



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4048

by Rep. Edward J. Acevedo

#### SYNOPSIS AS INTRODUCED:

See Index

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

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning safety.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

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

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for or received Firearm Owner's Identification Cards or  
2 certificates of handgun registration under the Firearm  
3 Owners Identification Card and Certificate of Handgun  
4 Registration Act or applied for or received a concealed  
5 carry license under the Firearm Concealed Carry Act, unless  
6 otherwise authorized by the Firearm Concealed Carry Act;  
7 and databases under the Firearm Concealed Carry Act,  
8 records of the Concealed Carry Licensing Review Board under  
9 the Firearm Concealed Carry Act, and law enforcement agency  
10 objections under the Firearm Concealed Carry Act.

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

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

17 (y) Confidential information under the Adult  
18 Protective Services Act and its predecessor enabling  
19 statute, the Elder Abuse and Neglect Act, including  
20 information about the identity and administrative finding  
21 against any caregiver of a verified and substantiated  
22 decision of abuse, neglect, or financial exploitation of an  
23 eligible adult maintained in the Registry established  
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality  
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services  
2 Act.

3 (aa) Information which is exempted from disclosure  
4 under Section 2.37 of the Wildlife Code.

5 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,  
6 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,  
7 eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039,  
8 eff. 8-25-14; 98-1045, eff. 8-25-14; revised 10-1-14.)

9 Section 10. The Department of State Police Law of the Civil  
10 Administrative Code of Illinois is amended by changing Sections  
11 2605-45, 2605-120, 2605-300, and 2605-595 as follows:

12 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

13 Sec. 2605-45. Division of Administration. The Division of  
14 Administration shall exercise the following functions:

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

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

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

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

1 (5) Exercise the rights, powers, and duties vested in  
2 the former Division of State Troopers by Section 17 of the  
3 State Police Act.

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

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

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

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

15 (20 ILCS 2605/2605-120) (was 20 ILCS 2605/55a in part)

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

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



1 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)  
2 Sec. 2605-300. Records; crime laboratories; personnel. To  
3 do the following:

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

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

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

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

13 (5) Establish general and field crime laboratories.

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

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

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

26 (Source: P.A. 98-63, eff. 7-9-13.)

1 (20 ILCS 2605/2605-595)

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

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

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

1 background check system.

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

5 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

6 Section 15. The State Finance Act is amended by changing  
7 6z-99 and by adding Sections 5.866, 5.867, 5.868, 6z-101, and  
8 6z-102 as follows:

9 (30 ILCS 105/5.866 new)

10 Sec. 5.866. The National Instant Criminal Background Check  
11 System Improvement Fund.

12 (30 ILCS 105/5.867 new)

13 Sec. 5.867. The Illinois LEADS Information and Technology  
14 Improvement Fund.

15 (30 ILCS 105/5.868 new)

16 Sec. 5.868. The Handgun Certificate Administration Fund.

17 (30 ILCS 105/6z-99)

18 Sec. 6z-99. The Mental Health Reporting Fund.

19 (a) There is created in the State treasury a special fund  
20 known as the Mental Health Reporting Fund. The Fund shall  
21 receive revenue under the Firearm Concealed Carry Act. The Fund

1 may also receive revenue from grants, pass-through grants,  
2 donations, appropriations, and any other legal source.

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

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

17 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

18 (30 ILCS 105/6z-101 new)

19 Sec. 6z-101. National Instant Criminal Background Check  
20 System Improvement Fund.

21 (a) There is created in the State treasury a special fund  
22 known as National Instant Criminal Background Check System  
23 Improvement Fund. The Fund shall receive revenue pursuant to  
24 Section 3.4 of the Firearm Owners Identification Card and  
25 Certificate of Handgun Registration Act. The Fund may also

1 receive revenue from grants, donations, appropriations, and  
2 any other legal source.

3 (b) The Department of State Police shall use moneys in the  
4 Fund to perform its duties and responsibilities under  
5 subsection (e) of Section 3.1 of the Firearm Owners  
6 Identification Card and Certificate of Handgun Registration  
7 Act.

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

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

13 (e) The Fund shall not be subject to administrative  
14 chargebacks.

15 (30 ILCS 105/6z-102 new)

16 Sec. 6z-102. Illinois LEADS Information and Technology  
17 Improvement Fund.

18 (a) There is created in the State treasury a special fund  
19 known as the Illinois LEADS Information and Technology  
20 Improvement Fund. The Fund shall receive revenue pursuant to  
21 Section 3.4 of the Firearm Owners Identification Card and  
22 Certificate of Handgun Registration Act. The Fund may also  
23 receive revenue from grants, donations, appropriations, and  
24 any other legal source.

25 (b) The Department of State Police shall use the moneys in

1 the Fund to update and improve the technology used for the Law  
2 Enforcement Agencies Data System (LEADS) system. The Fund shall  
3 also be used to support the Department's responsibilities in  
4 managing background checks and public safety record-keeping.

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

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

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

13 (f) The Fund shall not be subject to administrative  
14 chargebacks.

15 Section 20. The School Code is amended by changing Sections  
16 10-22.6, 10-27.1A, and 34-8.05 as follows:

17 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

18 Sec. 10-22.6. Suspension or expulsion of pupils; school  
19 searches.

20 (a) To expel pupils guilty of gross disobedience or  
21 misconduct, including gross disobedience or misconduct  
22 perpetuated by electronic means, and no action shall lie  
23 against them for such expulsion. Expulsion shall take place  
24 only after the parents have been requested to appear at a

1 meeting of the board, or with a hearing officer appointed by  
2 it, to discuss their child's behavior. Such request shall be  
3 made by registered or certified mail and shall state the time,  
4 place and purpose of the meeting. The board, or a hearing  
5 officer appointed by it, at such meeting shall state the  
6 reasons for dismissal and the date on which the expulsion is to  
7 become effective. If a hearing officer is appointed by the  
8 board he shall report to the board a written summary of the  
9 evidence heard at the meeting and the board may take such  
10 action thereon as it finds appropriate. An expelled pupil may  
11 be immediately transferred to an alternative program in the  
12 manner provided in Article 13A or 13B of this Code. A pupil  
13 must not be denied transfer because of the expulsion, except in  
14 cases in which such transfer is deemed to cause a threat to the  
15 safety of students or staff in the alternative program.

16 (b) To suspend or by policy to authorize the superintendent  
17 of the district or the principal, assistant principal, or dean  
18 of students of any school to suspend pupils guilty of gross  
19 disobedience or misconduct, or to suspend pupils guilty of  
20 gross disobedience or misconduct on the school bus from riding  
21 the school bus, and no action shall lie against them for such  
22 suspension. The board may by policy authorize the  
23 superintendent of the district or the principal, assistant  
24 principal, or dean of students of any school to suspend pupils  
25 guilty of such acts for a period not to exceed 10 school days.  
26 If a pupil is suspended due to gross disobedience or misconduct

1 on a school bus, the board may suspend the pupil in excess of  
2 10 school days for safety reasons. Any suspension shall be  
3 reported immediately to the parents or guardian of such pupil  
4 along with a full statement of the reasons for such suspension  
5 and a notice of their right to a review. The school board must  
6 be given a summary of the notice, including the reason for the  
7 suspension and the suspension length. Upon request of the  
8 parents or guardian the school board or a hearing officer  
9 appointed by it shall review such action of the superintendent  
10 or principal, assistant principal, or dean of students. At such  
11 review the parents or guardian of the pupil may appear and  
12 discuss the suspension with the board or its hearing officer.  
13 If a hearing officer is appointed by the board he shall report  
14 to the board a written summary of the evidence heard at the  
15 meeting. After its hearing or upon receipt of the written  
16 report of its hearing officer, the board may take such action  
17 as it finds appropriate. A pupil who is suspended in excess of  
18 20 school days may be immediately transferred to an alternative  
19 program in the manner provided in Article 13A or 13B of this  
20 Code. A pupil must not be denied transfer because of the  
21 suspension, except in cases in which such transfer is deemed to  
22 cause a threat to the safety of students or staff in the  
23 alternative program.

