers of ammunition licensed  
26 by the federal government, in connection with the supply of

1 those organizations and persons exempted by subdivision  
2 (g) (1) of this Section, or like organizations and persons  
3 outside this State, or the transportation of explosive  
4 bullets to any organization or person exempted in this  
5 Section by a common carrier or by a vehicle owned or leased  
6 by an exempted manufacturer.

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

24 (g-6) Subsections 24-1(a) (4) and 24-1(a) (10) and Section  
25 24-1.6 do not apply to or affect any parole agent or parole  
26 supervisor who meets the qualifications and conditions

1 prescribed in Section 3-14-1.5 of the Unified Code of  
2 Corrections.

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

11 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
12 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
13 athlete's possession, transport on official Olympic and  
14 Paralympic transit systems established for athletes, or use of  
15 competition firearms sanctioned by the International Olympic  
16 Committee, the International Paralympic Committee, the  
17 International Shooting Sport Federation, or USA Shooting in  
18 connection with such athlete's training for and participation  
19 in shooting competitions at the 2016 Olympic and Paralympic  
20 Games and sanctioned test events leading up to the 2016 Olympic  
21 and Paralympic Games.

22 (h) An information or indictment based upon a violation of  
23 any subsection of this Article need not negative any exemptions  
24 contained in this Article. The defendant shall have the burden  
25 of proving such an exemption.

26 (i) Nothing in this Article shall prohibit, apply to, or

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

14 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,  
15 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;  
16 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;  
17 revised 8-23-12.)

18 Section 160. The Code of Criminal Procedure of 1963 is  
19 amended by changing Section 112A-14 as follows:

20 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

21 Sec. 112A-14. Order of protection; remedies.

22 (a) Issuance of order. If the court finds that petitioner  
23 has been abused by a family or household member, as defined in  
24 this Article, an order of protection prohibiting such abuse

1 shall issue; provided that petitioner must also satisfy the  
2 requirements of one of the following Sections, as appropriate:  
3 Section 112A-17 on emergency orders, Section 112A-18 on interim  
4 orders, or Section 112A-19 on plenary orders. Petitioner shall  
5 not be denied an order of protection because petitioner or  
6 respondent is a minor. The court, when determining whether or  
7 not to issue an order of protection, shall not require physical  
8 manifestations of abuse on the person of the victim.  
9 Modification and extension of prior orders of protection shall  
10 be in accordance with this Article.

11 (b) Remedies and standards. The remedies to be included in  
12 an order of protection shall be determined in accordance with  
13 this Section and one of the following Sections, as appropriate:  
14 Section 112A-17 on emergency orders, Section 112A-18 on interim  
15 orders, and Section 112A-19 on plenary orders. The remedies  
16 listed in this subsection shall be in addition to other civil  
17 or criminal remedies available to petitioner.

18 (1) Prohibition of abuse. Prohibit respondent's  
19 harassment, interference with personal liberty,  
20 intimidation of a dependent, physical abuse or willful  
21 deprivation, as defined in this Article, if such abuse has  
22 occurred or otherwise appears likely to occur if not  
23 prohibited.

24 (2) Grant of exclusive possession of residence.  
25 Prohibit respondent from entering or remaining in any  
26 residence, household, or premises of the petitioner,



1 including one owned or leased by respondent, if petitioner  
2 has a right to occupancy thereof. The grant of exclusive  
3 possession of the residence, household, or premises shall  
4 not affect title to real property, nor shall the court be  
5 limited by the standard set forth in Section 701 of the  
6 Illinois Marriage and Dissolution of Marriage Act.

7 (A) Right to occupancy. A party has a right to  
8 occupancy of a residence or household if it is solely  
9 or jointly owned or leased by that party, that party's  
10 spouse, a person with a legal duty to support that  
11 party or a minor child in that party's care, or by any  
12 person or entity other than the opposing party that  
13 authorizes that party's occupancy (e.g., a domestic  
14 violence shelter). Standards set forth in subparagraph  
15 (B) shall not preclude equitable relief.

