



Rep. Brandon W. Phelps

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1 AMENDMENT TO SENATE BILL 2335

2 AMENDMENT NO. _____. Amend Senate Bill 2335, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

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

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

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

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

15 "Department" means the Department of State Police.

16 "Director" means the Director of State Police.

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

6 (1) a stun gun or taser;

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

10 (3) a short-barreled rifle or shotgun as defined in
11 item (ii) of paragraph (7) of subsection (a) of Section
12 24-1 of the Criminal Code of 2012; or

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

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

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

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

26 "Municipality" has the meaning ascribed to it in Section 1

1 of Article VII of the Illinois Constitution.

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

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

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

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

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

11 (3) has submitted the requisite fees; and

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

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

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

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

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

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

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

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

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

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

26 (2) when the person is authorized to carry a firearm

1 under Section 24-2 of the Criminal Code of 2012, except
2 subsection (a-5) of that Section; or

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

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

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

26 (j) No later than 10 days after receipt of a completed

1 application, the Department shall enter the relevant
2 information about the applicant into the database under
3 subsection (i) of this Section which is accessible by law
4 enforcement agencies.

5 Section 15. Objections by law enforcement agencies.

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

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

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

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

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

16 Section 20. Concealed Carry Licensing Review Board.

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

1 shall be members of the same political party. The Governor
2 shall designate one commissioner as the Chairperson. The Board
3 shall consist of:

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

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

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

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

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

1 equal to the compensation of members of the Executive Ethics
2 Commission and may be reimbursed for reasonable expenses
3 actually incurred in the performance of their Board duties,
4 from funds appropriated for that purpose.

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

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

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

1 the Department, a law enforcement agency, or the applicant. The
2 Board shall review each objection and determine by a majority
3 of commissioners whether an applicant is eligible for a
4 license.

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

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

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

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

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

1 (h) Meetings of the Board shall not be subject to the Open
2 Meetings Act and records of the Board shall not be subject to
3 the Freedom of Information Act.

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

11 Section 25. Qualifications for a license.

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

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

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

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

24 (A) a misdemeanor involving the use or threat of
25 physical force or violence to any person within the 5

1 years preceding the date of the license application; or

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

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

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

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

16 Section 30. Contents of license application.

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

25 (b) The application shall contain the following:

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

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

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

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

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

24 (A) a felony;

25 (B) a misdemeanor involving the use or threat of
26 physical force or violence to any person within the 5

1 years preceding the date of the application; or

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

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

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

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

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

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

1 Act.

2 Section 35. Investigation of the applicant.

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

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

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

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

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

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

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

24 (7) Fingerprints collected under Section 30 shall be
25 checked against the Department of State Police and Federal

1 Bureau of Investigation criminal history record databases
2 now and hereafter filed. The Department shall charge
3 applicants a fee for conducting the criminal history
4 records check, which shall be deposited in the State Police
5 Services Fund and shall not exceed the actual cost of the
6 records check.

7 Section 40. Non-resident license applications.

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

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

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

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

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

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

5 (B) if applicable, has a license or permit to carry
6 a firearm or concealed firearm issued by his or her
7 state or territory of residence and attach a copy of
8 the license or permit to the application;

9 (C) understands Illinois laws pertaining to the
10 possession and transport of firearms, and

11 (D) acknowledges that the applicant is subject to
12 the jurisdiction of the Department and Illinois courts
13 for any violation of this Act; and

14 (3) a photocopy of any certificates or other evidence
15 of compliance with the training requirements under Section
16 75 of this Act; and

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

20 (d) In lieu of an Illinois driver's license or Illinois
21 identification card, a non-resident applicant shall provide
22 similar documentation from his or her state or territory of
23 residence. In lieu of a valid Firearm Owner's Identification
24 Card, the applicant shall submit documentation and information
25 required by the Department to obtain a Firearm Owner's
26 Identification Card, including an affidavit that the

1 non-resident meets the mental health standards to obtain a
2 firearm under Illinois law, and the Department shall ensure
3 that the applicant would meet the eligibility criteria to
4 obtain a Firearm Owner's Identification card if he or she was a
5 resident of this State.

6 (e) Nothing in this Act shall prohibit a non-resident from
7 transporting a concealed firearm within his or her vehicle in
8 Illinois, if the concealed firearm remains within his or her
9 vehicle and the non-resident:

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

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

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

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

19 Section 45. Civil immunity; Board, employees, and agents.
20 The Board, Department, local law enforcement agency, or the
21 employees and agents of the Board, Department, or local law
22 enforcement agency participating in the licensing process
23 under this Act shall not be held liable for damages in any
24 civil action arising from alleged wrongful or improper
25 granting, denying, renewing, revoking, suspending, or failing

1 to grant, deny, renew, revoke, or suspend a license under this
2 Act, except for willful or wanton misconduct.

3 Section 50. License renewal.

4 Applications for renewal of a license shall be made to the
5 Department. A license shall be renewed for a period of 5 years
6 upon receipt of a completed renewal application, completion of
7 3 hours of training required under Section 75 of this Section,
8 payment of the applicable renewal fee, and completion of an
9 investigation under Section 35 of this Act. The renewal
10 application shall contain the information required in Section
11 30 of this Act, except that the applicant need not resubmit a
12 full set of fingerprints.

13 Section 55. Change of address or name; lost, destroyed, or
14 stolen licenses.

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

18 (1) a notarized statement that the licensee has changed
19 his or her residence or his or her name, including the
20 prior and current address or name and the date the
21 applicant moved or changed his or her name; and

22 (2) the requisite fee.

23 (b) A licensee shall notify the Department within 10 days
24 of discovering that a license has been lost, destroyed, or

1 stolen. A lost, destroyed, or stolen license is invalid. To
2 request a replacement license, the licensee shall submit:

3 (1) a notarized statement that the licensee no longer
4 possesses the license, and that it was lost, destroyed, or
5 stolen;

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

8 (3) the requisite fee.

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

12 Section 60. Fees.

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

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

21 (c) A non-resident applicant for a new license or renewal
22 shall submit \$300 with the application, of which \$250 shall be
23 apportioned to the State Police Firearm Services Fund, \$40
24 shall be apportioned to the Mental Health Reporting Fund, and
25 \$10 shall be apportioned to the State Crime Laboratory Fund.

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

6 Section 65. Prohibited areas.

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

9 (1) Any building, real property, and parking area under
10 the control of a public or private elementary or secondary
11 school.

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

22 (3) Any building, parking area, or portion of a
23 building under the control of an officer of the executive
24 or legislative branch of government, provided that nothing
25 in this paragraph shall prohibit a licensee from carrying a

1 concealed firearm onto the real property, bikeway, or trail
2 in a park regulated by the Department of Natural Resources
3 or any other designated public hunting area or building
4 where firearm possession is permitted as established by the
5 Department of Natural Resources under Section 1.8 of the
6 Wildlife Code.

7 (4) Any building designated for matters before a
8 circuit court, appellate court, or the Supreme Court, or
9 any building or portion of a building under the control of
10 the Supreme Court.

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

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

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

19 (8) Any bus, train, or form of transportation paid for
20 in whole or in part with public funds, and any building,
21 real property, and parking area under the control of a
22 public transportation facility paid for in whole or in part
23 with public funds.

24 (9) Any building, real property, and parking area under
25 the control of an establishment that serves alcohol on its
26 premises, if more than 50% of the establishment's gross

1 receipts within the prior 3 months is from the sale of
2 alcohol. The owner of an establishment who knowingly fails
3 to prohibit concealed firearms on its premises as provided
4 in this paragraph or who knowingly makes a false statement
5 or record to avoid the prohibition on concealed firearms
6 under this paragraph is subject to the penalty under
7 subsection (c-5) of Section 10-1 of the Liquor Control Act
8 of 1934.

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

15 (11) Any building or real property that has been issued
16 a Special Event Retailer's license as defined in Section
17 1-3.17.1 of the Liquor Control Act during the time
18 designated for the sale of alcohol by the Special Event
19 Retailer's license, or a Special use permit license as
20 defined in subsection (q) of Section 5-1 of the Liquor
21 Control Act during the time designated for the sale of
22 alcohol by the Special use permit license.

23 (12) Any public playground.

24 (13) Any public park, athletic area, or athletic
25 facility under the control of a municipality or park
26 district, provided nothing in this Section shall prohibit a

1 licensee from carrying a concealed firearm while on a trail
2 or bikeway if only a portion of the trail or bikeway
3 includes a public park.

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

6 (15) Any building, classroom, laboratory, medical
7 clinic, hospital, artistic venue, athletic venue,
8 entertainment venue, officially recognized
9 university-related organization property, whether owned or
10 leased, and any real property, including parking areas,
11 sidewalks, and common areas under the control of a public
12 or private community college, college, or university.

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

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

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

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

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

26 (21) Any building, real property, or parking area under

1 the control of a zoo or museum.

2 (22) Any street, driveway, parking area, property,
3 building, or facility, owned, leased, controlled, or used
4 by a nuclear energy, storage, weapons, or development site
5 or facility regulated by the federal Nuclear Regulatory
6 Commission. The licensee shall not under any circumstance
7 store a firearm or ammunition in his or her vehicle or in a
8 compartment or container within a vehicle located anywhere
9 in or on the street, driveway, parking area, property,
10 building, or facility described in this paragraph.

11 (23) Any area where firearms are prohibited under
12 federal law.

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

15 (1) prohibiting persons from carrying a firearm within
16 a vehicle owned, leased, or controlled by the college or
17 university;

18 (2) developing resolutions, regulations, or policies
19 regarding student, employee, or visitor misconduct and
20 discipline, including suspension and expulsion;

21 (3) developing resolutions, regulations, or policies
22 regarding the storage or maintenance of firearms, which
23 must include designated areas where persons can park
24 vehicles that carry firearms; and

25 (4) permitting the carrying or use of firearms for the
26 purpose of instruction and curriculum of officially

1 recognized programs, including but not limited to military
2 science and law enforcement training programs, or in any
3 designated area used for hunting purposes or target
4 shooting.

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

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

1 completely encloses the concealed firearm or ammunition, the
2 trunk of the vehicle, or a firearm carrying box, shipping box,
3 or other container.

4 (c) A licensee shall not be in violation of this Section
5 while he or she is traveling along a public right of way that
6 touches or crosses any of the premises under subsection (a),
7 (a-5), or (a-10) of this Section if the concealed firearm is
8 carried on his or her person in accordance with the provisions
9 of this Act or is being transported in a vehicle by the
10 licensee in accordance with all other applicable provisions of
11 law.

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

20 Section 70. Violations.

21 (a) A license issued or renewed under this Act shall be
22 revoked if, at any time, the licensee is found to be ineligible
23 for a license under this Act or the licensee no longer meets
24 the eligibility requirements of the Firearm Owners
25 Identification Card Act.

1 (b) A license shall be suspended if an order of protection,
2 including an emergency order of protection, plenary order of
3 protection, or interim order of protection under Article 112A
4 of the Code of Criminal Procedure of 1963 or under the Illinois
5 Domestic Violence Act of 1986, is issued against a licensee for
6 the duration of the order, or if the Department is made aware
7 of a similar order issued against the licensee in any other
8 jurisdiction. If an order of protection is issued against a
9 licensee, the licensee shall surrender the license, as
10 applicable, to the court at the time the order is entered or to
11 the law enforcement agency or entity serving process at the
12 time the licensee is served the order. The court, law
13 enforcement agency, or entity responsible for serving the order
14 of protection shall notify the Department within 7 days and
15 transmit the license to the Department.

16 (c) A license is invalid upon expiration of the license,
17 unless the licensee has submitted an application to renew the
18 license, and the applicant is otherwise eligible to possess a
19 license under this Act.