24 (c) The Department of Human Services shall be invited to  
25 send a representative to consult with the board at such meeting  
26 whenever there is evidence that mental illness may be the cause



1 for expulsion or suspension.

2 (d) The board may expel a student for a definite period of  
3 time not to exceed 2 calendar years, as determined on a case by  
4 case basis. A student who is determined to have brought one of  
5 the following objects to school, any school-sponsored activity  
6 or event, or any activity or event that bears a reasonable  
7 relationship to school shall be expelled for a period of not  
8 less than one year:

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

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

1 Expulsion or suspension shall be construed in a manner  
2 consistent with the Federal Individuals with Disabilities  
3 Education Act. A student who is subject to suspension or  
4 expulsion as provided in this Section may be eligible for a  
5 transfer to an alternative school program in accordance with  
6 Article 13A of the School Code. The provisions of this  
7 subsection (d) apply in all school districts, including special  
8 charter districts and districts organized under Article 34.

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

1 districts and districts organized under Article 34 of this  
2 Code.

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

1 organized under Article 34.

2 (f) Suspension or expulsion may include suspension or  
3 expulsion from school and all school activities and a  
4 prohibition from being present on school grounds.

5 (g) A school district may adopt a policy providing that if  
6 a student is suspended or expelled for any reason from any  
7 public or private school in this or any other state, the  
8 student must complete the entire term of the suspension or  
9 expulsion in an alternative school program under Article 13A of  
10 this Code or an alternative learning opportunities program  
11 under Article 13B of this Code before being admitted into the  
12 school district if there is no threat to the safety of students  
13 or staff in the alternative program. This subsection (g)  
14 applies to all school districts, including special charter  
15 districts and districts organized under Article 34 of this  
16 Code.

17 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
18 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;  
19 97-1150, eff. 1-25-13.)

20 (105 ILCS 5/10-27.1A)

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

22 (a) All school officials, including teachers, guidance  
23 counselors, and support staff, shall immediately notify the  
24 office of the principal in the event that they observe any  
25 person in possession of a firearm on school grounds; provided

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

22 (b) Upon receiving a report from any school official  
23 pursuant to this Section, or from any other person, the  
24 principal or his or her designee shall immediately notify a  
25 local law enforcement agency. If the person found to be in  
26 possession of a firearm on school grounds is a student, the

1 principal or his or her designee shall also immediately notify  
2 that student's parent or guardian. Any principal or his or her  
3 designee acting in good faith who makes such reports under this  
4 Section shall have immunity from any civil or criminal  
5 liability that might otherwise be incurred or imposed as a  
6 result of making the reports. Knowingly and willfully failing  
7 to comply with this Section is a petty offense. A second or  
8 subsequent offense is a Class C misdemeanor. If the person  
9 found to be in possession of the firearm on school grounds is a  
10 minor, the law enforcement agency shall detain that minor until  
11 such time as the agency makes a determination pursuant to  
12 clause (a) of subsection (1) of Section 5-401 of the Juvenile  
13 Court Act of 1987, as to whether the agency reasonably believes  
14 that the minor is delinquent. If the law enforcement agency  
15 determines that probable cause exists to believe that the minor  
16 committed a violation of item (4) of subsection (a) of Section  
17 24-1 of the Criminal Code of 2012 while on school grounds, the  
18 agency shall detain the minor for processing pursuant to  
19 Section 5-407 of the Juvenile Court Act of 1987.

20 (c) On or after January 1, 1997, upon receipt of any  
21 written, electronic, or verbal report from any school personnel  
22 regarding a verified incident involving a firearm in a school  
23 or on school owned or leased property, including any conveyance  
24 owned, leased, or used by the school for the transport of  
25 students or school personnel, the superintendent or his or her  
26 designee shall report all such firearm-related incidents

1 occurring in a school or on school property to the local law  
2 enforcement authorities immediately and to the Department of  
3 State Police in a form, manner, and frequency as prescribed by  
4 the Department of State Police.

5 The State Board of Education shall receive an annual  
6 statistical compilation and related data associated with  
7 incidents involving firearms in schools from the Department of  
8 State Police. The State Board of Education shall compile this  
9 information by school district and make it available to the  
10 public.

11 (d) As used in this Section, the term "firearm" shall have  
12 the meaning ascribed to it in Section 1.1 of the Firearm Owners  
13 Identification Card and Certificate of Handgun Registration  
14 Act.

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

17 As used in this Section, the term "school grounds" includes  
18 the real property comprising any school, any conveyance owned,  
19 leased, or contracted by a school to transport students to or  
20 from school or a school-related activity, or any public way  
21 within 1,000 feet of the real property comprising any school.

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

23 (105 ILCS 5/34-8.05)

24 Sec. 34-8.05. Reporting firearms in schools. On or after  
25 January 1, 1997, upon receipt of any written, electronic, or

1 verbal report from any school personnel regarding a verified  
2 incident involving a firearm in a school or on school owned or  
3 leased property, including any conveyance owned, leased, or  
4 used by the school for the transport of students or school  
5 personnel, the general superintendent or his or her designee  
6 shall report all such firearm-related incidents occurring in a  
7 school or on school property to the local law enforcement  
8 authorities no later than 24 hours after the occurrence of the  
9 incident and to the Department of State Police in a form,  
10 manner, and frequency as prescribed by the Department of State  
11 Police.

12 The State Board of Education shall receive an annual  
13 statistical compilation and related data associated with  
14 incidents involving firearms in schools from the Department of  
15 State Police. As used in this Section, the term "firearm" shall  
16 have the meaning ascribed to it in Section 1.1 of the Firearm  
17 Owners Identification Card and Certificate of Handgun  
18 Registration Act.

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

20 Section 21. The Illinois Explosives Act is amended by  
21 changing Section 2005 as follows:

22 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

23 Sec. 2005. Qualifications for licensure.

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



- 1 (1) is under 21 years of age;
- 2 (2) has been convicted in any court of a crime  
3 punishable by imprisonment for a term exceeding one year;
- 4 (3) is under indictment for a crime punishable by  
5 imprisonment for a term exceeding one year;
- 6 (4) is a fugitive from justice;
- 7 (5) is an unlawful user of or addicted to any  
8 controlled substance as defined in Section 102 of the  
9 federal Controlled Substances Act (21 U.S.C. Sec. 802 et  
10 seq.);
- 11 (6) has been adjudicated a mentally disabled person as  
12 defined in Section 1.1 of the Firearm Owners Identification  
13 Card and Certificate of Handgun Registration Act; or
- 14 (7) is not a legal citizen of the United States.
- 15 (b) A person who has been granted a "relief from  
16 disabilities" regarding criminal convictions and indictments,  
17 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.  
18 845) may receive a license provided all other qualifications  
19 under this Act are met.
- 20 (Source: P.A. 98-63, eff. 7-9-13.)

21 Section 22. The Private Detective, Private Alarm, Private  
22 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
23 amended by changing Section 35-35 as follows:

24 (225 ILCS 447/35-35)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 35-35. Requirement of a firearm control card.