16 (B) Presumption of hardships. If petitioner and  
17 respondent each has the right to occupancy of a  
18 residence or household, the court shall balance (i) the  
19 hardships to respondent and any minor child or  
20 dependent adult in respondent's care resulting from  
21 entry of this remedy with (ii) the hardships to  
22 petitioner and any minor child or dependent adult in  
23 petitioner's care resulting from continued exposure to  
24 the risk of abuse (should petitioner remain at the  
25 residence or household) or from loss of possession of  
26 the residence or household (should petitioner leave to

1           avoid the risk of abuse). When determining the balance  
2           of hardships, the court shall also take into account  
3           the accessibility of the residence or household.  
4           Hardships need not be balanced if respondent does not  
5           have a right to occupancy.

6           The balance of hardships is presumed to favor  
7           possession by petitioner unless the presumption is  
8           rebutted by a preponderance of the evidence, showing  
9           that the hardships to respondent substantially  
10          outweigh the hardships to petitioner and any minor  
11          child or dependent adult in petitioner's care. The  
12          court, on the request of petitioner or on its own  
13          motion, may order respondent to provide suitable,  
14          accessible, alternate housing for petitioner instead  
15          of excluding respondent from a mutual residence or  
16          household.

17          (3) Stay away order and additional prohibitions. Order  
18          respondent to stay away from petitioner or any other person  
19          protected by the order of protection, or prohibit  
20          respondent from entering or remaining present at  
21          petitioner's school, place of employment, or other  
22          specified places at times when petitioner is present, or  
23          both, if reasonable, given the balance of hardships.  
24          Hardships need not be balanced for the court to enter a  
25          stay away order or prohibit entry if respondent has no  
26          right to enter the premises.

1           If an order of protection grants petitioner exclusive  
2 possession of the residence, or prohibits respondent from  
3 entering the residence, or orders respondent to stay away  
4 from petitioner or other protected persons, then the court  
5 may allow respondent access to the residence to remove  
6 items of clothing and personal adornment used exclusively  
7 by respondent, medications, and other items as the court  
8 directs. The right to access shall be exercised on only one  
9 occasion as the court directs and in the presence of an  
10 agreed-upon adult third party or law enforcement officer.

11           (4) Counseling. Require or recommend the respondent to  
12 undergo counseling for a specified duration with a social  
13 worker, psychologist, clinical psychologist, psychiatrist,  
14 family service agency, alcohol or substance abuse program,  
15 mental health center guidance counselor, agency providing  
16 services to elders, program designed for domestic violence  
17 abusers or any other guidance service the court deems  
18 appropriate. The court may order the respondent in any  
19 intimate partner relationship to report to an Illinois  
20 Department of Human Services protocol approved partner  
21 abuse intervention program for an assessment and to follow  
22 all recommended treatment.

23           (5) Physical care and possession of the minor child. In  
24 order to protect the minor child from abuse, neglect, or  
25 unwarranted separation from the person who has been the  
26 minor child's primary caretaker, or to otherwise protect

1 the well-being of the minor child, the court may do either  
2 or both of the following: (i) grant petitioner physical  
3 care or possession of the minor child, or both, or (ii)  
4 order respondent to return a minor child to, or not remove  
5 a minor child from, the physical care of a parent or person  
6 in loco parentis.

7 If a court finds, after a hearing, that respondent has  
8 committed abuse (as defined in Section 112A-3) of a minor  
9 child, there shall be a rebuttable presumption that  
10 awarding physical care to respondent would not be in the  
11 minor child's best interest.

12 (6) Temporary legal custody. Award temporary legal  
13 custody to petitioner in accordance with this Section, the  
14 Illinois Marriage and Dissolution of Marriage Act, the  
15 Illinois Parentage Act of 1984, and this State's Uniform  
16 Child-Custody Jurisdiction and Enforcement Act.