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

25 A licensee in violation of this subsection (d) shall be
26 guilty of a Class A misdemeanor for a first or second violation

1 and a Class 4 felony for a third violation. The Department may
2 suspend a license for up to 6 months for a second violation and
3 shall permanently revoke a license for a third violation.

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

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

24 (g) A licensee whose license is revoked, suspended, or
25 denied shall, within 48 hours of receiving notice of the
26 revocation, suspension, or denial surrender his or her

1 concealed carry license to the local law enforcement agency
2 where the person resides. The local law enforcement agency
3 shall provide the licensee a receipt and transmit the concealed
4 carry license to the Department of State Police. If the
5 licensee whose concealed carry license has been revoked,
6 suspended, or denied fails to comply with the requirements of
7 this subsection, the law enforcement agency where the person
8 resides may petition the circuit court to issue a warrant to
9 search for and seize the concealed carry license in the
10 possession and under the custody or control of the licensee
11 whose concealed carry license has been revoked, suspended, or
12 denied. The observation of a concealed carry license in the
13 possession of a person whose license has been revoked,
14 suspended, or denied constitutes a sufficient basis for the
15 arrest of that person for violation of this subsection. A
16 violation of this subsection is a Class A misdemeanor.

17 (h) A license issued or renewed under this Act shall be
18 revoked if, at any time, the licensee is found ineligible for a
19 Firearm Owner's Identification Card, or the licensee no longer
20 possesses a valid Firearm Owner's Identification Card. A
21 licensee whose license is revoked under this subsection (h)
22 shall surrender his or her concealed carry license as provided
23 for in subsection (g) of this Section.

24 This subsection shall not apply to a person who has filed
25 an application with the State Police for renewal of a Firearm
26 Owner's Identification Card and who is not otherwise ineligible

1 to obtain a Firearm Owner's Identification Card.

2 Section 75. Applicant firearm training.

3 (a) Within 60 days of the effective date of this Act, the
4 Department shall begin approval of firearm training courses and
5 shall make a list of approved courses available of the
6 Department's website.

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

12 (1) firearm safety;

13 (2) the basic principles of marksmanship;

14 (3) care, cleaning, loading, and unloading of a
15 concealable firearm;

16 (4) all applicable State and federal laws relating to
17 the ownership, storage, carry, and transportation of a
18 firearm; and

19 (5) instruction on the appropriate and lawful
20 interaction with law enforcement while transporting or
21 carrying a concealed firearm.

22 (c) An applicant for a new license shall provide proof of
23 certification by a certified instructor that the applicant
24 passed a live fire exercise with a concealable firearm
25 consisting of:

1 (1) a minimum of 30 rounds; and

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

6 (d) An applicant for renewal of a license shall provide
7 proof of completion of a firearms training course or
8 combination of courses approved by the Department of at least 3
9 hours.

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

12 (1) does not follow the orders of the certified
13 firearms instructor;

14 (2) in the judgment of the certified instructor,
15 handles a firearm in a manner that poses a danger to the
16 student or to others; or

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

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

23 (g) The Department and certified firearms instructor shall
24 recognize up to 8 hours of training already completed toward
25 the 16 hour training requirement under this Section if the
26 training course is approved by the Department and recognized

1 under the laws of another state. Any remaining hours that the
2 applicant completes must at least cover the classroom subject
3 matter of paragraph (4) of subsection (b) of this Section, and
4 the range qualification in subsection (c) of this Section.

5 (h) A person who has qualified to carry a firearm as an
6 active law enforcement officer, a person certified as a
7 firearms instructor by this Act or by the Illinois Law
8 Enforcement Training Standards Board, or a person who has
9 completed the required training and has been issued a firearm
10 control card by the Department of Financial and Professional
11 Regulation shall be exempt from the requirements of this
12 Section.

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

17 Section 80. Firearms instructor training.

18 (a) Within 60 days of the effective date of this Act, the
19 Department shall begin approval of certified firearms
20 instructors and enter certified firearms instructors into an
21 online registry on the Department's website.

22 (b) A person who is not a certified firearms instructor
23 shall not teach applicant training courses or advertise or
24 otherwise represent courses they teach as qualifying their
25 students to meet the requirements to receive a license under

1 this Act. Each violation of this subsection is a business
2 offense with a fine of at least \$1,000 per violation.

3 (c) A person seeking to become a certified firearms
4 instructor shall:

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

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

7 (3) meet the requirements of Section 25 of this Act,
8 and any additional uniformly applied requirements
9 established by the Department.

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

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

14 and

15 (2) have at least one of the following valid firearms
16 instructor certifications:

17 (A) certification from a law enforcement agency;

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

20 (C) certification from a firearm instructor
21 qualification course offered by the Illinois Law
22 Enforcement Training Standards Board; or

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

26 (e) A person may have his or her firearms instructor

1 certification denied or revoked if he or she does not meet the
2 requirements to obtain a license under this Act, provides false
3 or misleading information to the Department, or has had a prior
4 instructor certification revoked or denied by the Department.

5 Section 85. Background Checks for Sales.

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

11 Section 87. Administrative and judicial review.

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

22 (b) All final administrative decisions of the Department or
23 the Concealed Carry Licensing Review Board under this Act shall
24 be subject to judicial review under the provisions of the

1 Administrative Review Law. The term "administrative decision"
2 is defined as in Section 3-101 of the Code of Civil Procedure.

3 Section 90. Preemption.

4 The regulation, licensing, possession, registration, and
5 transportation of handguns and ammunition for handguns by
6 licensees are exclusive powers and functions of the State. Any
7 ordinance or regulation, or portion thereof, enacted on or
8 before the effective date of this Act that purports to impose
9 regulations or restrictions on licensees or handguns and
10 ammunition for handguns in a manner inconsistent with this Act
11 shall be invalid in its application to licensees under this Act
12 on the effective date of this Act. This Section is a denial and
13 limitation of home rule powers and functions under subsection
14 (h) of Section 6 of Article VII of the Illinois Constitution.

15 Section 92. Consolidation of concealed carry license and
16 Firearm Owner's Identification Card.

17 (a) The Director shall create a task force to develop a
18 plan to incorporate and consolidate the concealed carry license
19 under this Act and the Firearm Owner's Identification Card
20 under the Firearm Owners Identification Card Act into a
21 designation on the Illinois driver's license or Illinois
22 identification card of a person with authority to possess a
23 firearm under the Firearm Owners Identification Card Act, or
24 authority to possess a firearm under the Firearm Owners

1 Identification Card Act and authority to carry a concealed
2 firearm under this Act. The plan must provide for an
3 alternative card for:

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

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

12 The plan shall include statutory changes necessary to
13 implement it.

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

15 (1) one member appointed by the Speaker of the House of
16 Representatives;

17 (2) one member appointed by the House of
18 Representatives Minority Leader;

19 (3) one member appointed by the President of the
20 Senate;

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

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

23 (6) one member appointed by the Director of State
24 Police;

25 (7) one member appointed by the Speaker of the House of
26 Representatives representing the National Rifle

1 Association;

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

4 (9) one member appointed by the Governor representing
5 the Chicago Police Department.

6 The task force shall elect a chairperson from its
7 membership. Members shall serve without compensation.

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

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

12 Section 95. Procurement; rulemaking.

13 (a) The Department of State Police, in consultation with
14 and subject to the approval of the Chief Procurement Officer,
15 may procure a single contract or multiple contracts to
16 implement the provisions of this Act. A contract or contracts
17 under this paragraph are not subject to the provisions of the
18 Illinois Procurement Code, except for Sections 20-60, 20-65,
19 20-70, and 20-160 and Article 50 of that Code, provided that
20 the Chief Procurement Officer may, in writing with
21 justification, waive any certification required under Article
22 50. This exemption shall be repealed one year from the
23 effective date of this Act.

24 (b) The Department shall adopt rules to implement the
25 provisions of this Act. The Department may adopt rules

1 necessary to implement the provisions of this Act through the
2 use of emergency rulemaking in accordance with Section 5-45 of
3 the Illinois Administrative Procedure Act for a period not to
4 exceed 180 days after the effective date of this Act.

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

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

21 Section 110. Immunity. A principal or chief administrative
22 officer, or the designee of a principal or chief administrative
23 officer, making the determination and reporting under Section

1 105 of this Law shall not be held criminally, civilly, or
2 professionally liable, except for willful or wanton
3 misconduct.

4 Section 115. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

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

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

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

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees of the public body or legal counsel for the
23 public body, including hearing testimony on a complaint
24 lodged against an employee of the public body or against

1 legal counsel for the public body to determine its
2 validity.

3 (2) Collective negotiating matters between the public
4 body and its employees or their representatives, or
5 deliberations concerning salary schedules for one or more
6 classes of employees.

7 (3) The selection of a person to fill a public office,
8 as defined in this Act, including a vacancy in a public
9 office, when the public body is given power to appoint
10 under law or ordinance, or the discipline, performance or
11 removal of the occupant of a public office, when the public
12 body is given power to remove the occupant under law or
13 ordinance.

14 (4) Evidence or testimony presented in open hearing, or
15 in closed hearing where specifically authorized by law, to
16 a quasi-adjudicative body, as defined in this Act, provided
17 that the body prepares and makes available for public
18 inspection a written decision setting forth its
19 determinative reasoning.

20 (5) The purchase or lease of real property for the use
21 of the public body, including meetings held for the purpose
22 of discussing whether a particular parcel should be
23 acquired.

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

26 (7) The sale or purchase of securities, investments, or

1 investment contracts. This exception shall not apply to the
2 investment of assets or income of funds deposited into the
3 Illinois Prepaid Tuition Trust Fund.

4 (8) Security procedures and the use of personnel and
5 equipment to respond to an actual, a threatened, or a
6 reasonably potential danger to the safety of employees,
7 students, staff, the public, or public property.

8 (9) Student disciplinary cases.

9 (10) The placement of individual students in special
10 education programs and other matters relating to
11 individual students.

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

19 (12) The establishment of reserves or settlement of
20 claims as provided in the Local Governmental and
21 Governmental Employees Tort Immunity Act, if otherwise the
22 disposition of a claim or potential claim might be
23 prejudiced, or the review or discussion of claims, loss or
24 risk management information, records, data, advice or
25 communications from or with respect to any insurer of the
26 public body or any intergovernmental risk management

1 association or self insurance pool of which the public body
2 is a member.

3 (13) Conciliation of complaints of discrimination in
4 the sale or rental of housing, when closed meetings are
5 authorized by the law or ordinance prescribing fair housing
6 practices and creating a commission or administrative
7 agency for their enforcement.

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

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

16 (16) Self evaluation, practices and procedures or
17 professional ethics, when meeting with a representative of
18 a statewide association of which the public body is a
19 member.

20 (17) The recruitment, credentialing, discipline or
21 formal peer review of physicians or other health care
22 professionals for a hospital, or other institution
23 providing medical care, that is operated by the public
24 body.

25 (18) Deliberations for decisions of the Prisoner
26 Review Board.

1 (19) Review or discussion of applications received
2 under the Experimental Organ Transplantation Procedures
3 Act.

4 (20) The classification and discussion of matters
5 classified as confidential or continued confidential by
6 the State Government Suggestion Award Board.

7 (21) Discussion of minutes of meetings lawfully closed
8 under this Act, whether for purposes of approval by the
9 body of the minutes or semi-annual review of the minutes as
10 mandated by Section 2.06.

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

13 (23) The operation by a municipality of a municipal
14 utility or the operation of a municipal power agency or
15 municipal natural gas agency when the discussion involves
16 (i) contracts relating to the purchase, sale, or delivery
17 of electricity or natural gas or (ii) the results or
18 conclusions of load forecast studies.

19 (24) Meetings of a residential health care facility
20 resident sexual assault and death review team or the
21 Executive Council under the Abuse Prevention Review Team
22 Act.

23 (25) Meetings of an independent team of experts under
24 Brian's Law.