3 (a) No person shall perform duties that include the use,  
4 carrying, or possession of a firearm in the performance of  
5 those duties without complying with the provisions of this  
6 Section and having been issued a valid firearm control card by  
7 the Department.

8 (b) No employer shall employ any person to perform the  
9 duties for which licensure or employee registration is required  
10 and allow that person to carry a firearm unless that person has  
11 complied with all the firearm training requirements of this  
12 Section and has been issued a firearm control card. This Act  
13 permits only the following to carry firearms while actually  
14 engaged in the performance of their duties or while commuting  
15 directly to or from their places of employment: persons  
16 licensed as private detectives and their registered employees;  
17 persons licensed as private security contractors and their  
18 registered employees; persons licensed as private alarm  
19 contractors and their registered employees; and employees of a  
20 registered armed proprietary security force.

21 (c) Possession of a valid firearm control card allows a  
22 licensee or employee to carry a firearm not otherwise  
23 prohibited by law while the licensee or employee is engaged in  
24 the performance of his or her duties or while the licensee or  
25 employee is commuting directly to or from the licensee's or  
26 employee's place or places of employment.

1           (d) The Department shall issue a firearm control card to a  
2 person who has passed an approved firearm training course, who  
3 is currently licensed or employed by an agency licensed by this  
4 Act and has met all the requirements of this Act, and who  
5 possesses a valid firearm owner identification card.  
6 Application for the firearm control card shall be made by the  
7 employer to the Department on forms provided by the Department.  
8 The Department shall forward the card to the employer who shall  
9 be responsible for its issuance to the licensee or employee.  
10 The firearm control card shall be issued by the Department and  
11 shall identify the person holding it and the name of the course  
12 where the licensee or employee received firearm instruction and  
13 shall specify the type of weapon or weapons the person is  
14 authorized by the Department to carry and for which the person  
15 has been trained.

16           (e) Expiration and requirements for renewal of firearm  
17 control cards shall be determined by rule.

18           (f) The Department may, in addition to any other  
19 disciplinary action permitted by this Act, refuse to issue,  
20 suspend, or revoke a firearm control card if the applicant or  
21 holder has been convicted of any felony or crime involving the  
22 illegal use, carrying, or possession of a deadly weapon or for  
23 a violation of this Act or rules promulgated under this Act.  
24 The Department shall refuse to issue or shall revoke a firearm  
25 control card if the applicant or holder fails to possess a  
26 valid firearm owners identification card, and a certificate of

1 handgun registration if the employee's duties require the  
2 possession of a handgun, without hearing. The Secretary shall  
3 summarily suspend a firearm control card if the Secretary finds  
4 that its continued use would constitute an imminent danger to  
5 the public. A hearing shall be held before the Board within 30  
6 days if the Secretary summarily suspends a firearm control  
7 card.

8 (g) Notwithstanding any other provision of this Act to the  
9 contrary, all requirements relating to firearms control cards  
10 do not apply to a peace officer.

11 (h) The Department may issue a temporary firearm control  
12 card pending issuance of a new firearm control card upon an  
13 agency's acquiring of an established armed account. An agency  
14 that has acquired armed employees as a result of acquiring an  
15 established armed account may, on forms supplied by the  
16 Department, request the issuance of a temporary firearm control  
17 card for each acquired employee who held a valid firearm  
18 control card under his or her employment with the newly  
19 acquired established armed account immediately preceding the  
20 acquiring of the account and who continues to meet all of the  
21 qualifications for issuance of a firearm control card set forth  
22 in this Act and any rules adopted under this Act. The  
23 Department shall, by rule, set the fee for issuance of a  
24 temporary firearm control card.

25 (i) The Department shall not issue a firearm control card  
26 to a licensed fingerprint vendor or a licensed locksmith or

1 employees of a licensed fingerprint vendor agency or a licensed  
2 locksmith agency.

3 (Source: P.A. 98-253, eff. 8-9-13.)

4 Section 23. The Mental Health and Developmental  
5 Disabilities Code is amended by changing Sections 6-103.1,  
6 6-103.2, and 6-103.3 as follows:

7 (405 ILCS 5/6-103.1)

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

22 (Source: P.A. 97-1131, eff. 1-1-13; 98-63, eff. 7-9-13.)

23 (405 ILCS 5/6-103.2)

1           Sec. 6-103.2. Developmental disability; notice. For  
2 purposes of this Section, if a person is determined to be  
3 developmentally disabled as defined in Section 1.1 of the  
4 Firearm Owners Identification Card and Certificate of Handgun  
5 Registration Act by a physician, clinical psychologist, or  
6 qualified examiner, whether practicing at a public or by a  
7 private mental health facility or developmental disability  
8 facility, the physician, clinical psychologist, or qualified  
9 examiner shall notify the Department of Human Services within  
10 24 hours of making the determination that the person has a  
11 developmental disability. The Department of Human Services  
12 shall immediately update its records and information relating  
13 to 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 and Certificate of Handgun  
20 Registration Act, nor used for any other purpose. The method of  
21 providing this information shall guarantee that the  
22 information is not released beyond that which is necessary for  
23 the purpose of this Section and shall be provided by rule by  
24 the Department of Human Services. The identity of the person  
25 reporting under this Section shall not be disclosed to the  
26 subject of the report.

1           The physician, clinical psychologist, or qualified  
2 examiner making the determination and his or her employer may  
3 not be held criminally, civilly, or professionally liable for  
4 making or not making the notification required under this  
5 Section, except for willful or wanton misconduct.

6           (Source: P.A. 98-63, eff. 7-9-13.)

7           (405 ILCS 5/6-103.3)

8           Sec. 6-103.3. Clear and present danger; notice. If a person  
9 is determined to pose a clear and present danger to himself,  
10 herself, or to others by a physician, clinical psychologist, or  
11 qualified examiner, whether employed by the State, by any  
12 public or private mental health facility or part thereof, or by  
13 a law enforcement official or a school administrator, then the  
14 physician, clinical psychologist, qualified examiner shall  
15 notify the Department of Human Services and a law enforcement  
16 official or school administrator shall notify the Department of  
17 State Police, within 24 hours of making the determination that  
18 the person poses a clear and present danger. The Department of  
19 Human Services shall immediately update its records and  
20 information relating to mental health and developmental  
21 disabilities, and if appropriate, shall notify the Department  
22 of State Police in a form and manner prescribed by the  
23 Department of State Police. Information disclosed under this  
24 Section shall remain privileged and confidential, and shall not  
25 be redisclosed, except as required under subsection (e) of

1 Section 3.1 of the Firearm Owners Identification Card and  
2 Certificate of Handgun Registration Act, nor used for any other  
3 purpose. The method of providing this information shall  
4 guarantee that the information is not released beyond that  
5 which is necessary for the purpose of this Section and shall be  
6 provided by rule by the Department of Human Services. The  
7 identity of the person reporting under this Section shall not  
8 be disclosed to the subject of the report. The physician,  
9 clinical psychologist, qualified examiner, law enforcement  
10 official, or school administrator making the determination and  
11 his or her employer shall not be held criminally, civilly, or  
12 professionally liable for making or not making the notification  
13 required under this Section, except for willful or wanton  
14 misconduct. This Section does not apply to a law enforcement  
15 official, if making the notification under this Section will  
16 interfere with an ongoing or pending criminal investigation.

17 For the purposes of this Section:

18 "Clear and present danger" has the meaning ascribed to  
19 it in Section 1.1 of the Firearm Owners Identification Card  
20 and Certificate of Handgun Registration Act.

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

24 (Source: P.A. 98-63, eff. 7-9-13.)