17 If a court finds, after a hearing, that respondent has  
18 committed abuse (as defined in Section 112A-3) of a minor  
19 child, there shall be a rebuttable presumption that  
20 awarding temporary legal custody to respondent would not be  
21 in the child's best interest.

22 (7) Visitation. Determine the visitation rights, if  
23 any, of respondent in any case in which the court awards  
24 physical care or temporary legal custody of a minor child  
25 to petitioner. The court shall restrict or deny  
26 respondent's visitation with a minor child if the court

1 finds that respondent has done or is likely to do any of  
2 the following: (i) abuse or endanger the minor child during  
3 visitation; (ii) use the visitation as an opportunity to  
4 abuse or harass petitioner or petitioner's family or  
5 household members; (iii) improperly conceal or detain the  
6 minor child; or (iv) otherwise act in a manner that is not  
7 in the best interests of the minor child. The court shall  
8 not be limited by the standards set forth in Section 607.1  
9 of the Illinois Marriage and Dissolution of Marriage Act.  
10 If the court grants visitation, the order shall specify  
11 dates and times for the visitation to take place or other  
12 specific parameters or conditions that are appropriate. No  
13 order for visitation shall refer merely to the term  
14 "reasonable visitation".

15 Petitioner may deny respondent access to the minor  
16 child if, when respondent arrives for visitation,  
17 respondent is under the influence of drugs or alcohol and  
18 constitutes a threat to the safety and well-being of  
19 petitioner or petitioner's minor children or is behaving in  
20 a violent or abusive manner.

21 If necessary to protect any member of petitioner's  
22 family or household from future abuse, respondent shall be  
23 prohibited from coming to petitioner's residence to meet  
24 the minor child for visitation, and the parties shall  
25 submit to the court their recommendations for reasonable  
26 alternative arrangements for visitation. A person may be

1 approved to supervise visitation only after filing an  
2 affidavit accepting that responsibility and acknowledging  
3 accountability to the court.

4 (8) Removal or concealment of minor child. Prohibit  
5 respondent from removing a minor child from the State or  
6 concealing the child within the State.

7 (9) Order to appear. Order the respondent to appear in  
8 court, alone or with a minor child, to prevent abuse,  
9 neglect, removal or concealment of the child, to return the  
10 child to the custody or care of the petitioner or to permit  
11 any court-ordered interview or examination of the child or  
12 the respondent.

13 (10) Possession of personal property. Grant petitioner  
14 exclusive possession of personal property and, if  
15 respondent has possession or control, direct respondent to  
16 promptly make it available to petitioner, if:

17 (i) petitioner, but not respondent, owns the  
18 property; or

19 (ii) the parties own the property jointly; sharing  
20 it would risk abuse of petitioner by respondent or is  
21 impracticable; and the balance of hardships favors  
22 temporary possession by petitioner.

23 If petitioner's sole claim to ownership of the property  
24 is that it is marital property, the court may award  
25 petitioner temporary possession thereof under the  
26 standards of subparagraph (ii) of this paragraph only if a

1 proper proceeding has been filed under the Illinois  
2 Marriage and Dissolution of Marriage Act, as now or  
3 hereafter amended.

4 No order under this provision shall affect title to  
5 property.

6 (11) Protection of property. Forbid the respondent  
7 from taking, transferring, encumbering, concealing,  
8 damaging or otherwise disposing of any real or personal  
9 property, except as explicitly authorized by the court, if:

10 (i) petitioner, but not respondent, owns the  
11 property; or

12 (ii) the parties own the property jointly, and the  
13 balance of hardships favors granting this remedy.

14 If petitioner's sole claim to ownership of the property  
15 is that it is marital property, the court may grant  
16 petitioner relief under subparagraph (ii) of this  
17 paragraph only if a proper proceeding has been filed under  
18 the Illinois Marriage and Dissolution of Marriage Act, as  
19 now or hereafter amended.

20 The court may further prohibit respondent from  
21 improperly using the financial or other resources of an  
22 aged member of the family or household for the profit or  
23 advantage of respondent or of any other person.