25 (26) Meetings of a mortality review team appointed
26 under the Department of Juvenile Justice Mortality Review

1 Team Act.

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

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

20 (29) Meetings between internal or external auditors
21 and governmental audit committees, finance committees, and
22 their equivalents, when the discussion involves internal
23 control weaknesses, identification of potential fraud risk
24 areas, known or suspected frauds, and fraud interviews
25 conducted in accordance with generally accepted auditing
26 standards of the United States of America.

1 (30) Meetings and deliberations for decisions of the
2 Concealed Carry Licensing Review Board under the Firearm
3 Concealed Carry Act.

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

5 "Employee" means a person employed by a public body whose
6 relationship with the public body constitutes an
7 employer-employee relationship under the usual common law
8 rules, and who is not an independent contractor.

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

17 "Quasi-adjudicative body" means an administrative body
18 charged by law or ordinance with the responsibility to conduct
19 hearings, receive evidence or testimony and make
20 determinations based thereon, but does not include local
21 electoral boards when such bodies are considering petition
22 challenges.

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

1 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
2 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.
3 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,
4 eff. 8-1-12.)

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

7 (5 ILCS 140/7.5)

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

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

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

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

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

1 Illinois Sexually Transmissible Disease Control Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (v) Names and information of people who have applied for or
19 received Firearm Owner's Identification Cards under the
20 Firearm Owners Identification Card Act or applied for or
21 received a concealed carry license under the Firearm Concealed
22 Carry Act, unless otherwise authorized by the Firearm Concealed
23 Carry Act; and databases under the Firearm Concealed Carry Act,
24 records of the Concealed Carry Licensing Review Board under the
25 Firearm Concealed Carry Act, and law enforcement agency
26 objections under the Firearm Concealed Carry Act.

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

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

7 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
8 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
9 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
10 eff. 1-1-13.)

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

13 (15 ILCS 305/13.5 new)

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

16 The Secretary of State shall allow the Department of State
17 Police to access the driver's license or Illinois
18 Identification card photograph, if available, of an applicant
19 for a firearm concealed carry license under the Firearm
20 Concealed Carry Act for the purpose of identifying the firearm
21 concealed carry license applicant and issuing a license to the
22 applicant.

23 Section 125. The Department of State Police Law of the

1 Civil Administrative Code of Illinois is amended by changing
2 Section 2605-300 and by adding Section 2605-595 as follows:

3 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-300. Records; crime laboratories; personnel. To
5 do the following:

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

8 (2) Be a central repository for criminal history record
9 information.

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

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

15 (5) Establish general and field crime laboratories.

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

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

24 (8) Undertake other identification, information,
25 laboratory, statistical, or registration activities that

1 may be required by law.

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

5 (20 ILCS 2605/2605-595 new)

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

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

13 (b) The Department of State Police may use moneys in the
14 Fund to finance any of its lawful purposes, mandates,
15 functions, and duties under the Firearm Owners Identification
16 Card Act and the Firearm Concealed Carry Act, including the
17 cost of sending notices of expiration of Firearm Owner's
18 Identification Cards, concealed carry licenses, the prompt and
19 efficient processing of applications under the Firearm Owners
20 Identification Card Act and the Firearm Concealed Carry Act,
21 the improved efficiency and reporting of the LEADS and federal
22 NICS law enforcement data systems, and support for
23 investigations required under these Acts and law. Any surplus
24 funds beyond what is needed to comply with the aforementioned
25 purposes shall be used by the Department to improve the Law

1 Enforcement Agencies Data System (LEADS) and criminal history
2 background check system.

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

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

8 (30 ILCS 105/5.826 new)

9 Sec. 5.826. The Mental Health Reporting Fund.

10 (30 ILCS 105/5.827 new)

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

12 (30 ILCS 105/6z-98 new)

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

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

19 (b) The Department of State Police and Department of Human
20 Services shall coordinate to use moneys in the Fund to finance
21 their respective duties of collecting and reporting data on
22 mental health records and ensuring that mental health firearm

1 possession prohibitors are enforced as set forth under the
2 Firearm Concealed Carry Act and the Firearm Owners
3 Identification Card Act. Any surplus in the Fund beyond what is
4 necessary to ensure compliance with mental health reporting
5 under these Acts shall be used by the Department of Human
6 Services for mental health treatment programs.

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

10 (30 ILCS 105/5.206 rep.)

11 Section 135. The State Finance Act is amended by repealing
12 Section 5.206.

13 Section 140. The Illinois Explosives Act is amended by
14 changing Section 2005 as follows:

15 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

16 Sec. 2005. Qualifications for licensure.

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

18 (1) is under 21 years of age;

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

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

23 (4) is a fugitive from justice;

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

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

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

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

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

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

17 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

18 Sec. 10-1. Violations; penalties. Whereas a substantial
19 threat to the sound and careful control, regulation, and
20 taxation of the manufacture, sale, and distribution of
21 alcoholic liquors exists by virtue of individuals who
22 manufacture, import, distribute, or sell alcoholic liquors
23 within the State without having first obtained a valid license
24 to do so, and whereas such threat is especially serious along

1 the borders of this State, and whereas such threat requires
2 immediate correction by this Act, by active investigation and
3 prosecution by law enforcement officials and prosecutors, and
4 by prompt and strict enforcement through the courts of this
5 State to punish violators and to deter such conduct in the
6 future:

7 (a) Any person who manufactures, imports for distribution
8 or use, or distributes or sells alcoholic liquor at any place
9 within the State without having first obtained a valid license
10 to do so under the provisions of this Act shall be guilty of a
11 business offense and fined not more than \$1,000 for the first
12 such offense and shall be guilty of a Class 4 felony for each
13 subsequent offense.

14 (b) (1) Any retailer, licensed in this State, who knowingly
15 causes to furnish, give, sell, or otherwise being within the
16 State, any alcoholic liquor destined to be used, distributed,
17 consumed or sold in another state, unless such alcoholic liquor
18 was received in this State by a duly licensed distributor, or
19 importing distributors shall have his license suspended for 7
20 days for the first offense and for the second offense, shall
21 have his license revoked by the Commission.

22 (2) In the event the Commission receives a certified copy
23 of a final order from a foreign jurisdiction that an Illinois
24 retail licensee has been found to have violated that foreign
25 jurisdiction's laws, rules, or regulations concerning the
26 importation of alcoholic liquor into that foreign

1 jurisdiction, the violation may be grounds for the Commission
2 to revoke, suspend, or refuse to issue or renew a license, to
3 impose a fine, or to take any additional action provided by
4 this Act with respect to the Illinois retail license or
5 licensee. Any such action on the part of the Commission shall
6 be in accordance with this Act and implementing rules.

7 For the purposes of paragraph (2): (i) "foreign
8 jurisdiction" means a state, territory, or possession of the
9 United States, the District of Columbia, or the Commonwealth of
10 Puerto Rico, and (ii) "final order" means an order or judgment
11 of a court or administrative body that determines the rights of
12 the parties respecting the subject matter of the proceeding,
13 that remains in full force and effect, and from which no appeal
14 can be taken.

15 (c) Any person who shall make any false statement or
16 otherwise violates any of the provisions of this Act in
17 obtaining any license hereunder, or who having obtained a
18 license hereunder shall violate any of the provisions of this
19 Act with respect to the manufacture, possession, distribution
20 or sale of alcoholic liquor, or with respect to the maintenance
21 of the licensed premises, or shall violate any other provision
22 of this Act, shall for a first offense be guilty of a petty
23 offense and fined not more than \$500, and for a second or
24 subsequent offense shall be guilty of a Class B misdemeanor.

25 (c-5) Any owner of an establishment that serves alcohol on
26 its premises, if more than 50% of the establishment's gross

1 receipts within the prior 3 months is from the sale of alcohol,
2 who knowingly fails to prohibit concealed firearms on its
3 premises or who knowingly makes a false statement or record to
4 avoid the prohibition of concealed firearms on its premises
5 under the Firearm Concealed Carry Act shall be guilty of a
6 business offense with a fine up to \$5,000.

7 (d) Each day any person engages in business as a
8 manufacturer, foreign importer, importing distributor,
9 distributor or retailer in violation of the provisions of this
10 Act shall constitute a separate offense.

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

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

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

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

25 (2) The Director of State Police under Section 2605-10,
26 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,

1 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
2 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
3 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
4 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
5 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
6 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
7 Department of State Police Law (20 ILCS 2605/2605-10,
8 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
9 2605/2605-110, 2605/2605-115, 2605/2605-120,
10 2605/2605-130, 2605/2605-140, 2605/2605-190,
11 2605/2605-200, 2605/2605-205, 2605/2605-210,
12 2605/2605-215, 2605/2605-250, 2605/2605-275,
13 2605/2605-300, 2605/2605-305, 2605/2605-315,
14 2605/2605-325, 2605/2605-335, 2605/2605-340,
15 2605/2605-350, 2605/2605-355, 2605/2605-360,
16 2605/2605-365, 2605/2605-375, 2605/2605-390,
17 2605/2605-400, 2605/2605-405, 2605/2605-420,
18 2605/2605-430, 2605/2605-435, 2605/2605-500,
19 2605/2605-525, or 2605/2605-550); or

20 (3) In cities over 1,000,000, the Superintendent of
21 Police.

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

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

1 (405 ILCS 5/6-103.1)

2 Sec. 6-103.1. Adjudication as a mentally disabled person
3 ~~mental defective~~.

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

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

18 (405 ILCS 5/6-103.2 new)

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

20 For purposes of this Section, if a person is determined to
21 be developmentally disabled as defined in Section 1.1 of the
22 Firearm Owners Identification Card Act by a physician, clinical
23 psychologist, or qualified examiner, whether practicing at a
24 public or by a private mental health facility or developmental

1 disability facility, the physician, clinical psychologist, or
2 qualified examiner shall notify the Department of Human
3 Services within 24 hours of making the determination that the
4 person has a developmental disability. The Department of Human
5 Services shall immediately update its records and information
6 relating to mental health and developmental disabilities, and
7 if appropriate, shall notify the Department of State Police in
8 a form and manner prescribed by the Department of State Police.
9 Information disclosed under this Section shall remain
10 privileged and confidential, and shall not be redisclosed,
11 except as required under subsection (e) of Section 3.1 of the
12 Firearm Owners Identification Card Act, nor used for any other
13 purpose. The method of providing this information shall
14 guarantee that the information is not released beyond that
15 which is necessary for the purpose of this Section and shall be
16 provided by rule by the Department of Human Services. The
17 identity of the person reporting under this Section shall not
18 be disclosed to the subject of the report.

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

24 (405 ILCS 5/6-103.3 new)

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

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

1 official, or school administrator making the determination and
2 his or her employer shall not be held criminally, civilly, or
3 professionally liable for making or not making the notification
4 required under this Section, except for willful or wanton
5 misconduct. This Section does not apply to a law enforcement
6 official, if making the notification under this Section will
7 interfere with an ongoing or pending criminal investigation.

8 For the purposes of this Section:

9 "Clear and present danger" has the meaning ascribed to
10 it in Section 1.1 of the Firearm Owners Identification Card
11 Act.

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

15 Section 150. The Firearm Owners Identification Card Act is
16 amended by changing Sections 1.1, 3.1, 4, 5, 8, 8.1, 9, 10,
17 13.1, and 13.2 and by adding Sections 5.1 and 9.5 as follows:

18 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

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

20 Sec. 1.1. For purposes of this Act:

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

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

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

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

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

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

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

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

22 (3.5) is guilty but mentally ill, as provided in
23 Section 5-2-6 of the Unified Code of Corrections;

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

25 (5) is not guilty by reason of lack of mental
26 responsibility under ~~pursuant~~ to Articles 50a and 72b of

1 the Uniform Code of Military Justice, 10 U.S.C. 850a,
2 876b;~~;~~

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

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

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

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

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

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

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

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

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

24 (1) communicates a serious threat of physical violence
25 against a reasonably identifiable victim or poses a clear
26 and imminent risk of serious physical injury to himself,

1 herself, or another person as determined by a physician,
2 clinical psychologist, or qualified examiner; or

3 (2) demonstrates threatening physical or verbal
4 behavior, such as violent, suicidal, or assaultive
5 threats, actions, or other behavior, as determined by a
6 physician, clinical psychologist, qualified examiner,
7 school administrator, or law enforcement official.