25 Section 25. The Lead Poisoning Prevention Act is amended by



1 changing Section 2 as follows:

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

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

4 "Child care facility" means any structure used by a child  
5 care provider licensed by the Department of Children and Family  
6 Services or public or private school structure frequented by  
7 children 6 years of age or younger.

8 "Childhood Lead Risk Questionnaire" means the  
9 questionnaire developed by the Department for use by physicians  
10 and other health care providers to determine risk factors for  
11 children 6 years of age or younger residing in areas designated  
12 as low risk for lead exposure.

13 "Delegate agency" means a unit of local government or  
14 health department approved by the Department to carry out the  
15 provisions of this Act.

16 "Department" means the Department of Public Health.

17 "Director" means the Director of Public Health.

18 "Dwelling unit" means an individual unit within a  
19 residential building used as living quarters for one household.

20 "Elevated blood lead level" means a blood lead level in  
21 excess of those considered within the permissible limits as  
22 established under State and federal rules.

23 "Exposed surface" means any interior or exterior surface of  
24 a regulated facility.

25 "High risk area" means an area in the State determined by

1 the Department to be high risk for lead exposure for children 6  
2 years of age or younger. The Department may consider, but is  
3 not limited to, the following factors to determine a high risk  
4 area: age and condition (using Department of Housing and Urban  
5 Development definitions of "slum" and "blighted") of housing,  
6 proximity to highway traffic or heavy local traffic or both,  
7 percentage of housing determined as rental or vacant, proximity  
8 to industry using lead, established incidence of elevated blood  
9 lead levels in children, percentage of population living below  
10 200% of federal poverty guidelines, and number of children  
11 residing in the area who are 6 years of age or younger.

12 "Lead abatement" means any approved work practices that  
13 will permanently eliminate lead exposure or remove the  
14 lead-bearing substances in a regulated facility. The  
15 Department shall establish by rule which work practices are  
16 approved or prohibited for lead abatement.

17 "Lead abatement contractor" means any person or entity  
18 licensed by the Department to perform lead abatement and  
19 mitigation.

20 "Lead abatement supervisor" means any person employed by a  
21 lead abatement contractor and licensed by the Department to  
22 perform lead abatement and lead mitigation and to supervise  
23 lead workers who perform lead abatement and lead mitigation.

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

1 "Lead activities" means the conduct of any lead services,  
2 including, lead inspection, lead risk assessment, lead  
3 mitigation, or lead abatement work or supervision in a  
4 regulated facility.

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

24 "Lead hazard" means a lead-bearing substance that poses an  
25 immediate health hazard to humans.

26 "Lead hazard screen" means a lead risk assessment that

1 involves limited dust and paint sampling for lead-bearing  
2 substances and lead hazards. This service is used as a  
3 screening tool designed to determine if further lead  
4 investigative services are required for the regulated  
5 facility.

6 "Lead inspection" means a surface-by-surface investigation  
7 to determine the presence of lead-based paint.

8 "Lead inspector" means an individual who has been trained  
9 by a Department-approved training program and is licensed by  
10 the Department to conduct lead inspections; to sample for the  
11 presence of lead in paint, dust, soil, and water; and to  
12 conduct compliance investigations.

13 "Lead mitigation" means the remediation, in a manner  
14 described in Section 9, of a lead hazard so that the  
15 lead-bearing substance does not pose an immediate health hazard  
16 to humans.

17 "Lead poisoning" means the condition of having blood lead  
18 levels in excess of those considered safe under State and  
19 federal rules.

20 "Lead risk assessment" means an on-site investigation to  
21 determine the existence, nature, severity, and location of lead  
22 hazards. "Lead risk assessment" includes any lead sampling and  
23 visual assessment associated with conducting a lead risk  
24 assessment and lead hazard screen and all lead sampling  
25 associated with compliance investigations.

26 "Lead risk assessor" means an individual who has been

1 trained by a Department-approved training program and is  
2 licensed by the Department to conduct lead risk assessments,  
3 lead inspections, and lead hazard screens; to sample for the  
4 presence of lead in paint, dust, soil, water, and sources for  
5 lead-bearing substances; and to conduct compliance  
6 investigations.

7 "Lead training program provider" means any person  
8 providing Department-approved lead training in Illinois to  
9 individuals seeking licensure in accordance with the Act.

10 "Low risk area" means an area in the State determined by  
11 the Department to be low risk for lead exposure for children 6  
12 years of age or younger. The Department may consider the  
13 factors named in "high risk area" to determine low risk areas.

14 "Owner" means any person, who alone, jointly, or severally  
15 with others:

16 (a) Has legal title to any regulated facility, with or  
17 without actual possession of the regulated facility, or

18 (b) Has charge, care, or control of the regulated  
19 facility as owner or agent of the owner, or as executor,  
20 administrator, trustee, or guardian of the estate of the  
21 owner.

22 "Person" means any individual, partnership, firm, company,  
23 limited liability company, corporation, association, joint  
24 stock company, trust, estate, political subdivision, State  
25 agency, or any other legal entity, or their legal  
26 representative, agent, or assign.

1 "Regulated facility" means a residential building or child  
2 care facility.

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

7 (Source: P.A. 98-690, eff. 1-1-15.)

8 Section 30. The Firearm Owners Identification Card Act is  
9 amended by changing Sections 0.01, 1, 1.1, 3, 3.1, 4, 6.1, and  
10 14 and by adding Section 3.4 as follows:

11 (430 ILCS 65/0.01) (from Ch. 38, par. 83-0.1)

12 Sec. 0.01. Short title. This Act may be cited as the  
13 Firearm Owners Identification Card and Certificate of Handgun  
14 Registration Act.

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

16 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

17 Sec. 1. It is hereby declared as a matter of legislative  
18 determination that in order to promote and protect the health,  
19 safety and welfare of the public, it is necessary and in the  
20 public interest to provide a system of identifying persons who  
21 are not qualified to acquire or possess firearms, firearm  
22 ammunition, stun guns, and tasers within the State of Illinois  
23 by the establishment of a system of Firearm Owner's

1 Identification Cards and handgun registration, thereby  
2 establishing a practical and workable system by which law  
3 enforcement authorities will be afforded an opportunity to  
4 identify those persons who are prohibited by Section 24-3.1 of  
5 the Criminal Code of 2012, from acquiring or possessing  
6 firearms and firearm ammunition and who are prohibited by this  
7 Act from acquiring stun guns and tasers, and to identify the  
8 ownership of handguns that have been recovered or seized as  
9 evidence.

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

11 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

12 Sec. 1.1. For purposes of this Act:

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

14 (1) convicted of an offense involving the use or  
15 possession of cannabis, a controlled substance, or  
16 methamphetamine within the past year; or

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

20 "Addicted to narcotics" does not include possession or use  
21 of a prescribed controlled substance under the direction and  
22 authority of a physician or other person authorized to  
23 prescribe the controlled substance when the controlled  
24 substance is used in the prescribed manner.

25 "Adjudicated as a mentally disabled person" means the

1 person is the subject of a determination by a court, board,  
2 commission or other lawful authority that the person, as a  
3 result of marked subnormal intelligence, or mental illness,  
4 mental impairment, incompetency, condition, or disease:

5 (1) presents a clear and present danger to himself,  
6 herself, or to others;

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

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

12 (3.5) is guilty but mentally ill, as provided in  
13 Section 5-2-6 of the Unified Code of Corrections;

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

15 (5) is not guilty by reason of lack of mental  
16 responsibility under Articles 50a and 72b of the Uniform  
17 Code of Military Justice, 10 U.S.C. 850a, 876b;

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

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

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

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



1           (10) is subject to involuntary admission as an  
2 inpatient as defined in Section 1-119 of the Mental Health  
3 and Developmental Disabilities Code;

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

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

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

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

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

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

23          "Certificate of handgun registration" means a certificate  
24 issued by the Illinois Department of State Police pursuant to  
25 Section 3.4 of this Act.