24 (11.5) Protection of animals. Grant the petitioner the  
25 exclusive care, custody, or control of any animal owned,  
26 possessed, leased, kept, or held by either the petitioner

1 or the respondent or a minor child residing in the  
2 residence or household of either the petitioner or the  
3 respondent and order the respondent to stay away from the  
4 animal and forbid the respondent from taking,  
5 transferring, encumbering, concealing, harming, or  
6 otherwise disposing of the animal.

7 (12) Order for payment of support. Order respondent to  
8 pay temporary support for the petitioner or any child in  
9 the petitioner's care or custody, when the respondent has a  
10 legal obligation to support that person, in accordance with  
11 the Illinois Marriage and Dissolution of Marriage Act,  
12 which shall govern, among other matters, the amount of  
13 support, payment through the clerk and withholding of  
14 income to secure payment. An order for child support may be  
15 granted to a petitioner with lawful physical care or  
16 custody of a child, or an order or agreement for physical  
17 care or custody, prior to entry of an order for legal  
18 custody. Such a support order shall expire upon entry of a  
19 valid order granting legal custody to another, unless  
20 otherwise provided in the custody order.

21 (13) Order for payment of losses. Order respondent to  
22 pay petitioner for losses suffered as a direct result of  
23 the abuse. Such losses shall include, but not be limited  
24 to, medical expenses, lost earnings or other support,  
25 repair or replacement of property damaged or taken,  
26 reasonable attorney's fees, court costs and moving or other



1 travel expenses, including additional reasonable expenses  
2 for temporary shelter and restaurant meals.

3 (i) Losses affecting family needs. If a party is  
4 entitled to seek maintenance, child support or  
5 property distribution from the other party under the  
6 Illinois Marriage and Dissolution of Marriage Act, as  
7 now or hereafter amended, the court may order  
8 respondent to reimburse petitioner's actual losses, to  
9 the extent that such reimbursement would be  
10 "appropriate temporary relief", as authorized by  
11 subsection (a) (3) of Section 501 of that Act.

12 (ii) Recovery of expenses. In the case of an  
13 improper concealment or removal of a minor child, the  
14 court may order respondent to pay the reasonable  
15 expenses incurred or to be incurred in the search for  
16 and recovery of the minor child, including but not  
17 limited to legal fees, court costs, private  
18 investigator fees, and travel costs.

19 (14) Prohibition of entry. Prohibit the respondent  
20 from entering or remaining in the residence or household  
21 while the respondent is under the influence of alcohol or  
22 drugs and constitutes a threat to the safety and well-being  
23 of the petitioner or the petitioner's children.

24 (14.5) Prohibition of firearm possession.

25 (A) A person who is subject to an existing order of  
26 protection, interim order of protection, emergency

1           order of protection, or plenary order of protection,  
2           issued under this Code may not lawfully possess weapons  
3           under Section 8.2 of the Firearm Owners Identification  
4           Card Act. ~~(a) Prohibit a respondent against whom an~~

5           ~~order of protection was issued from possessing any~~  
6           ~~firearms during the duration of the order if the order:~~

7                   ~~(1) was issued after a hearing of which such~~  
8                   ~~person received actual notice, and at which such~~  
9                   ~~person had an opportunity to participate;~~

10                   ~~(2) restrains such person from harassing,~~  
11                   ~~stalking, or threatening an intimate partner of~~  
12                   ~~such person or child of such intimate partner or~~  
13                   ~~person, or engaging in other conduct that would~~  
14                   ~~place an intimate partner in reasonable fear of~~  
15                   ~~bodily injury to the partner or child; and~~

16                   ~~(3) (i) includes a finding that such person~~  
17                   ~~represents a credible threat to the physical~~  
18                   ~~safety of such intimate partner or child; or (ii)~~  
19                   ~~by its terms explicitly prohibits the use,~~  
20                   ~~attempted use, or threatened use of physical force~~  
21                   ~~against such intimate partner or child that would~~  
22                   ~~reasonably be expected to cause bodily injury.~~