8 "Clinical psychologist" has the meaning provided in
9 Section 1-103 of the Mental Health and Developmental
10 Disabilities Code.

11 "Controlled substance" means a controlled substance or
12 controlled substance analog as defined in the Illinois
13 Controlled Substances Act.

14 "Counterfeit" means to copy or imitate, without legal
15 authority, with intent to deceive.

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

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

26 "Firearm" means any device, by whatever name known, which

1 is designed to expel a projectile or projectiles by the action
2 of an explosion, expansion of gas or escape of gas; excluding,
3 however:

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

8 (1.1) any pneumatic gun, spring gun, paint ball gun, or
9 B-B gun which expels breakable paint balls containing
10 washable marking colors;

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

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

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

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

26 (1) any ammunition exclusively designed for use with a

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

4 (2) any ammunition designed exclusively for use with a
5 stud or rivet driver or other similar industrial
6 ammunition.

7 "Gun show" means an event or function:

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

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

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

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

24 "Gun show promoter" means a person who organizes or
25 operates a gun show.

26 "Gun show vendor" means a person who exhibits, sells,

1 offers for sale, transfers, or exchanges any firearms at a gun
2 show, regardless of whether the person arranges with a gun show
3 promoter for a fixed location from which to exhibit, sell,
4 offer for sale, transfer, or exchange any firearm.

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

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

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

23 "Patient" means:

24 (1) a person who voluntarily receives mental health
25 treatment as an in-patient or resident of any public or
26 private mental health facility, unless the treatment was

1 solely for an alcohol abuse disorder and no other secondary
2 substance abuse disorder or mental illness; or

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

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

9 "Qualified examiner" has the meaning provided in Section
10 1-122 of the Mental Health and Developmental Disabilities Code.

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

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

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

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

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

22 Sec. 1.1. For purposes of this Act:

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

24 (1) convicted of an offense involving the use or
25 possession of cannabis, a controlled substance, or

1 methamphetamine within the past year; or

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

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

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

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

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

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

23 (3.5) is guilty but mentally ill, as provided in
24 Section 5-2-6 of the Unified Code of Corrections;

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

26 (5) is not guilty by reason of lack of mental

1 responsibility under ~~pursuant to~~ Articles 50a and 72b of
2 the Uniform Code of Military Justice, 10 U.S.C. 850a,
3 876b;~~;~~

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

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

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

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

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

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

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

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

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

25 (1) communicates a serious threat of physical violence
26 against a reasonably identifiable victim or poses a clear

1 and imminent risk of serious physical injury to himself,
2 herself, or another person as determined by a physician,
3 clinical psychologist, or qualified examiner; or

4 (2) demonstrates threatening physical or verbal
5 behavior, such as violent, suicidal, or assaultive
6 threats, actions, or other behavior, as determined by a
7 physician, clinical psychologist, qualified examiner,
8 school administrator, or law enforcement official.

9 "Clinical psychologist" has the meaning provided in
10 Section 1-103 of the Mental Health and Developmental
11 Disabilities Code.

12 "Controlled substance" means a controlled substance or
13 controlled substance analog as defined in the Illinois
14 Controlled Substances Act.

15 "Counterfeit" means to copy or imitate, without legal
16 authority, with intent to deceive.

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

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

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

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

9 (1.1) any pneumatic gun, spring gun, paint ball gun, or
10 B-B gun which expels breakable paint balls containing
11 washable marking colors;

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

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

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

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

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

5 (2) any ammunition designed exclusively for use with a
6 stud or rivet driver or other similar industrial
7 ammunition.

8 "Gun show" means an event or function:

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

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

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

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

25 "Gun show promoter" means a person who organizes or
26 operates a gun show.

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

6 "Intellectually disabled" means significantly subaverage
7 general intellectual functioning which exists concurrently
8 with impairment in adaptive behavior and which originates
9 before the age of 18 years.

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

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

25 "Patient" means:

26 (1) a person who voluntarily receives mental health

1 treatment as an in-patient or resident of any public or
2 private mental health facility, unless the treatment was
3 solely for an alcohol abuse disorder and no other secondary
4 substance abuse disorder or mental illness; or

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

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

11 "Qualified examiner" has the meaning provided in Section
12 1-122 of the Mental Health and Developmental Disabilities Code.

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

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

22 "School administrator" means the person required to report
23 under the School Administrator Reporting of Mental Health Clear
24 and Present Danger Determinations Law.

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

1 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;
2 97-1167, eff. 6-1-13.)

3 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

4 Sec. 3.1. Dial up system.

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

15 (b) Upon receiving a request from a federally licensed
16 firearm dealer, gun show promoter, or gun show vendor, the
17 Department of State Police shall immediately approve, or within
18 the time period established by Section 24-3 of the Criminal
19 Code of 2012 regarding the delivery of firearms, stun guns, and
20 tasers notify the inquiring dealer, gun show promoter, or gun
21 show vendor of any objection that would disqualify the
22 transferee from acquiring or possessing a firearm, stun gun, or
23 taser. In conducting the inquiry, the Department of State
24 Police shall initiate and complete an automated search of its
25 criminal history record information files and those of the

1 Federal Bureau of Investigation, including the National
2 Instant Criminal Background Check System, and of the files of
3 the Department of Human Services relating to mental health and
4 developmental disabilities to obtain any felony conviction or
5 patient hospitalization information which would disqualify a
6 person from obtaining or require revocation of a currently
7 valid Firearm Owner's Identification Card.

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

11 (1) assign a unique identification number to the
12 transfer; and

13 (2) provide the licensee, gun show promoter, or gun
14 show vendor with the number.

15 (d) Approvals issued by the Department of State Police for
16 the purchase of a firearm are valid for 30 days from the date
17 of issue.

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

21 (2) The Department of State Police and the Department of
22 Human Services shall, in accordance with State and federal law
23 regarding confidentiality, enter into a memorandum of
24 understanding with the Federal Bureau of Investigation for the
25 purpose of implementing the National Instant Criminal
26 Background Check System in the State. The Department of State

1 Police shall report the name, date of birth, and physical
2 description of any person prohibited from possessing a firearm
3 pursuant to the Firearm Owners Identification Card Act or 18
4 U.S.C. 922(g) and (n) to the National Instant Criminal
5 Background Check System Index, Denied Persons Files.

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

13 (f) The Department of State Police shall adopt ~~promulgate~~
14 rules not inconsistent with this Section to implement this
15 system.

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

17 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

18 (Text of Section before 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 ~~and he or she has not been adjudicated as a mental~~
24 ~~defective;~~

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

26 (vi) He or she is not an alien who is unlawfully

1 present in the United States under the laws of the
2 United States;

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

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

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

1 (x) (Blank);

2 (xi) He or she is not an alien who has been
3 admitted to the United States under a non-immigrant
4 visa (as that term is defined in Section 101(a)(26) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(26))), or that he or she is an alien who has
7 been lawfully admitted to the United States under a
8 non-immigrant visa if that alien is:

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

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

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

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

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

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

25 (5) one who has received a waiver from the
26 Attorney General of the United States pursuant to

1 18 U.S.C. 922 (y) (3);

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

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

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

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

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

17 (xvii) He or she is not developmentally disabled;
18 and

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

1 determining whether the applicant is or was a patient in a
2 mental health institution and disqualified because of that
3 status from receiving a Firearm Owner's Identification
4 Card. No mental health care or treatment records may be
5 requested. The information received shall be destroyed
6 within one year of receipt.

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

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

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

26 (a-20) Each applicant for a Firearm Owner's Identification

1 Card shall furnish to the Department of State Police his or her
2 photograph. An applicant who is 21 years of age or older
3 seeking a religious exemption to the photograph requirement
4 must furnish with the application an approved copy of United
5 States Department of the Treasury Internal Revenue Service Form
6 4029. In lieu of a photograph, an applicant regardless of age
7 seeking a religious exemption to the photograph requirement
8 shall submit fingerprints on a form and manner prescribed by
9 the Department with his or her application.

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

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

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

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

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

25 (1) Make application on blank forms prepared and

1 furnished at convenient locations throughout the State by
2 the Department of State Police, or by electronic means, if
3 and when made available by the Department of State Police;
4 and

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

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

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

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

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

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

2 (vi) He or she is not an alien who is unlawfully
3 present in the United States under the laws of the
4 United States;

5 (vii) He or she is not subject to an existing order
6 of protection prohibiting him or her from possessing a
7 firearm;

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

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

1 shall be grounds for denying the issuance of a Firearm
2 Owner's Identification Card under this Section;

3 (x) (Blank);

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

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

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

15 (A) accredited to the United States
16 Government or the Government's mission to an
17 international organization having its
18 headquarters in the United States; or

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

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

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

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

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

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

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

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

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

19 (xvii) He or she is not developmentally disabled;
20 and

21 (3) Upon request by the Department of State Police,
22 sign a release on a form prescribed by the Department of
23 State Police waiving any right to confidentiality and
24 requesting the disclosure to the Department of State Police
25 of limited mental health institution admission information
26 from another state, the District of Columbia, any other

1 territory of the United States, or a foreign nation
2 concerning the applicant for the sole purpose of
3 determining whether the applicant is or was a patient in a
4 mental health institution and disqualified because of that
5 status from receiving a Firearm Owner's Identification
6 Card. No mental health care or treatment records may be
7 requested. The information received shall be destroyed
8 within one year of receipt.

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

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

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

1 change of address.

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

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

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

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

24 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

25 Sec. 5. The Department of State Police shall either approve

1 or deny all applications within 30 days from the date they are
2 received, and every applicant found qualified under ~~pursuant to~~
3 Section 8 of this Act by the Department shall be entitled to a
4 Firearm Owner's Identification Card upon the payment of a \$10
5 fee. Any applicant who is an active duty member of the Armed
6 Forces of the United States, a member of the Illinois National
7 Guard, or a member of the Reserve Forces of the United States
8 is exempt from the application fee. \$6 of each fee derived from
9 the issuance of Firearm Owner's Identification Cards, or
10 renewals thereof, shall be deposited in the Wildlife and Fish
11 Fund in the State Treasury; \$1 of the ~~such~~ fee shall be
12 deposited in the State Police Services Fund and \$3 of the ~~such~~
13 fee shall be deposited in the State Police Firearm Services
14 Fund. ~~Firearm Owner's Notification Fund. Monies in the Firearm~~
15 ~~Owner's Notification Fund shall be used exclusively to pay for~~
16 ~~the cost of sending notices of expiration of Firearm Owner's~~
17 ~~Identification Cards under Section 13.2 of this Act. Excess~~
18 ~~monies in the Firearm Owner's Notification Fund shall be used~~
19 ~~to ensure the prompt and efficient processing of applications~~
20 ~~received under Section 4 of this Act.~~

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

22 (430 ILCS 65/5.1 new)

23 Sec. 5.1. State Police Firearm Services Fund. All moneys
24 remaining in the Firearm Owner's Notification Fund on the
25 effective date of this amendatory Act of the 98th General

1 Assembly shall be transferred into the State Police Firearm
2 Services Fund, a special fund created in the State treasury, to
3 be expended by the Department of State Police, for the purposes
4 specified in this Act and Section 2605-595 of the Department of
5 State Police Law of the Civil Administrative Code of Illinois.