26          "Clinical psychologist" has the meaning provided in

1 Section 1-103 of the Mental Health and Developmental  
2 Disabilities Code.

3 "Controlled substance" means a controlled substance or  
4 controlled substance analog as defined in the Illinois  
5 Controlled Substances Act.

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

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

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

18 "Firearm" means any device, by whatever name known, which  
19 is designed to expel a projectile or projectiles by the action  
20 of an explosion, expansion of gas or escape of gas; excluding,  
21 however:

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

26 (1.1) any pneumatic gun, spring gun, paint ball gun, or

1 B-B gun which expels breakable paint balls containing  
2 washable marking colors;

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

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

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

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

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

22 (2) any ammunition designed exclusively for use with a  
23 stud or rivet driver or other similar industrial  
24 ammunition.

25 "Gun show" means an event or function:

26 (1) at which the sale and transfer of firearms is the

1 regular and normal course of business and where 50 or more  
2 firearms are displayed, offered, or exhibited for sale,  
3 transfer, or exchange; or

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

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

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

16 "Gun show promoter" means a person who organizes or  
17 operates a gun show.

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

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

26 "Intellectually disabled" means significantly subaverage

1 general intellectual functioning which exists concurrently  
2 with impairment in adaptive behavior and which originates  
3 before the age of 18 years.

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

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

18 "Patient" means:

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

24 (2) a person who voluntarily receives mental health  
25 treatment as an out-patient or is provided services by a  
26 public or private mental health facility, and who poses a

1 clear and present danger to himself, herself, or to others.

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

4 "Qualified examiner" has the meaning provided in Section  
5 1-122 of the Mental Health and Developmental Disabilities Code.

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

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

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

15 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;  
16 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13.)

17 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

1 firearm dealers are subject to Section 3.1. In addition, the  
2 transferor and transferee of a handgun shall be subject to  
3 Section 3.4 of this Act regardless of whether the transferor is  
4 a federally licensed firearm dealer.

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

16 (a-10) Any person who is not a federally licensed firearm  
17 dealer and who desires to transfer or sell a firearm or  
18 firearms to any person who is not a federally licensed firearm  
19 dealer shall, before selling or transferring the firearms,  
20 contact the Department of State Police with the transferee's or  
21 purchaser's Firearm Owner's Identification Card number to  
22 determine the validity of the transferee's or purchaser's  
23 Firearm Owner's Identification Card. This subsection shall not  
24 be effective until January 1, 2014. The Department of State  
25 Police may adopt rules concerning the implementation of this  
26 subsection. The Department of State Police shall provide the

1 seller or transferor an approval number if the purchaser's  
2 Firearm Owner's Identification Card is valid. Approvals issued  
3 by the Department for the purchase of a firearm pursuant to  
4 this subsection are valid for 30 days from the date of issue.

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

7 (1) transfers that occur at the place of business of a  
8 federally licensed firearm dealer, if the federally  
9 licensed firearm dealer conducts a background check on the  
10 prospective recipient of the firearm in accordance with  
11 Section 3.1 of this Act and follows all other applicable  
12 federal, State, and local laws as if he or she were the  
13 seller or transferor of the firearm, although the dealer is  
14 not required to accept the firearm into his or her  
15 inventory. The purchaser or transferee may be required by  
16 the federally licensed firearm dealer to pay a fee not to  
17 exceed \$10 per firearm, which the dealer may retain as  
18 compensation for performing the functions required under  
19 this paragraph, plus the applicable fees authorized by  
20 Section 3.1;

21 (2) transfers as a bona fide gift to the transferor's  
22 husband, wife, son, daughter, stepson, stepdaughter,  
23 father, mother, stepfather, stepmother, brother, sister,  
24 nephew, niece, uncle, aunt, grandfather, grandmother,  
25 grandson, granddaughter, father-in-law, mother-in-law,  
26 son-in-law, or daughter-in-law;



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

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

5           (5) the delivery of a firearm by its owner to a  
6 gunsmith for service or repair, the return of the firearm  
7 to its owner by the gunsmith, or the delivery of a firearm  
8 by a gunsmith to a federally licensed firearms dealer for  
9 service or repair and the return of the firearm to the  
10 gunsmith;

11           (6) temporary transfers that occur while in the home of  
12 the unlicensed transferee, if the unlicensed transferee is  
13 not otherwise prohibited from possessing firearms and the  
14 unlicensed transferee reasonably believes that possession  
15 of the firearm is necessary to prevent imminent death or  
16 great bodily harm to the unlicensed transferee;

17           (7) transfers to a law enforcement or corrections  
18 agency or a law enforcement or corrections officer acting  
19 within the course and scope of his or her official duties;

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

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

26           (a-20) The Department of State Police shall develop an

1 Internet-based system for individuals to determine the  
2 validity of a Firearm Owner's Identification Card prior to the  
3 sale or transfer of a firearm. The Department shall have the  
4 Internet-based system completed and available for use by July  
5 1, 2015. The Department shall adopt rules not inconsistent with  
6 this Section to implement this system.

7 (b) Any person within this State who transfers or causes to  
8 be transferred any firearm, stun gun, or taser shall keep a  
9 record of such transfer for a period of 10 years from the date  
10 of transfer. Such record shall contain the date of the  
11 transfer; the description, serial number or other information  
12 identifying the firearm, stun gun, or taser if no serial number  
13 is available; and, if the transfer was completed within this  
14 State, the transferee's Firearm Owner's Identification Card  
15 number and any approval number or documentation provided by the  
16 Department of State Police pursuant to subsection (a-10) of  
17 this Section. On or after January 1, 2006, the record shall  
18 contain the date of application for transfer of the firearm. On  
19 demand of a peace officer such transferor shall produce for  
20 inspection such record of transfer. If the transfer or sale  
21 took place at a gun show, the record shall include the unique  
22 identification number. Failure to record the unique  
23 identification number or approval number is a petty offense.

24 (b-5) Any resident may purchase ammunition from a person  
25 within or outside of Illinois if shipment is by United States  
26 mail or by a private express carrier authorized by federal law

1 to ship ammunition. Any resident purchasing ammunition within  
2 or outside the State of Illinois must provide the seller with a  
3 copy of his or her valid Firearm Owner's Identification Card  
4 and either his or her Illinois driver's license or Illinois  
5 State Identification Card prior to the shipment of the  
6 ammunition. The ammunition may be shipped only to an address on  
7 either of those 2 documents.

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

11 (Source: P.A. 97-1135, eff. 12-4-12; 98-508, eff. 8-19-13.)

12 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

13 Sec. 3.1. Dial up system.

14 (a) The Department of State Police shall provide a dial up  
15 telephone system or utilize other existing technology which  
16 shall be used by any federally licensed firearm dealer, gun  
17 show promoter, or gun show vendor who is to transfer a firearm,  
18 stun gun, or taser under the provisions of this Act. The  
19 Department of State Police may utilize existing technology  
20 which allows the caller to be charged a fee not to exceed \$2.  
21 Fees collected by the Department of State Police shall be  
22 deposited in the State Police Services Fund and used to provide  
23 the service.

24 (b) Upon receiving a request from a federally licensed  
25 firearm dealer, gun show promoter, or gun show vendor, the

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

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

20 (1) assign a unique identification number to the  
21 transfer; and

22 (2) provide the licensee, gun show promoter, or gun  
23 show vendor with the number.