23           (B) Any firearms in the possession of the respondent,  
24           except as provided in subparagraph (C) of this  
25           paragraph (14.5) subsection (b), shall be ordered by  
26           the court to be turned over to a person with a valid

1           Firearm Owner's Identification Card ~~the local law~~  
2 ~~enforcement agency~~ for safekeeping. The court shall  
3 issue an order that the respondent's Firearm Owner's  
4 Identification Card be turned over to the local law  
5 enforcement agency, which in turn shall immediately  
6 mail the card to the Department of State Police Firearm  
7 Owner's Identification Card Office for safekeeping.  
8 The period of safekeeping shall be for the duration of  
9 the order of protection. The firearm or firearms and  
10 Firearm Owner's Identification Card, if unexpired,  
11 shall at the respondent's request be returned to the  
12 respondent at expiration of the order of protection.

13           (C) ~~(b)~~ If the respondent is a peace officer as  
14 defined in Section 2-13 of the Criminal Code of 2012,  
15 the court shall order that any firearms used by the  
16 respondent in the performance of his or her duties as a  
17 peace officer be surrendered to the chief law  
18 enforcement executive of the agency in which the  
19 respondent is employed, who shall retain the firearms  
20 for safekeeping for the duration of the order of  
21 protection.

22           (D) ~~(e)~~ Upon expiration of the period of  
23 safekeeping, if the firearms or Firearm Owner's  
24 Identification Card cannot be returned to respondent  
25 because respondent cannot be located, fails to respond  
26 to requests to retrieve the firearms, or is not

1           lawfully eligible to possess a firearm, upon petition  
2           from the local law enforcement agency, the court may  
3           order the local law enforcement agency to destroy the  
4           firearms, use the firearms for training purposes, or  
5           for any other application as deemed appropriate by the  
6           local law enforcement agency; or that the firearms be  
7           turned over to a third party who is lawfully eligible  
8           to possess firearms, and who does not reside with  
9           respondent.

10           (15) Prohibition of access to records. If an order of  
11           protection prohibits respondent from having contact with  
12           the minor child, or if petitioner's address is omitted  
13           under subsection (b) of Section 112A-5, or if necessary to  
14           prevent abuse or wrongful removal or concealment of a minor  
15           child, the order shall deny respondent access to, and  
16           prohibit respondent from inspecting, obtaining, or  
17           attempting to inspect or obtain, school or any other  
18           records of the minor child who is in the care of  
19           petitioner.

20           (16) Order for payment of shelter services. Order  
21           respondent to reimburse a shelter providing temporary  
22           housing and counseling services to the petitioner for the  
23           cost of the services, as certified by the shelter and  
24           deemed reasonable by the court.

25           (17) Order for injunctive relief. Enter injunctive  
26           relief necessary or appropriate to prevent further abuse of

1 a family or household member or to effectuate one of the  
2 granted remedies, if supported by the balance of hardships.  
3 If the harm to be prevented by the injunction is abuse or  
4 any other harm that one of the remedies listed in  
5 paragraphs (1) through (16) of this subsection is designed  
6 to prevent, no further evidence is necessary to establish  
7 that the harm is an irreparable injury.

8 (c) Relevant factors; findings.

9 (1) In determining whether to grant a specific remedy,  
10 other than payment of support, the court shall consider  
11 relevant factors, including but not limited to the  
12 following:

13 (i) the nature, frequency, severity, pattern and  
14 consequences of the respondent's past abuse of the  
15 petitioner or any family or household member,  
16 including the concealment of his or her location in  
17 order to evade service of process or notice, and the  
18 likelihood of danger of future abuse to petitioner or  
19 any member of petitioner's or respondent's family or  
20 household; and

21 (ii) the danger that any minor child will be abused  
22 or neglected or improperly removed from the  
23 jurisdiction, improperly concealed within the State or  
24 improperly separated from the child's primary  
25 caretaker.