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

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

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

24 (d) A person addicted to narcotics;

25 (e) A person who has been a patient of a mental health

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

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

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

19 (g) A person who is intellectually disabled;

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

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

24 (i-5) An alien who has been admitted to the United States
25 under a non-immigrant visa (as that term is defined in Section
26 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(26))), except that this subsection (i-5) does not apply
2 to any alien who has been lawfully admitted to the United
3 States under a non-immigrant visa if that alien is:

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

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

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

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

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

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

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

23 (j) (Blank);

24 (k) A person who has been convicted within the past 5 years
25 of battery, assault, aggravated assault, violation of an order
26 of protection, or a substantially similar offense in another

1 jurisdiction, in which a firearm was used or possessed;

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

19 (m) (Blank);

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

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

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

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

7 (r) A person who has been adjudicated as a mentally
8 disabled person;

9 (s) A person who has been found to be developmentally
10 disabled;

11 (t) A person involuntarily admitted into a mental health
12 facility;

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

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

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

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

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

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

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

22 (b) A person under 21 years of age who does not have the
23 written consent of his parent or guardian to acquire and
24 possess firearms and firearm ammunition, or whose parent or
25 guardian has revoked such written consent, or where such parent

1 or guardian does not qualify to have a Firearm Owner's
2 Identification Card;

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

5 (d) A person addicted to narcotics;

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

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

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

25 (g) A person who is intellectually disabled;

26 (h) A person who intentionally makes a false statement in

1 the Firearm Owner's Identification Card application;

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

4 (i-5) An alien who has been admitted to the United States
5 under a non-immigrant visa (as that term is defined in Section
6 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
7 1101(a)(26))), except that this subsection (i-5) does not apply
8 to any alien who has been lawfully admitted to the United
9 States under a non-immigrant visa if that alien is:

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

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

14 (A) accredited to the United States Government or
15 the Government's mission to an international
16 organization having its headquarters in the United
17 States; or

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

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

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

26 (5) one who has received a waiver from the Attorney

1 General of the United States pursuant to 18 U.S.C.
2 922 (y) (3);

3 (j) (Blank);

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

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

25 (m) (Blank);

26 (n) A person who is prohibited from acquiring or possessing

1 firearms or firearm ammunition by any Illinois State statute or
2 by federal law;

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

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

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

12 ~~or~~

13 (r) A person who has been adjudicated as a mentally
14 disabled person; ~~mental defective.~~

15 (s) A person who has been found to be developmentally
16 disabled;

17 (t) A person involuntarily admitted into a mental health
18 facility;

19 (u) A person who has had his or her Firearm Owner's
20 Identification Card revoked or denied under subsection (e) of
21 this Section or item (iv) of Section 4 of this Act because he
22 or she was a patient in a mental health facility as provided in
23 item (2) of subsection (e) of this Section, shall not be
24 permitted to obtain a Firearm Owner's Identification Card,
25 after the 5 year period has lapsed, unless he or she has
26 received a mental health evaluation by a physician, clinical

1 psychologist, or qualified examiner as those terms are defined
2 in the Mental Health and Developmental Disabilities Code, and
3 has received a certification that he or she is not a clear and
4 present danger to himself, herself, or others. The physician,
5 clinical psychologist, or qualified examiner making the
6 certification and his or her employer shall not be held
7 criminally, civilly, or professionally liable for making or not
8 making the certification required under this subsection,
9 except for willful or wanton misconduct. This subsection does
10 not apply to a person whose firearm possession rights have been
11 restored through administrative or judicial action under
12 Section 10 or 11 of this Act; or

13 (v) Upon revocation of a person's Firearm Owner's
14 Identification Card, the Department of State Police shall
15 provide notice to the person and the person shall comply with
16 Section 9.5 of this Act.

17 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
18 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;
19 97-1167, eff. 6-1-13.)

20 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

21 Sec. 8.1. Notifications to the Circuit Clerk to notify
22 Department of State Police.

23 (a) The Circuit Clerk shall, in the form and manner
24 required by the Supreme Court, notify the Department of State
25 Police of all final dispositions of cases for which the

1 Department has received information reported to it under
2 Sections 2.1 and 2.2 of the Criminal Identification Act.

3 (b) Upon adjudication of any individual as a mentally
4 disabled person ~~mental defective~~, as defined in Section 1.1 of
5 this Act or a finding that a person has been involuntarily
6 admitted or as provided in paragraph (3.5) of subsection (c) of
7 ~~Section 104-26 of the Code of Criminal Procedure of 1963~~, the
8 court shall direct the circuit court clerk to immediately
9 notify the Department of State Police, Firearm Owner's
10 Identification (FOID) department, and shall forward a copy of
11 the court order to the Department.

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

21 (d) If a person is determined to pose a clear and present
22 danger to himself, herself, or to others by a physician,
23 clinical psychologist, qualified examiner, law enforcement
24 official, or school administrator, or is determined to be
25 developmentally disabled by a physician, clinical
26 psychologist, or qualified examiner, whether employed by the

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

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

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

4 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

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

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

17 (430 ILCS 65/9.5 new)

18 Sec. 9.5. Revocation of Firearm Owner's Identification
19 Card.

20 (a) A person who receives a revocation notice under Section
21 9 of this Act shall, within 48 hours of receiving notice of the
22 revocation:

23 (1) surrender his or her Firearm Owner's
24 Identification Card to the local law enforcement agency

1 where the person resides. The local law enforcement agency
2 shall provide the person a receipt and transmit the Firearm
3 Owner's Identification Card to the Department of State
4 Police; and

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

10 (A) the make, model, and serial number of each
11 firearm owned by or under the custody and control of
12 the revoked person;

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

15 (C) if any firearm will be transferred to the
16 custody of another person, the name, address and
17 Firearm Owner's Identification Card number of the
18 transferee.

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

23 (c) If the person whose Firearm Owner's Identification Card
24 has been revoked fails to comply with the requirements of this
25 Section, the sheriff or law enforcement agency where the person
26 resides may petition the circuit court to issue a warrant to

1 search for and seize the Firearm Owner's Identification Card
2 and firearms in the possession or under the custody or control
3 of the person whose Firearm Owner's Identification Card has
4 been revoked.

5 (d) A violation of subsection (a) of this Section is a
6 Class A misdemeanor.

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

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

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

22 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

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

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

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

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

1 shall not issue the order if the petitioner is otherwise
2 prohibited from obtaining, possessing, or using a firearm under
3 federal law.

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

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

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

25 (2) the circumstances regarding a criminal conviction,
26 where applicable, the applicant's criminal history and his

1 reputation are such that the applicant will not be likely
2 to act in a manner dangerous to public safety;

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

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

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

19 (A) the officer has not received treatment
20 involuntarily at a mental health facility, regardless
21 of the length of admission; or has not been voluntarily
22 admitted to a mental health facility for more than 30
23 days and not for more than one incident within the past
24 5 years; and

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

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

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

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

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

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

24 (3) Officers eligible for the expedited relief in
25 paragraph (2) of this subsection (c-5) have the burden of
26 proof on eligibility and must provide all information

1 required. The Director may not consider granting expedited
2 relief until the proof and information is received.

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

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

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

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

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

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

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

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

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

22 (b) At least 30 days before any hearing in the circuit
23 court, the petitioner shall serve the relevant State's Attorney
24 with a copy of the petition. The State's Attorney may object to
25 the petition and present evidence. At the hearing the court
26 shall determine whether substantial justice has been done.

1 Should the court determine that substantial justice has not
2 been done, the court shall issue an order directing the
3 Department of State Police to issue a Card. However, the court
4 shall not issue the order if the petitioner is otherwise
5 prohibited from obtaining, possessing, or using a firearm under
6 federal law.

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

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

22 (1) the applicant has not been convicted of a forcible
23 felony under the laws of this State or any other
24 jurisdiction within 20 years of the applicant's
25 application for a Firearm Owner's Identification Card, or
26 at least 20 years have passed since the end of any period

1 of imprisonment imposed in relation to that conviction;

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

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

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

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

22 (A) the officer has not received treatment
23 involuntarily at a mental health facility ~~institution~~,
24 regardless of the length of admission; or has not been
25 voluntarily admitted to a mental health facility
26 ~~institution~~ for more than 30 days and not for more than

1 one incident within the past 5 years; and

2 (B) the officer has not left the mental institution
3 against medical advice.

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

11 (A) a notarized statement from the officer in the
12 form prescribed by the Director detailing the
13 circumstances that led to the hospitalization;

14 (B) all documentation regarding the admission,
15 evaluation, treatment and discharge from the treating
16 licensed clinical psychologist or psychiatrist of the
17 officer;

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

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

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

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

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

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

24 (f) Any person who is subject to the disabilities of 18
25 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
26 of 1968 because of an adjudication or commitment that occurred

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

1 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;
2 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)

3 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

4 Sec. 13.1. Preemption.

5 (a) Except as otherwise provided in the Firearm Concealed
6 Carry Act and subsections (b) and (c) of this Section, the ~~The~~
7 provisions of any ordinance enacted by any municipality which
8 requires registration or imposes greater restrictions or
9 limitations on the acquisition, possession and transfer of
10 firearms than are imposed by this Act, are not invalidated or
11 affected by this Act.

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

1 in its application to a holder of valid Firearm Owner's
2 Identification Card issued by the Department of State Police
3 under this Act.

4 (c) Notwithstanding subsection (a) of this Section, the
5 regulation of the possession or ownership of assault weapons
6 are exclusive powers and functions of this State. Any ordinance
7 or regulation, or portion of that ordinance or regulation, that
8 purports to regulate the possession or ownership of assault
9 weapons in a manner that is inconsistent with this Act, shall
10 be invalid unless the ordinance or regulation is enacted on,
11 before, or within 10 days after the effective date of this
12 amendatory Act of the 98th General Assembly. Any ordinance or
13 regulation described in this subsection (c) enacted more than
14 10 days after the effective date of this amendatory Act of the
15 98th General Assembly is invalid. An ordinance enacted on,
16 before, or within 10 days after the effective date of this
17 amendatory Act of the 98th General Assembly may be amended. The
18 enactment or amendment of ordinances under this subsection (c)
19 are subject to the submission requirements of Section 13.3. For
20 the purposes of this subsection, "assault weapons" means
21 firearms designated by either make or model or by a test or
22 list of cosmetic features that cumulatively would place the
23 firearm into a definition of "assault weapon" under the
24 ordinance.

25 (d) For the purposes of this Section, "handgun" has the
26 meaning ascribed to it in Section 5 of the Firearm Concealed

1 Carry Act.

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

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

6 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

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

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

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

4 (720 ILCS 5/24-1.6)

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

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

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

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

1 and

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

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

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

12 (B) the firearm, other than a pistol, revolver, or
13 handgun, possessed was uncased, unloaded, and the
14 ammunition for the weapon was immediately accessible
15 at the time of the offense; or

16 (B-5) the pistol, revolver, or handgun possessed
17 was uncased, unloaded, and the ammunition for the
18 weapon was immediately accessible at the time of the
19 offense and the person possessing the pistol,
20 revolver, or handgun has not been issued a currently
21 valid license under the Firearm Concealed Carry Act; or

22 (C) the person possessing the firearm has not been
23 issued a currently valid Firearm Owner's
24 Identification Card; or

25 (D) the person possessing the weapon was
26 previously adjudicated a delinquent minor under the

1 Juvenile Court Act of 1987 for an act that if committed
2 by an adult would be a felony; or

3 (E) the person possessing the weapon was engaged in
4 a misdemeanor violation of the Cannabis Control Act, in
5 a misdemeanor violation of the Illinois Controlled
6 Substances Act, or in a misdemeanor violation of the
7 Methamphetamine Control and Community Protection Act;
8 or

9 (F) (blank); or

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

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

17 (I) the person possessing the weapon was under 21
18 years of age and in possession of a handgun ~~as defined~~
19 ~~in Section 24-3~~, unless the person under 21 is engaged
20 in lawful activities under the Wildlife Code or
21 described in subsection 24-2(b)(1), (b)(3), or
22 24-2(f).