24 (d) Approvals issued by the Department of State Police for  
25 the purchase of a firearm are valid for 30 days from the date  
26 of issue.

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

4           (2) The Department of State Police and the Department of  
5 Human Services shall, in accordance with State and federal law  
6 regarding confidentiality, enter into a memorandum of  
7 understanding with the Federal Bureau of Investigation for the  
8 purpose of implementing the National Instant Criminal  
9 Background Check System in the State. The Department of State  
10 Police shall report the name, date of birth, and physical  
11 description of any person prohibited from possessing a firearm  
12 pursuant to the Firearm Owners Identification Card and  
13 Certificate of Handgun Registration Act or 18 U.S.C. 922(g) and  
14 (n) to the National Instant Criminal Background Check System  
15 Index, Denied Persons Files. The Department of State Police  
16 shall implement a program to distribute grant moneys, with  
17 funds appropriated for that purpose, to units of local  
18 government to facilitate participation in the National Instant  
19 Criminal Background Check System by their enforcement  
20 agencies.

21           (3) The Department of State Police shall provide notice of  
22 the disqualification of a person under subsection (b) of this  
23 Section or the revocation of a person's Firearm Owner's  
24 Identification Card under Section 8 of this Act, and the reason  
25 for the disqualification or revocation, to all law enforcement  
26 agencies with jurisdiction to assist with the seizure of the

1 person's Firearm Owner's Identification Card.

2 (f) The Department of State Police shall adopt rules not  
3 inconsistent with this Section to implement this system.

4 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

5 (430 ILCS 65/3.4 new)

6 Sec. 3.4. Certificate of handgun registration.

7 (a) No person shall transport or possess a handgun in this  
8 State without a certificate of handgun registration issued for  
9 that handgun by the Department of State Police.

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

13 (1) any person who is exempt from the Firearm Owners  
14 Identification Card Act requirements pursuant to  
15 subsection (b) of Section 2 of this Act;

16 (2) any person who is exempt from the Firearm Owners  
17 Identification Card Act requirements pursuant to  
18 subsection (c) of Section 2 of this Act;

19 (3) a certified member of the Illinois Firearms  
20 Manufacturers Association; and

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

23 (c) An applicant for an original or transferred certificate  
24 of handgun registration shall submit an application to the  
25 Department, prepared and furnished at convenient locations

1 throughout the State or by electronic means. The application  
2 shall request the following information from the applicant:

3 (1) the applicant's name, address, and telephone  
4 number;

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

7 (3) the name of the manufacturer, the caliber or gauge,  
8 the model, the type, and the serial number identification  
9 of the handgun to be registered;

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

12 (5) the date the handgun was acquired;

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

18 (7) an affidavit signed by the applicant certifying  
19 that the applicant:

20 (A) possesses a valid Firearm Owner's  
21 Identification Card;

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

25 (d) Any person who transports or possesses a handgun  
26 without a current certificate of handgun registration is guilty

1 of a Class 2 felony. Any person who knowingly enters false or  
2 misleading information or who submits false or misleading  
3 evidence in connection with the application described in  
4 subsection (c) of this Section is guilty of a Class 2 felony.  
5 Any person who knows or should know that his or her registered  
6 handgun is lost, stolen, missing, or destroyed but does not  
7 report that occurrence to local law enforcement is guilty of a  
8 Class A misdemeanor. Any person who sells, transfers, or  
9 otherwise disposes of his or her registered handgun and does  
10 not notify the Department of that sale, transfer, or  
11 disposition within the timelines in this Act is guilty of a  
12 Class A misdemeanor. Any federally licensed dealer who does not  
13 submit an application on behalf of a purchaser in accordance  
14 with subsection (k-5) of this Section is guilty of a Class A  
15 misdemeanor.

16 (e) The Department shall issue an original or transferred  
17 certificate of registration or shall issue a written denial of  
18 the application within 30 days after the application is  
19 received.

20 (e-5) There is created in the State treasury the Handgun  
21 Certificate Administration Fund to be used by the Department of  
22 State Police for the administration of handgun registration as  
23 required by this Act.

24 (f) A nonrefundable application fee of \$20 shall be payable  
25 for each original or transferred certificate of handgun  
26 registration. All moneys received from this \$20 fee shall be



1 deposited as follows:

2 (1) \$10 to the Handgun Certificate Administration Fund  
3 for the administration of handgun registration;

4 (2) \$5 to the Illinois LEADS Information and Technology  
5 Improvement Fund; and

6 (3) \$5 to the National Instant Criminal Background  
7 Check System Improvement Fund.

8 (g) A nonrefundable fee of \$10 shall be payable for each  
9 duplicate or replacement certificate of handgun registration.

10 All moneys received from this \$10 fee shall be deposited into  
11 the Handgun Certificate Administration Fund for the  
12 administration of handgun registration.

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

18 (i) Every person issued a certificate of handgun  
19 registration shall notify local law enforcement within 72 hours  
20 when:

21 (1) the person knows, or should have known, that his or  
22 her handgun is lost, stolen, destroyed, or otherwise  
23 missing; or

24 (2) the person knows, or should have known, that his or  
25 her certificate of handgun registration is lost, stolen,  
26 destroyed, or otherwise missing.

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

5           (1) a change in any of the information appearing on the  
6 certificate of handgun registration;

7           (2) the sale, transfer, inheritance, or other  
8 disposition of the registered handgun.

9       (j) Every person issued a certificate of handgun  
10 registration, in addition to any other requirements of this  
11 Section, shall immediately return to the Department his or her  
12 copy of the certificate of handgun registration for any handgun  
13 which is lost, stolen, destroyed, or otherwise disposed of.

14       (k) If an owner transfers ownership of a handgun, he or she  
15 shall execute to the transferee, at the time of the delivery of  
16 the handgun, an assignment of registration in the space  
17 provided on the certificate of handgun registration, and shall  
18 cause the certificate and assignment to be delivered to the  
19 transferee.

20       (k-5) In the case of a federally licensed firearm dealer  
21 making a sale of a new handgun, the dealer shall submit the  
22 application described in subsection (c) of this Section along  
23 with the required fee to the Department on the purchaser's  
24 behalf within 20 days from the date of sale. If the purchaser  
25 does not receive an original certificate of handgun  
26 registration or a written denial of the application submitted

1 on his or her behalf by the dealer within 50 days from the date  
2 of purchase, the purchaser shall inquire to the Department  
3 regarding the status of his or her application.

4 (l) Within 20 days after the delivery to a transferee of a  
5 handgun or the delivery of the certificate and assignment,  
6 whichever occurs sooner, the transferee shall execute the  
7 application for a new certificate of handgun registration in  
8 the space provided on the certificate and cause the certificate  
9 and application to be mailed or delivered to the Department.

10 (m) No transferee shall knowingly accept ownership of a  
11 handgun from a transferor who has failed to obtain a  
12 certificate of handgun registration in violation of this  
13 Section, or who fails to execute an assignment of registration  
14 to the transferee as required by subsection (k) of this  
15 Section.

16 (n) Any person who accepts delivery of a handgun that has  
17 not been previously registered and assigned to the transferee  
18 shall file an application for an original certificate of  
19 handgun registration within 20 days after taking possession of  
20 the handgun. Any person who owns a handgun on the effective  
21 date of this amendatory Act of the 99th General Assembly shall  
22 file an application for an original certificate of handgun  
23 registration not later than 90 days after the effective date of  
24 this amendatory Act of the 99th General Assembly.