26 (2) In comparing relative hardships resulting to the

1 parties from loss of possession of the family home, the  
2 court shall consider relevant factors, including but not  
3 limited to the following:

4 (i) availability, accessibility, cost, safety,  
5 adequacy, location and other characteristics of  
6 alternate housing for each party and any minor child or  
7 dependent adult in the party's care;

8 (ii) the effect on the party's employment; and

9 (iii) the effect on the relationship of the party,  
10 and any minor child or dependent adult in the party's  
11 care, to family, school, church and community.

12 (3) Subject to the exceptions set forth in paragraph  
13 (4) of this subsection, the court shall make its findings  
14 in an official record or in writing, and shall at a minimum  
15 set forth the following:

16 (i) That the court has considered the applicable  
17 relevant factors described in paragraphs (1) and (2) of  
18 this subsection.

19 (ii) Whether the conduct or actions of respondent,  
20 unless prohibited, will likely cause irreparable harm  
21 or continued abuse.

22 (iii) Whether it is necessary to grant the  
23 requested relief in order to protect petitioner or  
24 other alleged abused persons.

25 (4) For purposes of issuing an ex parte emergency order  
26 of protection, the court, as an alternative to or as a

1 supplement to making the findings described in paragraphs  
2 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
3 the following procedure:

4 When a verified petition for an emergency order of  
5 protection in accordance with the requirements of Sections  
6 112A-5 and 112A-17 is presented to the court, the court  
7 shall examine petitioner on oath or affirmation. An  
8 emergency order of protection shall be issued by the court  
9 if it appears from the contents of the petition and the  
10 examination of petitioner that the averments are  
11 sufficient to indicate abuse by respondent and to support  
12 the granting of relief under the issuance of the emergency  
13 order of protection.

14 (5) Never married parties. No rights or  
15 responsibilities for a minor child born outside of marriage  
16 attach to a putative father until a father and child  
17 relationship has been established under the Illinois  
18 Parentage Act of 1984. Absent such an adjudication, no  
19 putative father shall be granted temporary custody of the  
20 minor child, visitation with the minor child, or physical  
21 care and possession of the minor child, nor shall an order  
22 of payment for support of the minor child be entered.

23 (d) Balance of hardships; findings. If the court finds that  
24 the balance of hardships does not support the granting of a  
25 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
26 subsection (b) of this Section, which may require such

1 balancing, the court's findings shall so indicate and shall  
2 include a finding as to whether granting the remedy will result  
3 in hardship to respondent that would substantially outweigh the  
4 hardship to petitioner from denial of the remedy. The findings  
5 shall be an official record or in writing.

6 (e) Denial of remedies. Denial of any remedy shall not be  
7 based, in whole or in part, on evidence that:

8 (1) Respondent has cause for any use of force, unless  
9 that cause satisfies the standards for justifiable use of  
10 force provided by Article 7 of the Criminal Code of 2012;

11 (2) Respondent was voluntarily intoxicated;

12 (3) Petitioner acted in self-defense or defense of  
13 another, provided that, if petitioner utilized force, such  
14 force was justifiable under Article 7 of the Criminal Code  
15 of 2012;

16 (4) Petitioner did not act in self-defense or defense  
17 of another;

18 (5) Petitioner left the residence or household to avoid  
19 further abuse by respondent;

20 (6) Petitioner did not leave the residence or household  
21 to avoid further abuse by respondent;

22 (7) Conduct by any family or household member excused  
23 the abuse by respondent, unless that same conduct would  
24 have excused such abuse if the parties had not been family  
25 or household members.

26 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;



1 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.  
2 1-25-13.)

3 Section 165. The Mental Health and Developmental  
4 Disabilities Confidentiality Act is amended by changing  
5 Section 12 as follows:

6 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

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

1 provision shall have immunity from any liability, civil,  
2 criminal or otherwise, if such information is disclosed relying  
3 upon the representation of an officer of the United States  
4 Secret Service or the Department of State Police that a person  
5 is under the protection of the United States Secret Service or  
6 is a public official.