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

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

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

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

4 (ii) are not immediately accessible; or

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

9 (d) Sentence.

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

15 (2) Except as otherwise provided in paragraphs (3) and
16 (4) of this subsection (d), a first offense of aggravated
17 unlawful use of a weapon committed with a firearm by a
18 person 18 years of age or older where the factors listed in
19 both items (A) and (C) or both items (A-5) and (C) of
20 paragraph (3) of subsection (a) are present is a Class 4
21 felony, for which the person shall be sentenced to a term
22 of imprisonment of not less than one year and not more than
23 3 years.

24 (3) Aggravated unlawful use of a weapon by a person who
25 has been previously convicted of a felony in this State or
26 another jurisdiction is a Class 2 felony for which the

1 person shall be sentenced to a term of imprisonment of not
2 less than 3 years and not more than 7 years.

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

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

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

13 (720 ILCS 5/24-2)

14 Sec. 24-2. Exemptions.

15 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
16 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
17 the following:

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

21 (2) Wardens, superintendents and keepers of prisons,
22 penitentiaries, jails and other institutions for the
23 detention of persons accused or convicted of an offense,
24 while in the performance of their official duty, or while
25 commuting between their homes and places of employment.

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

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

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

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

14 (6) Any person regularly employed in a commercial or
15 industrial operation as a security guard for the protection
16 of persons employed and private property related to such
17 commercial or industrial operation, while actually engaged
18 in the performance of his or her duty or traveling between
19 sites or properties belonging to the employer, and who, as
20 a security guard, is a member of a security force of at
21 least 5 persons registered with the Department of Financial
22 and Professional Regulation; provided that such security
23 guard has successfully completed a course of study,
24 approved by and supervised by the Department of Financial
25 and Professional Regulation, consisting of not less than 40
26 hours of training that includes the theory of law

1 enforcement, liability for acts, and the handling of
2 weapons. A person shall be considered eligible for this
3 exemption if he or she has completed the required 20 hours
4 of training for a security officer and 20 hours of required
5 firearm training, and has been issued a firearm control
6 card by the Department of Financial and Professional
7 Regulation. Conditions for the renewal of firearm control
8 cards issued under the provisions of this Section shall be
9 the same as for those cards issued under the provisions of
10 the Private Detective, Private Alarm, Private Security,
11 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
12 control card shall be carried by the security guard at all
13 times when he or she is in possession of a concealable
14 weapon.

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

20 (8) Persons employed by a financial institution for the
21 protection of other employees and property related to such
22 financial institution, while actually engaged in the
23 performance of their duties, commuting between their homes
24 and places of employment, or traveling between sites or
25 properties owned or operated by such financial
26 institution, provided that any person so employed has

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

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

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

26 (11) Investigators of the Office of the State's

1 Attorneys Appellate Prosecutor authorized by the board of
2 governors of the Office of the State's Attorneys Appellate
3 Prosecutor to carry weapons pursuant to Section 7.06 of the
4 State's Attorneys Appellate Prosecutor's Act.

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

7 (12.5) Probation officers while in the performance of
8 their duties, or while commuting between their homes,
9 places of employment or specific locations that are part of
10 their assigned duties, with the consent of the chief judge
11 of the circuit for which they are employed.

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

16 (13.5) A person employed as an armed security guard at
17 a nuclear energy, storage, weapons or development site or
18 facility regulated by the Nuclear Regulatory Commission
19 who has completed the background screening and training
20 mandated by the rules and regulations of the Nuclear
21 Regulatory Commission.

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

25 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
26 to or affect any person carrying a concealed pistol, revolver,

1 or handgun and the person has been issued a currently valid
2 license under the Firearm Concealed Carry Act at the time of
3 the commission of the offense.

4 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
5 24-1.6 do not apply to or affect any of the following:

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

11 (2) Duly authorized military or civil organizations
12 while parading, with the special permission of the
13 Governor.

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

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

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

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

24 (1) Peace officers while in performance of their
25 official duties.

26 (2) Wardens, superintendents and keepers of prisons,

1 penitentiaries, jails and other institutions for the
2 detention of persons accused or convicted of an offense.

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

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

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

25 During transportation, such weapons shall be broken
26 down in a non-functioning state or not immediately

1 accessible.

2 (6) The manufacture, transport, testing, delivery,
3 transfer or sale, and all lawful commercial or experimental
4 activities necessary thereto, of rifles, shotguns, and
5 weapons made from rifles or shotguns, or ammunition for
6 such rifles, shotguns or weapons, where engaged in by a
7 person operating as a contractor or subcontractor pursuant
8 to a contract or subcontract for the development and supply
9 of such rifles, shotguns, weapons or ammunition to the
10 United States government or any branch of the Armed Forces
11 of the United States, when such activities are necessary
12 and incident to fulfilling the terms of such contract.

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

19 ~~During transportation, any such weapon shall be broken~~
20 ~~down in a non-functioning state, or not immediately~~
21 ~~accessible.~~

22 (7) A person possessing a rifle with a barrel or
23 barrels less than 16 inches in length if: (A) the person
24 has been issued a Curios and Relics license from the U.S.
25 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
26 the person is an active member of a bona fide, nationally

1 recognized military re-enacting group and the modification
2 is required and necessary to accurately portray the weapon
3 for historical re-enactment purposes; the re-enactor is in
4 possession of a valid and current re-enacting group
5 membership credential; and the overall length of the weapon
6 as modified is not less than 26 inches.

7 ~~During transportation, any such weapon shall be broken~~
8 ~~down in a non functioning state, or not immediately~~
9 ~~accessible.~~

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

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

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

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

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

26 (2) Bonafide collectors of antique or surplus military

1 ordinance.

2 (3) Laboratories having a department of forensic
3 ballistics, or specializing in the development of
4 ammunition or explosive ordinance.

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

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

1 as are within the lawful scope of a licensed manufacturing
2 business described in this subsection (g-5). During
3 transportation, these devices shall be detached from any weapon
4 or not immediately accessible.

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

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

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

1 Games and sanctioned test events leading up to the 2016 Olympic
2 and Paralympic Games.

3 (h) An information or indictment based upon a violation of
4 any subsection of this Article need not negative any exemptions
5 contained in this Article. The defendant shall have the burden
6 of proving such an exemption.

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

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

25 Section 160. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 112A-14 as follows:

2 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

3 Sec. 112A-14. Order of protection; remedies.

4 (a) Issuance of order. If the court finds that petitioner
5 has been abused by a family or household member, as defined in
6 this Article, an order of protection prohibiting such abuse
7 shall issue; provided that petitioner must also satisfy the
8 requirements of one of the following Sections, as appropriate:
9 Section 112A-17 on emergency orders, Section 112A-18 on interim
10 orders, or Section 112A-19 on plenary orders. Petitioner shall
11 not be denied an order of protection because petitioner or
12 respondent is a minor. The court, when determining whether or
13 not to issue an order of protection, shall not require physical
14 manifestations of abuse on the person of the victim.
15 Modification and extension of prior orders of protection shall
16 be in accordance with this Article.

17 (b) Remedies and standards. The remedies to be included in
18 an order of protection shall be determined in accordance with
19 this Section and one of the following Sections, as appropriate:
20 Section 112A-17 on emergency orders, Section 112A-18 on interim
21 orders, and Section 112A-19 on plenary orders. The remedies
22 listed in this subsection shall be in addition to other civil
23 or criminal remedies available to petitioner.

24 (1) Prohibition of abuse. Prohibit respondent's
25 harassment, interference with personal liberty,

1 intimidation of a dependent, physical abuse or willful
2 deprivation, as defined in this Article, if such abuse has
3 occurred or otherwise appears likely to occur if not
4 prohibited.

5 (2) Grant of exclusive possession of residence.
6 Prohibit respondent from entering or remaining in any
7 residence, household, or premises of the petitioner,
8 including one owned or leased by respondent, if petitioner
9 has a right to occupancy thereof. The grant of exclusive
10 possession of the residence, household, or premises shall
11 not affect title to real property, nor shall the court be
12 limited by the standard set forth in Section 701 of the
13 Illinois Marriage and Dissolution of Marriage Act.

14 (A) Right to occupancy. A party has a right to
15 occupancy of a residence or household if it is solely
16 or jointly owned or leased by that party, that party's
17 spouse, a person with a legal duty to support that
18 party or a minor child in that party's care, or by any
19 person or entity other than the opposing party that
20 authorizes that party's occupancy (e.g., a domestic
21 violence shelter). Standards set forth in subparagraph
22 (B) shall not preclude equitable relief.

23 (B) Presumption of hardships. If petitioner and
24 respondent each has the right to occupancy of a
25 residence or household, the court shall balance (i) the
26 hardships to respondent and any minor child or

1 dependent adult in respondent's care resulting from
2 entry of this remedy with (ii) the hardships to
3 petitioner and any minor child or dependent adult in
4 petitioner's care resulting from continued exposure to
5 the risk of abuse (should petitioner remain at the
6 residence or household) or from loss of possession of
7 the residence or household (should petitioner leave to
8 avoid the risk of abuse). When determining the balance
9 of hardships, the court shall also take into account
10 the accessibility of the residence or household.
11 Hardships need not be balanced if respondent does not
12 have a right to occupancy.

13 The balance of hardships is presumed to favor
14 possession by petitioner unless the presumption is
15 rebutted by a preponderance of the evidence, showing
16 that the hardships to respondent substantially
17 outweigh the hardships to petitioner and any minor
18 child or dependent adult in petitioner's care. The
19 court, on the request of petitioner or on its own
20 motion, may order respondent to provide suitable,
21 accessible, alternate housing for petitioner instead
22 of excluding respondent from a mutual residence or
23 household.

24 (3) Stay away order and additional prohibitions. Order
25 respondent to stay away from petitioner or any other person
26 protected by the order of protection, or prohibit

1 respondent from entering or remaining present at
2 petitioner's school, place of employment, or other
3 specified places at times when petitioner is present, or
4 both, if reasonable, given the balance of hardships.
5 Hardships need not be balanced for the court to enter a
6 stay away order or prohibit entry if respondent has no
7 right to enter the premises.

8 If an order of protection grants petitioner exclusive
9 possession of the residence, or prohibits respondent from
10 entering the residence, or orders respondent to stay away
11 from petitioner or other protected persons, then the court
12 may allow respondent access to the residence to remove
13 items of clothing and personal adornment used exclusively
14 by respondent, medications, and other items as the court
15 directs. The right to access shall be exercised on only one
16 occasion as the court directs and in the presence of an
17 agreed-upon adult third party or law enforcement officer.

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist, psychiatrist,
21 family service agency, alcohol or substance abuse program,
22 mental health center guidance counselor, agency providing
23 services to elders, program designed for domestic violence
24 abusers or any other guidance service the court deems
25 appropriate. The court may order the respondent in any
26 intimate partner relationship to report to an Illinois

1 Department of Human Services protocol approved partner
2 abuse intervention program for an assessment and to follow
3 all recommended treatment.

4 (5) Physical care and possession of the minor child. In
5 order to protect the minor child from abuse, neglect, or
6 unwarranted separation from the person who has been the
7 minor child's primary caretaker, or to otherwise protect
8 the well-being of the minor child, the court may do either
9 or both of the following: (i) grant petitioner physical
10 care or possession of the minor child, or both, or (ii)
11 order respondent to return a minor child to, or not remove
12 a minor child from, the physical care of a parent or person
13 in loco parentis.

14 If a court finds, after a hearing, that respondent has
15 committed abuse (as defined in Section 112A-3) of a minor
16 child, there shall be a rebuttable presumption that
17 awarding physical care to respondent would not be in the
18 minor child's best interest.