25 (o) Transfer of ownership of a registered handgun shall not  
26 be considered complete until the transferee has complied with

1 subsection (l) of this Section, provided that a transferor who  
2 has complied with subsections (i) and (k) of this Section, and  
3 has complied with the requirements of Section 3 and 3.1, if  
4 applicable, shall not be liable as an owner by virtue of the  
5 transferee's failure to comply with subsection (l) for damages  
6 arising out of use of the handgun.

7 (p) The Department has authority to deny an application for  
8 or to revoke and seize a certificate of handgun registration  
9 previously issued under this Section if the Department finds  
10 that:

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

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

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

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

20 (r) Whenever an application for a Certificate of Handgun  
21 Registration is denied, whenever the Department fails to act on  
22 an application within 30 days of its receipt, or whenever such  
23 a certificate is revoked or seized, the aggrieved party may  
24 appeal to the Director of the Department of State Police for a  
25 hearing upon such denial, failure to act, revocation or  
26 seizure, unless the denial, failure to act, revocation, or

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

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

21 (2) Any person prohibited from possessing a firearm  
22 under Sections 24-1.1 or 24-3.1 of the Criminal Code of  
23 2012 or acquiring a Certificate of Handgun Registration  
24 under Section 3.4 of this Act may apply to the Director of  
25 the Department of State Police or petition the circuit  
26 court in the county where the petitioner resides, whichever

1 is applicable in accordance with this subsection (r),  
2 requesting relief from such prohibition and the Director or  
3 court may grant such relief if it is established by the  
4 applicant to the court's or Director's satisfaction that:

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

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

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

23 (D) granting relief would not be contrary to the  
24 public interest.

25 (3) When a minor is adjudicated delinquent for an  
26 offense which if committed by an adult would be a felony,

1 the court shall notify the Department of State Police.

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

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

23 (s) Notwithstanding any other provision of law, including  
24 the Freedom of Information Act, it is the public policy of this  
25 State that the names and information of people who have applied  
26 for or received certificates of handgun registration under this

1 Section are considered private and shall not be disclosed. No  
2 State or local law enforcement agency shall provide the names  
3 and information of holders of or applicants for certificates of  
4 handgun registration, except that the Department may provide  
5 confirmation that an individual has or has not been issued,  
6 applied for, or denied a certificate of handgun registration in  
7 connection with a criminal investigation.

8 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

11 (1) Make application on blank forms prepared and  
12 furnished at convenient locations throughout the State by  
13 the Department of State Police, or by electronic means, if  
14 and when made available by the Department of State Police;  
15 and

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

18 (i) He or she is 21 years of age or over, or if he  
19 or she is under 21 years of age that he or she has the  
20 written consent of his or her parent or legal guardian  
21 to possess and acquire firearms and firearm ammunition  
22 and that he or she has never been convicted of a  
23 misdemeanor other than a traffic offense or adjudged  
24 delinquent, provided, however, that such parent or  
25 legal guardian is not an individual prohibited from



1 having a Firearm Owner's Identification Card and files  
2 an affidavit with the Department as prescribed by the  
3 Department stating that he or she is not an individual  
4 prohibited from having a Card;

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

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

8 (iv) He or she has not been a patient in a mental  
9 health facility within the past 5 years or, if he or  
10 she has been a patient in a mental health facility more  
11 than 5 years ago submit the certification required  
12 under subsection (u) of Section 8 of this Act;

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

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

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

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

25 (ix) He or she has not been convicted of domestic  
26 battery, aggravated domestic battery, or a

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

15 (x) (Blank);

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

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

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

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

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

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

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

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

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

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

25 (xiv) He or she is a resident of the State of  
26 Illinois;

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

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

5           (xvii) He or she is not developmentally disabled;  
6           and

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

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

26          (a-10) Each applicant for a Firearm Owner's Identification

1 Card, who is employed as a law enforcement officer, an armed  
2 security officer in Illinois, or by the United States Military  
3 permanently assigned in Illinois and who is not an Illinois  
4 resident, shall furnish to the Department of State Police his  
5 or her driver's license number or state identification card  
6 number from his or her state of residence. The Department of  
7 State Police may adopt rules to enforce the provisions of this  
8 subsection (a-10).

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

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

24 (b) Each application form shall include the following  
25 statement printed in bold type: "Warning: Entering false  
26 information on an application for a Firearm Owner's

1 Identification Card is punishable as a Class 2 felony in  
2 accordance with subsection (d-5) of Section 14 of the Firearm  
3 Owners Identification Card and Certificate of Handgun  
4 Registration Act.".

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

9 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
10 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;  
11 98-63, eff. 7-9-13.)

12 (430 ILCS 65/6.1)

13 Sec. 6.1. Altered, forged or counterfeit Firearm Owner's  
14 Identification Cards.

15 (a) Any person who forges or materially alters a Firearm  
16 Owner's Identification Card or certificate of handgun  
17 registration or who counterfeits a Firearm Owner's  
18 Identification Card or certificate of handgun registration  
19 commits a Class 2 felony.

20 (b) Any person who knowingly possesses a forged or  
21 materially altered Firearm Owner's Identification Card or  
22 certificate of handgun registration with the intent to use it  
23 commits a Class 2 felony. A person who possesses a Firearm  
24 Owner's Identification Card or certificate of handgun  
25 registration with knowledge that it is counterfeit commits a

1 Class 2 felony.

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

3 (430 ILCS 65/14) (from Ch. 38, par. 83-14)

4 Sec. 14. Sentence.

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

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

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

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

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

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

4           (3) the person does not possess a currently valid  
5           Firearm Owner's Identification Card, and the person is not  
6           otherwise eligible under this Act.

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

9           (d-5) Any person who knowingly enters false information on  
10          an application for a Firearm Owner's Identification Card or a  
11          certificate of handgun registration, who knowingly gives a  
12          false answer to any question on the application, or who  
13          knowingly submits false evidence in connection with an  
14          application is guilty of a Class 2 felony.

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

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

18          Section 31. The Firearm Concealed Carry Act is amended by  
19          changing Sections 25, 40, 70, 80, and 105 as follows:

20                 (430 ILCS 66/25)

21                 Sec. 25. Qualifications for a license.

22                 The Department shall issue a license to an applicant  
23                 completing an application in accordance with Section 30 of this  
24                 Act if the person:



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

2 (2) has a currently valid Firearm Owner's  
3 Identification Card and a certificate of handgun  
4 registration and at the time of application meets the  
5 requirements for the issuance of a Firearm Owner's  
6 Identification Card and a certificate of handgun  
7 registration and is not prohibited under the Firearm Owners  
8 Identification Card and Certificate of Handgun  
9 Registration Act or federal law from possessing or  
10 receiving a firearm;

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

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

16 (B) 2 or more violations related to driving while  
17 under the influence of alcohol, other drug or drugs,  
18 intoxicating compound or compounds, or any combination  
19 thereof, within the 5 years preceding the date of the  
20 license application;

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

24 (5) has not been in residential or court-ordered  
25 treatment for alcoholism, alcohol detoxification, or drug  
26 treatment within the 5 years immediately preceding the date

1 of the license application; and

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

4 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

5 (430 ILCS 66/40)

6 Sec. 40. Non-resident license applications.

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

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

15 (c) A resident of a state or territory approved by the  
16 Department under subsection (b) of this Section may apply for a  
17 non-resident license. The applicant shall apply to the  
18 Department and must meet all of the qualifications established  
19 in Section 25 of this Act, except for the Illinois residency  
20 requirement in item (xiv) of paragraph (2) of subsection (a) of  
21 Section 4 of the Firearm Owners Identification Card and  
22 Certificate of Handgun Registration Act. The applicant shall  
23 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, as  
14 evidenced by the possession of a concealed carry license or  
15 permit issued by his or her state of residence, if  
16 applicable; and

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

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

22 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; revised  
23 12-10-14.)