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

18 (b) The Department of Human Services (acting as successor  
19 to the Department of Mental Health and Developmental  
20 Disabilities) and all public or private hospitals and mental  
21 health facilities are required, as hereafter described in this  
22 subsection, to furnish the Department of State Police only such  
23 information as may be required for the sole purpose of  
24 determining whether an individual who may be or may have been a  
25 patient is disqualified because of that status from receiving  
26 or retaining a Firearm Owner's Identification Card or falls

1 within the federal prohibitors under subsection (e), (f), (g),  
2 (r), (s), or (t) of Section 8 of the Firearm Owners  
3 Identification Card Act, or falls within the federal  
4 prohibitors in ~~under subsection (e) or (f) of Section 8 of the~~  
5 ~~Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and~~  
6 (n). All physicians, clinical psychologists, or qualified  
7 examiners at public or private hospitals and mental health  
8 facilities or parts thereof as defined in this subsection  
9 shall, in the form and manner required by the Department,  
10 provide notice directly to the Department of Human Services, or  
11 to his or her employer who shall then report to the Department,  
12 within 24 hours after determining that a patient as described  
13 in clause (2) of the definition of "patient" in Section 1.1 of  
14 the Firearm Owners Identification Card Act poses a clear and  
15 present danger to himself, herself, or others, or is determined  
16 to be developmentally disabled ~~such information as shall be~~  
17 ~~necessary for the Department to comply with the reporting~~  
18 ~~requirements to the Department of State Police. This~~ Such  
19 information shall be furnished within 24 hours after the  
20 physician, clinical psychologist, or qualified examiner has  
21 made a determination, or within 7 days after admission to a  
22 public or private hospital or mental health facility or the  
23 provision of services to a patient described in clause (1) of  
24 the definition of "patient" in Section 1.1 of the Firearm  
25 Owners Identification Card Act ~~clause (2) of this subsection~~  
26 ~~(b)~~. Any such information disclosed under this subsection shall

1 remain privileged and confidential, and shall not be  
2 redisclosed, except as required by subsection (e) ~~clause (e) (2)~~  
3 of Section 3.1 of the Firearm Owners Identification Card Act,  
4 nor utilized for any other purpose. The method of requiring the  
5 providing of such information shall guarantee that no  
6 information is released beyond what is necessary for this  
7 purpose. In addition, the information disclosed shall be  
8 provided by the Department within the time period established  
9 by Section 24-3 of the Criminal Code of 2012 regarding the  
10 delivery of firearms. The method used shall be sufficient to  
11 provide the necessary information within the prescribed time  
12 period, which may include periodically providing lists to the  
13 Department of Human Services or any public or private hospital  
14 or mental health facility of Firearm Owner's Identification  
15 Card applicants on which the Department or hospital shall  
16 indicate the identities of those individuals who are to its  
17 knowledge disqualified from having a Firearm Owner's  
18 Identification Card for reasons described herein. The  
19 Department may provide for a centralized source of information  
20 for the State on this subject under its jurisdiction. The  
21 identity of the person reporting under this subsection shall  
22 not be disclosed to the subject of the report. For the purposes  
23 of this subsection, the physician, clinical psychologist, or  
24 qualified examiner making the determination and his or her  
25 employer shall not be held criminally, civilly, or  
26 professionally liable for making or not making the notification

1 required under this subsection, except for willful or wanton  
2 misconduct.

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

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

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

24 (1.3) "Clear and present danger" has the meaning as  
25 defined in Section 1.1 of the Firearm Owners Identification  
26 Card Act.

1           (1.5) "Developmentally disabled" has the meaning as  
2           defined in Section 1.1 of the Firearm Owners Identification  
3           Card Act.