19 (6) Temporary legal custody. Award temporary legal
20 custody to petitioner in accordance with this Section, the
21 Illinois Marriage and Dissolution of Marriage Act, the
22 Illinois Parentage Act of 1984, and this State's Uniform
23 Child-Custody Jurisdiction and Enforcement Act.

24 If a court finds, after a hearing, that respondent has
25 committed abuse (as defined in Section 112A-3) of a minor
26 child, there shall be a rebuttable presumption that

1 awarding temporary legal custody to respondent would not be
2 in the child's best interest.

3 (7) Visitation. Determine the visitation rights, if
4 any, of respondent in any case in which the court awards
5 physical care or temporary legal custody of a minor child
6 to petitioner. The court shall restrict or deny
7 respondent's visitation with a minor child if the court
8 finds that respondent has done or is likely to do any of
9 the following: (i) abuse or endanger the minor child during
10 visitation; (ii) use the visitation as an opportunity to
11 abuse or harass petitioner or petitioner's family or
12 household members; (iii) improperly conceal or detain the
13 minor child; or (iv) otherwise act in a manner that is not
14 in the best interests of the minor child. The court shall
15 not be limited by the standards set forth in Section 607.1
16 of the Illinois Marriage and Dissolution of Marriage Act.
17 If the court grants visitation, the order shall specify
18 dates and times for the visitation to take place or other
19 specific parameters or conditions that are appropriate. No
20 order for visitation shall refer merely to the term
21 "reasonable visitation".

22 Petitioner may deny respondent access to the minor
23 child if, when respondent arrives for visitation,
24 respondent is under the influence of drugs or alcohol and
25 constitutes a threat to the safety and well-being of
26 petitioner or petitioner's minor children or is behaving in

1 a violent or abusive manner.

2 If necessary to protect any member of petitioner's
3 family or household from future abuse, respondent shall be
4 prohibited from coming to petitioner's residence to meet
5 the minor child for visitation, and the parties shall
6 submit to the court their recommendations for reasonable
7 alternative arrangements for visitation. A person may be
8 approved to supervise visitation only after filing an
9 affidavit accepting that responsibility and acknowledging
10 accountability to the court.

11 (8) Removal or concealment of minor child. Prohibit
12 respondent from removing a minor child from the State or
13 concealing the child within the State.

14 (9) Order to appear. Order the respondent to appear in
15 court, alone or with a minor child, to prevent abuse,
16 neglect, removal or concealment of the child, to return the
17 child to the custody or care of the petitioner or to permit
18 any court-ordered interview or examination of the child or
19 the respondent.

20 (10) Possession of personal property. Grant petitioner
21 exclusive possession of personal property and, if
22 respondent has possession or control, direct respondent to
23 promptly make it available to petitioner, if:

24 (i) petitioner, but not respondent, owns the
25 property; or

26 (ii) the parties own the property jointly; sharing

1 it would risk abuse of petitioner by respondent or is
2 impracticable; and the balance of hardships favors
3 temporary possession by petitioner.

4 If petitioner's sole claim to ownership of the property
5 is that it is marital property, the court may award
6 petitioner temporary possession thereof under the
7 standards of subparagraph (ii) of this paragraph only if a
8 proper proceeding has been filed under the Illinois
9 Marriage and Dissolution of Marriage Act, as now or
10 hereafter amended.

11 No order under this provision shall affect title to
12 property.

13 (11) Protection of property. Forbid the respondent
14 from taking, transferring, encumbering, concealing,
15 damaging or otherwise disposing of any real or personal
16 property, except as explicitly authorized by the court, if:

17 (i) petitioner, but not respondent, owns the
18 property; or

19 (ii) the parties own the property jointly, and the
20 balance of hardships favors granting this remedy.

21 If petitioner's sole claim to ownership of the property
22 is that it is marital property, the court may grant
23 petitioner relief under subparagraph (ii) of this
24 paragraph only if a proper proceeding has been filed under
25 the Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended.

1 The court may further prohibit respondent from
2 improperly using the financial or other resources of an
3 aged member of the family or household for the profit or
4 advantage of respondent or of any other person.

5 (11.5) Protection of animals. Grant the petitioner the
6 exclusive care, custody, or control of any animal owned,
7 possessed, leased, kept, or held by either the petitioner
8 or the respondent or a minor child residing in the
9 residence or household of either the petitioner or the
10 respondent and order the respondent to stay away from the
11 animal and forbid the respondent from taking,
12 transferring, encumbering, concealing, harming, or
13 otherwise disposing of the animal.

14 (12) Order for payment of support. Order respondent to
15 pay temporary support for the petitioner or any child in
16 the petitioner's care or custody, when the respondent has a
17 legal obligation to support that person, in accordance with
18 the Illinois Marriage and Dissolution of Marriage Act,
19 which shall govern, among other matters, the amount of
20 support, payment through the clerk and withholding of
21 income to secure payment. An order for child support may be
22 granted to a petitioner with lawful physical care or
23 custody of a child, or an order or agreement for physical
24 care or custody, prior to entry of an order for legal
25 custody. Such a support order shall expire upon entry of a
26 valid order granting legal custody to another, unless

1 otherwise provided in the custody order.

2 (13) Order for payment of losses. Order respondent to
3 pay petitioner for losses suffered as a direct result of
4 the abuse. Such losses shall include, but not be limited
5 to, medical expenses, lost earnings or other support,
6 repair or replacement of property damaged or taken,
7 reasonable attorney's fees, court costs and moving or other
8 travel expenses, including additional reasonable expenses
9 for temporary shelter and restaurant meals.

10 (i) Losses affecting family needs. If a party is
11 entitled to seek maintenance, child support or
12 property distribution from the other party under the
13 Illinois Marriage and Dissolution of Marriage Act, as
14 now or hereafter amended, the court may order
15 respondent to reimburse petitioner's actual losses, to
16 the extent that such reimbursement would be
17 "appropriate temporary relief", as authorized by
18 subsection (a) (3) of Section 501 of that Act.

19 (ii) Recovery of expenses. In the case of an
20 improper concealment or removal of a minor child, the
21 court may order respondent to pay the reasonable
22 expenses incurred or to be incurred in the search for
23 and recovery of the minor child, including but not
24 limited to legal fees, court costs, private
25 investigator fees, and travel costs.

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household
2 while the respondent is under the influence of alcohol or
3 drugs and constitutes a threat to the safety and well-being
4 of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm possession.

6 (A) A person who is subject to an existing order of
7 protection, interim order of protection, emergency
8 order of protection, or plenary order of protection,
9 issued under this Code may not lawfully possess weapons
10 under Section 8.2 of the Firearm Owners Identification
11 Card Act. ~~(a) Prohibit a respondent against whom an~~
12 ~~order of protection was issued from possessing any~~
13 ~~firearms during the duration of the order if the order:~~

14 ~~(1) was issued after a hearing of which such~~
15 ~~person received actual notice, and at which such~~
16 ~~person had an opportunity to participate;~~

17 ~~(2) restrains such person from harassing,~~
18 ~~stalking, or threatening an intimate partner of~~
19 ~~such person or child of such intimate partner or~~
20 ~~person, or engaging in other conduct that would~~
21 ~~place an intimate partner in reasonable fear of~~
22 ~~bodily injury to the partner or child; and~~

23 ~~(3) (i) includes a finding that such person~~
24 ~~represents a credible threat to the physical~~
25 ~~safety of such intimate partner or child; or (ii)~~
26 ~~by its terms explicitly prohibits the use,~~

1 ~~attempted use, or threatened use of physical force~~
2 ~~against such intimate partner or child that would~~
3 ~~reasonably be expected to cause bodily injury.~~

4 (B) Any firearms in the possession of the respondent,
5 except as provided in subparagraph (C) of this
6 paragraph (14.5) subsection (b), shall be ordered by
7 the court to be turned over to a person with a valid
8 Firearm Owner's Identification Card ~~the local law~~
9 ~~enforcement agency~~ for safekeeping. The court shall
10 issue an order that the respondent's Firearm Owner's
11 Identification Card be turned over to the local law
12 enforcement agency, which in turn shall immediately
13 mail the card to the Department of State Police Firearm
14 Owner's Identification Card Office for safekeeping.
15 The period of safekeeping shall be for the duration of
16 the order of protection. The firearm or firearms and
17 Firearm Owner's Identification Card, if unexpired,
18 shall at the respondent's request be returned to the
19 respondent at expiration of the order of protection.

20 (C) ~~(b)~~ If the respondent is a peace officer as
21 defined in Section 2-13 of the Criminal Code of 2012,
22 the court shall order that any firearms used by the
23 respondent in the performance of his or her duties as a
24 peace officer be surrendered to the chief law
25 enforcement executive of the agency in which the
26 respondent is employed, who shall retain the firearms

1 for safekeeping for the duration of the order of
2 protection.

3 (D) ~~(e)~~ Upon expiration of the period of
4 safekeeping, if the firearms or Firearm Owner's
5 Identification Card cannot be returned to respondent
6 because respondent cannot be located, fails to respond
7 to requests to retrieve the firearms, or is not
8 lawfully eligible to possess a firearm, upon petition
9 from the local law enforcement agency, the court may
10 order the local law enforcement agency to destroy the
11 firearms, use the firearms for training purposes, or
12 for any other application as deemed appropriate by the
13 local law enforcement agency; or that the firearms be
14 turned over to a third party who is lawfully eligible
15 to possess firearms, and who does not reside with
16 respondent.

17 (15) Prohibition of access to records. If an order of
18 protection prohibits respondent from having contact with
19 the minor child, or if petitioner's address is omitted
20 under subsection (b) of Section 112A-5, or if necessary to
21 prevent abuse or wrongful removal or concealment of a minor
22 child, the order shall deny respondent access to, and
23 prohibit respondent from inspecting, obtaining, or
24 attempting to inspect or obtain, school or any other
25 records of the minor child who is in the care of
26 petitioner.

1 (16) Order for payment of shelter services. Order
2 respondent to reimburse a shelter providing temporary
3 housing and counseling services to the petitioner for the
4 cost of the services, as certified by the shelter and
5 deemed reasonable by the court.

6 (17) Order for injunctive relief. Enter injunctive
7 relief necessary or appropriate to prevent further abuse of
8 a family or household member or to effectuate one of the
9 granted remedies, if supported by the balance of hardships.
10 If the harm to be prevented by the injunction is abuse or
11 any other harm that one of the remedies listed in
12 paragraphs (1) through (16) of this subsection is designed
13 to prevent, no further evidence is necessary to establish
14 that the harm is an irreparable injury.

15 (c) Relevant factors; findings.

16 (1) In determining whether to grant a specific remedy,
17 other than payment of support, the court shall consider
18 relevant factors, including but not limited to the
19 following:

20 (i) the nature, frequency, severity, pattern and
21 consequences of the respondent's past abuse of the
22 petitioner or any family or household member,
23 including the concealment of his or her location in
24 order to evade service of process or notice, and the
25 likelihood of danger of future abuse to petitioner or
26 any member of petitioner's or respondent's family or

1 household; and

2 (ii) the danger that any minor child will be abused
3 or neglected or improperly removed from the
4 jurisdiction, improperly concealed within the State or
5 improperly separated from the child's primary
6 caretaker.

7 (2) In comparing relative hardships resulting to the
8 parties from loss of possession of the family home, the
9 court shall consider relevant factors, including but not
10 limited to the following:

11 (i) availability, accessibility, cost, safety,
12 adequacy, location and other characteristics of
13 alternate housing for each party and any minor child or
14 dependent adult in the party's care;

15 (ii) the effect on the party's employment; and

16 (iii) the effect on the relationship of the party,
17 and any minor child or dependent adult in the party's
18 care, to family, school, church and community.