4           (2) "Patient" has the meaning as defined in Section 1.1  
5           of the Firearm Owners Identification Card Act ~~shall include~~  
6           ~~only: (i) a person who is an in patient or resident of any~~  
7           ~~public or private hospital or mental health facility or~~  
8           ~~(ii) a person who is an out patient or provided services by~~  
9           ~~a public or private hospital or mental health facility~~  
10           ~~whose mental condition is of such a nature that it is~~  
11           ~~manifested by violent, suicidal, threatening, or~~  
12           ~~assaultive behavior or reported behavior, for which there~~  
13           ~~is a reasonable belief by a physician, clinical~~  
14           ~~psychologist, or qualified examiner that the condition~~  
15           ~~poses a clear and present or imminent danger to the~~  
16           ~~patient, any other person or the community meaning the~~  
17           ~~patient's condition poses a clear and present danger in~~  
18           ~~accordance with subsection (f) of Section 8 of the Firearm~~  
19           ~~Owners Identification Card Act. The terms physician,~~  
20           ~~clinical psychologist, and qualified examiner are defined~~  
21           ~~in Sections 1-120, 1-103, and 1-122 of the Mental Health~~  
22           ~~and Developmental Disabilities Code.~~

23           (3) "Mental health facility" has the meaning as defined  
24           in Section 1.1 of the Firearm Owners Identification Card  
25           Act ~~is defined by Section 1-114 of the Mental Health and~~  
26           ~~Developmental Disabilities Code.~~

1           (c) Upon the request of a peace officer who takes a person  
2 into custody and transports such person to a mental health or  
3 developmental disability facility pursuant to Section 3-606 or  
4 4-404 of the Mental Health and Developmental Disabilities Code  
5 or who transports a person from such facility, a facility  
6 director shall furnish said peace officer the name, address,  
7 age and name of the nearest relative of the person transported  
8 to or from the mental health or developmental disability  
9 facility. In no case shall the facility director disclose to  
10 the peace officer any information relating to the diagnosis,  
11 treatment or evaluation of the person's mental or physical  
12 health.

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

17           (d) Upon the request of a peace officer or prosecuting  
18 authority who is conducting a bona fide investigation of a  
19 criminal offense, or attempting to apprehend a fugitive from  
20 justice, a facility director may disclose whether a person is  
21 present at the facility. Upon request of a peace officer or  
22 prosecuting authority who has a valid forcible felony warrant  
23 issued, a facility director shall disclose: (1) whether the  
24 person who is the subject of the warrant is present at the  
25 facility and (2) the date of that person's discharge or future  
26 discharge from the facility. The requesting peace officer or

1 prosecuting authority must furnish a case number and the  
2 purpose of the investigation or an outstanding arrest warrant  
3 at the time of the request. Any person, institution, or agency  
4 participating in good faith in disclosing such information in  
5 accordance with this subsection (d) is immune from any  
6 liability, civil, criminal or otherwise, that might result by  
7 reason of the action.

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

9 Section 170. The Probate Act of 1975 is amended by adding  
10 Section 11a-24 as follows:

11 (755 ILCS 5/11a-24 new)

12 Sec. 11a-24. Notification; Department of State Police.  
13 When a court adjudges a respondent to be a disabled person  
14 under this Article, the court shall direct the circuit court  
15 clerk to notify the Department of State Police, Firearm Owner's  
16 Identification (FOID) Office, in a form and manner prescribed  
17 by the Department of State Police, and shall forward a copy of  
18 the court order to the Department no later than 7 days after  
19 the entry of the order. Upon receipt of the order, the  
20 Department of State Police shall provide notification to the  
21 National Instant Criminal Background Check System."

22 Section 195. No acceleration or delay. Where this Act makes  
23 changes in a statute that is represented in this Act by text



1 that is not yet or no longer in effect (for example, a Section  
2 represented by multiple versions), the use of that text does  
3 not accelerate or delay the taking effect of (i) the changes  
4 made by this Act or (ii) provisions derived from any other  
5 Public Act.

6 Section 999. Effective date. This Act takes effect upon  
7 becoming law.".