19 (3) Subject to the exceptions set forth in paragraph
20 (4) of this subsection, the court shall make its findings
21 in an official record or in writing, and shall at a minimum
22 set forth the following:

23 (i) That the court has considered the applicable
24 relevant factors described in paragraphs (1) and (2) of
25 this subsection.

26 (ii) Whether the conduct or actions of respondent,

1 unless prohibited, will likely cause irreparable harm
2 or continued abuse.

3 (iii) Whether it is necessary to grant the
4 requested relief in order to protect petitioner or
5 other alleged abused persons.

6 (4) For purposes of issuing an ex parte emergency order
7 of protection, the court, as an alternative to or as a
8 supplement to making the findings described in paragraphs
9 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
10 the following procedure:

11 When a verified petition for an emergency order of
12 protection in accordance with the requirements of Sections
13 112A-5 and 112A-17 is presented to the court, the court
14 shall examine petitioner on oath or affirmation. An
15 emergency order of protection shall be issued by the court
16 if it appears from the contents of the petition and the
17 examination of petitioner that the averments are
18 sufficient to indicate abuse by respondent and to support
19 the granting of relief under the issuance of the emergency
20 order of protection.

21 (5) Never married parties. No rights or
22 responsibilities for a minor child born outside of marriage
23 attach to a putative father until a father and child
24 relationship has been established under the Illinois
25 Parentage Act of 1984. Absent such an adjudication, no
26 putative father shall be granted temporary custody of the

1 minor child, visitation with the minor child, or physical
2 care and possession of the minor child, nor shall an order
3 of payment for support of the minor child be entered.

4 (d) Balance of hardships; findings. If the court finds that
5 the balance of hardships does not support the granting of a
6 remedy governed by paragraph (2), (3), (10), (11), or (16) of
7 subsection (b) of this Section, which may require such
8 balancing, the court's findings shall so indicate and shall
9 include a finding as to whether granting the remedy will result
10 in hardship to respondent that would substantially outweigh the
11 hardship to petitioner from denial of the remedy. The findings
12 shall be an official record or in writing.

13 (e) Denial of remedies. Denial of any remedy shall not be
14 based, in whole or in part, on evidence that:

15 (1) Respondent has cause for any use of force, unless
16 that cause satisfies the standards for justifiable use of
17 force provided by Article 7 of the Criminal Code of 2012;

18 (2) Respondent was voluntarily intoxicated;

19 (3) Petitioner acted in self-defense or defense of
20 another, provided that, if petitioner utilized force, such
21 force was justifiable under Article 7 of the Criminal Code
22 of 2012;

23 (4) Petitioner did not act in self-defense or defense
24 of another;

25 (5) Petitioner left the residence or household to avoid
26 further abuse by respondent;

1 (6) Petitioner did not leave the residence or household
2 to avoid further abuse by respondent;

3 (7) Conduct by any family or household member excused
4 the abuse by respondent, unless that same conduct would
5 have excused such abuse if the parties had not been family
6 or household members.

7 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
8 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.
9 1-25-13.)

10 Section 165. The Mental Health and Developmental
11 Disabilities Confidentiality Act is amended by changing
12 Section 12 as follows:

13 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

14 Sec. 12. (a) If the United States Secret Service or the
15 Department of State Police requests information from a mental
16 health or developmental disability facility, as defined in
17 Section 1-107 and 1-114 of the Mental Health and Developmental
18 Disabilities Code, relating to a specific recipient and the
19 facility director determines that disclosure of such
20 information may be necessary to protect the life of, or to
21 prevent the infliction of great bodily harm to, a public
22 official, or a person under the protection of the United States
23 Secret Service, only the following information may be
24 disclosed: the recipient's name, address, and age and the date

1 of any admission to or discharge from a facility; and any
2 information which would indicate whether or not the recipient
3 has a history of violence or presents a danger of violence to
4 the person under protection. Any information so disclosed shall
5 be used for investigative purposes only and shall not be
6 publicly disseminated. Any person participating in good faith
7 in the disclosure of such information in accordance with this
8 provision shall have immunity from any liability, civil,
9 criminal or otherwise, if such information is disclosed relying
10 upon the representation of an officer of the United States
11 Secret Service or the Department of State Police that a person
12 is under the protection of the United States Secret Service or
13 is a public official.

14 For the purpose of this subsection (a), the term "public
15 official" means the Governor, Lieutenant Governor, Attorney
16 General, Secretary of State, State Comptroller, State
17 Treasurer, member of the General Assembly, member of the United
18 States Congress, Judge of the United States as defined in 28
19 U.S.C. 451, Justice of the United States as defined in 28
20 U.S.C. 451, United States Magistrate Judge as defined in 28
21 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
22 Supreme, Appellate, Circuit, or Associate Judge of the State of
23 Illinois. The term shall also include the spouse, child or
24 children of a public official.

25 (b) The Department of Human Services (acting as successor
26 to the Department of Mental Health and Developmental

1 Disabilities) and all public or private hospitals and mental
2 health facilities are required, as hereafter described in this
3 subsection, to furnish the Department of State Police only such
4 information as may be required for the sole purpose of
5 determining whether an individual who may be or may have been a
6 patient is disqualified because of that status from receiving
7 or retaining a Firearm Owner's Identification Card or falls
8 within the federal prohibitors under subsection (e), (f), (g),
9 (r), (s), or (t) of Section 8 of the Firearm Owners
10 Identification Card Act, or falls within the federal
11 prohibitors in ~~under subsection (e) or (f) of Section 8 of the~~
12 ~~Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and~~
13 (n). All physicians, clinical psychologists, or qualified
14 examiners at public or private hospitals and mental health
15 facilities or parts thereof as defined in this subsection
16 shall, in the form and manner required by the Department,
17 provide notice directly to the Department of Human Services, or
18 to his or her employer who shall then report to the Department,
19 within 24 hours after determining that a patient as described
20 in clause (2) of the definition of "patient" in Section 1.1 of
21 the Firearm Owners Identification Card Act poses a clear and
22 present danger to himself, herself, or others, or is determined
23 to be developmentally disabled ~~such information as shall be~~
24 ~~necessary for the Department to comply with the reporting~~
25 ~~requirements to the Department of State Police. This~~ Such
26 information shall be furnished within 24 hours after the

1 physician, clinical psychologist, or qualified examiner has
2 made a determination, or within 7 days after admission to a
3 public or private hospital or mental health facility or the
4 provision of services to a patient described in clause (1) of
5 the definition of "patient" in Section 1.1 of the Firearm
6 Owners Identification Card Act ~~clause (2) of this subsection~~
7 ~~(b)~~. Any such information disclosed under this subsection shall
8 remain privileged and confidential, and shall not be
9 redisclosed, except as required by subsection (e) ~~clause (e) (2)~~
10 of Section 3.1 of the Firearm Owners Identification Card Act,
11 nor utilized for any other purpose. The method of requiring the
12 providing of such information shall guarantee that no
13 information is released beyond what is necessary for this
14 purpose. In addition, the information disclosed shall be
15 provided by the Department within the time period established
16 by Section 24-3 of the Criminal Code of 2012 regarding the
17 delivery of firearms. The method used shall be sufficient to
18 provide the necessary information within the prescribed time
19 period, which may include periodically providing lists to the
20 Department of Human Services or any public or private hospital
21 or mental health facility of Firearm Owner's Identification
22 Card applicants on which the Department or hospital shall
23 indicate the identities of those individuals who are to its
24 knowledge disqualified from having a Firearm Owner's
25 Identification Card for reasons described herein. The
26 Department may provide for a centralized source of information

1 for the State on this subject under its jurisdiction. The
2 identity of the person reporting under this subsection shall
3 not be disclosed to the subject of the report. For the purposes
4 of this subsection, the physician, clinical psychologist, or
5 qualified examiner making the determination and his or her
6 employer shall not be held criminally, civilly, or
7 professionally liable for making or not making the notification
8 required under this subsection, except for willful or wanton
9 misconduct.

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

26 For purposes of this subsection (b) only, the following

1 terms shall have the meaning prescribed:

2 (1) (Blank). ~~"Hospital" means only that type of~~
3 ~~institution which is providing full-time residential~~
4 ~~facilities and treatment.~~

5 (1.3) "Clear and present danger" has the meaning as
6 defined in Section 1.1 of the Firearm Owners Identification
7 Card Act.

8 (1.5) "Developmentally disabled" has the meaning as
9 defined in Section 1.1 of the Firearm Owners Identification
10 Card Act.

11 (2) "Patient" has the meaning as defined in Section 1.1
12 of the Firearm Owners Identification Card Act ~~shall include~~
13 ~~only: (i) a person who is an in-patient or resident of any~~
14 ~~public or private hospital or mental health facility or~~
15 ~~(ii) a person who is an out-patient or provided services by~~
16 ~~a public or private hospital or mental health facility~~
17 ~~whose mental condition is of such a nature that it is~~
18 ~~manifested by violent, suicidal, threatening, or~~
19 ~~assaultive behavior or reported behavior, for which there~~
20 ~~is a reasonable belief by a physician, clinical~~
21 ~~psychologist, or qualified examiner that the condition~~
22 ~~poses a clear and present or imminent danger to the~~
23 ~~patient, any other person or the community meaning the~~
24 ~~patient's condition poses a clear and present danger in~~
25 ~~accordance with subsection (f) of Section 8 of the Firearm~~
26 ~~Owners Identification Card Act. The terms physician,~~

1 ~~clinical psychologist, and qualified examiner are defined~~
2 ~~in Sections 1-120, 1-103, and 1-122 of the Mental Health~~
3 ~~and Developmental Disabilities Code.~~

4 (3) "Mental health facility" has the meaning as defined
5 in Section 1.1 of the Firearm Owners Identification Card
6 Act ~~is defined by Section 1-114 of the Mental Health and~~
7 ~~Developmental Disabilities Code.~~

8 (c) Upon the request of a peace officer who takes a person
9 into custody and transports such person to a mental health or
10 developmental disability facility pursuant to Section 3-606 or
11 4-404 of the Mental Health and Developmental Disabilities Code
12 or who transports a person from such facility, a facility
13 director shall furnish said peace officer the name, address,
14 age and name of the nearest relative of the person transported
15 to or from the mental health or developmental disability
16 facility. In no case shall the facility director disclose to
17 the peace officer any information relating to the diagnosis,
18 treatment or evaluation of the person's mental or physical
19 health.

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

24 (d) Upon the request of a peace officer or prosecuting
25 authority who is conducting a bona fide investigation of a
26 criminal offense, or attempting to apprehend a fugitive from

1 justice, a facility director may disclose whether a person is
2 present at the facility. Upon request of a peace officer or
3 prosecuting authority who has a valid forcible felony warrant
4 issued, a facility director shall disclose: (1) whether the
5 person who is the subject of the warrant is present at the
6 facility and (2) the date of that person's discharge or future
7 discharge from the facility. The requesting peace officer or
8 prosecuting authority must furnish a case number and the
9 purpose of the investigation or an outstanding arrest warrant
10 at the time of the request. Any person, institution, or agency
11 participating in good faith in disclosing such information in
12 accordance with this subsection (d) is immune from any
13 liability, civil, criminal or otherwise, that might result by
14 reason of the action.

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

16 Section 170. The Probate Act of 1975 is amended by adding
17 Section 11a-24 as follows:

18 (755 ILCS 5/11a-24 new)

19 Sec. 11a-24. Notification; Department of State Police.
20 When a court adjudges a respondent to be a disabled person
21 under this Article, the court shall direct the circuit court
22 clerk to notify the Department of State Police, Firearm Owner's
23 Identification (FOID) Office, in a form and manner prescribed
24 by the Department of State Police, and shall forward a copy of

1 the court order to the Department no later than 7 days after
2 the entry of the order. Upon receipt of the order, the
3 Department of State Police shall provide notification to the
4 National Instant Criminal Background Check System.

5 Section 195. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 999. Effective date. This Act takes effect upon
13 becoming law.".