24 (430 ILCS 66/70)

25 Sec. 70. Violations.

1           (a) A license issued or renewed under this Act shall be  
2           revoked if, at any time, the licensee is found to be ineligible  
3           for a license under this Act or the licensee no longer meets  
4           the eligibility requirements of the Firearm Owners  
5           Identification Card and Certificate of Handgun Registration  
6           Act.

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

22          (c) A license is invalid upon expiration of the license,  
23          unless the licensee has submitted an application to renew the  
24          license, and the applicant is otherwise eligible to possess a  
25          license under this Act.

26          (d) A licensee shall not carry a concealed firearm while

1 under the influence of alcohol, other drug or drugs,  
2 intoxicating compound or combination of compounds, or any  
3 combination thereof, under the standards set forth in  
4 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

5 A licensee in violation of this subsection (d) shall be  
6 guilty of a Class A misdemeanor for a first or second violation  
7 and a Class 4 felony for a third violation. The Department may  
8 suspend a license for up to 6 months for a second violation and  
9 shall permanently revoke a license for a third violation.

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

19 (f) A licensee convicted or found guilty of a violation of  
20 this Act who has a valid license and is otherwise eligible to  
21 carry a concealed firearm shall only be subject to the  
22 penalties under this Section and shall not be subject to the  
23 penalties under Section 21-6, paragraph (4), (8), or (10) of  
24 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)  
25 of paragraph (3) of subsection (a) of Section 24-1.6 of the  
26 Criminal Code of 2012. Except as otherwise provided in this

1 subsection, nothing in this subsection prohibits the licensee  
2 from being subjected to penalties for violations other than  
3 those specified in this Act.

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

23 (h) A license issued or renewed under this Act shall be  
24 revoked if, at any time, the licensee is found ineligible for a  
25 Firearm Owner's Identification Card, or the licensee no longer  
26 possesses a valid Firearm Owner's Identification Card. A

1 licensee whose license is revoked under this subsection (h)  
2 shall surrender his or her concealed carry license as provided  
3 for in subsection (g) of this Section.

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

8 (i) A certified firearms instructor who knowingly provides  
9 or offers to provide a false certification that an applicant  
10 has completed firearms training as required under this Act is  
11 guilty of a Class A misdemeanor. A person guilty of a violation  
12 of this subsection (i) is not eligible for court supervision.  
13 The Department shall permanently revoke the firearms  
14 instructor certification of a person convicted under this  
15 subsection (i).

16 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,  
17 eff. 8-15-14.)

18 (430 ILCS 66/80)

19 Sec. 80. Certified firearms instructors.

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

24 (b) A person who is not a certified firearms instructor  
25 shall not teach applicant training courses or advertise or



1 otherwise represent courses they teach as qualifying their  
2 students to meet the requirements to receive a license under  
3 this Act. Each violation of this subsection is a business  
4 offense with a fine of at least \$1,000 per violation.

5 (c) A person seeking to become a certified firearms  
6 instructor shall:

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

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

9 (3) meet the requirements of Section 25 of this Act,  
10 except for the Illinois residency requirement in item (xiv)  
11 of paragraph (2) of subsection (a) of Section 4 of the  
12 Firearm Owners Identification Card and Certificate of  
13 Handgun Registration Act; and any additional uniformly  
14 applied requirements established by the Department.

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

18 (1) possess a high school diploma or high school  
19 equivalency certificate; and

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

22 (A) certification from a law enforcement agency;

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

25 (C) certification from a firearm instructor  
26 qualification course offered by the Illinois Law

1 Enforcement Training Standards Board; or  
2 (D) certification from an entity approved by the  
3 Department that offers firearm instructor education  
4 and training in the use and safety of firearms.

5 (e) A person may have his or her firearms instructor  
6 certification denied or revoked if he or she does not meet the  
7 requirements to obtain a license under this Act, provides false  
8 or misleading information to the Department, or has had a prior  
9 instructor certification revoked or denied by the Department.  
10 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 98-718,  
11 eff. 1-1-15.)

12 (430 ILCS 66/105)

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

1 Registration Act.

2 (Source: P.A. 98-63, eff. 7-9-13.)

3 Section 32. The Wildlife Code is amended by changing  
4 Section 3.2 as follows:

5 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

6 Sec. 3.2. Hunting license; application; instruction.  
7 Before the Department or any county, city, village, township,  
8 incorporated town clerk or his duly designated agent or any  
9 other person authorized or designated by the Department to  
10 issue hunting licenses shall issue a hunting license to any  
11 person, the person shall file his application with the  
12 Department or other party authorized to issue licenses on a  
13 form provided by the Department and further give definite proof  
14 of identity and place of legal residence. Each clerk  
15 designating agents to issue licenses and stamps shall furnish  
16 the Department, within 10 days following the appointment, the  
17 names and mailing addresses of the agents. Each clerk or his  
18 duly designated agent shall be authorized to sell licenses and  
19 stamps only within the territorial area for which he was  
20 elected or appointed. No duly designated agent is authorized to  
21 furnish licenses or stamps for issuance by any other business  
22 establishment. Each application shall be executed and sworn to  
23 and shall set forth the name and description of the applicant  
24 and place of residence.

1           No hunting license shall be issued to any person born on or  
2 after January 1, 1980 unless he presents the person authorized  
3 to issue the license evidence that he has held a hunting  
4 license issued by the State of Illinois or another state in a  
5 prior year, or a certificate of competency as provided in this  
6 Section. Persons under 16 years of age may be issued a Lifetime  
7 Hunting or Sportsmen's Combination License as provided under  
8 Section 20-45 of the Fish and Aquatic Life Code but shall not  
9 be entitled to hunt unless they have a certificate of  
10 competency as provided in this Section and they shall have the  
11 certificate in their possession while hunting.

12           The Department of Natural Resources shall authorize  
13 personnel of the Department or certified volunteer instructors  
14 to conduct courses, of not less than 10 hours in length, in  
15 firearms and hunter safety, which may include training in bow  
16 and arrow safety, at regularly specified intervals throughout  
17 the State. Persons successfully completing the course shall  
18 receive a certificate of competency. The Department of Natural  
19 Resources may further cooperate with any reputable association  
20 or organization in establishing courses if the organization has  
21 as one of its objectives the promotion of safety in the  
22 handling of firearms or bow and arrow.

23           The Department of Natural Resources shall designate any  
24 person found by it to be competent to give instruction in the  
25 handling of firearms, hunter safety, and bow and arrow. The  
26 persons so appointed shall give the course of instruction and

1 upon the successful completion shall issue to the person  
2 instructed a certificate of competency in the safe handling of  
3 firearms, hunter safety, and bow and arrow. No charge shall be  
4 made for any course of instruction except for materials or  
5 ammunition consumed. The Department of Natural Resources shall  
6 furnish information on the requirements of hunter safety  
7 education programs to be distributed free of charge to  
8 applicants for hunting licenses by the persons appointed and  
9 authorized to issue licenses. Funds for the conducting of  
10 firearms and hunter safety courses shall be taken from the fee  
11 charged for the Firearm Owners Identification Card.

12 The fee for a hunting license to hunt all species for a  
13 resident of Illinois is \$12. For residents age 65 or older,  
14 and, commencing with the 2012 license year, resident veterans  
15 of the United States Armed Forces after returning from service  
16 abroad or mobilization by the President of the United States,  
17 the fee is one-half of the fee charged for a hunting license to  
18 hunt all species for a resident of Illinois. Veterans must  
19 provide to the Department, at one of the Department's 5  
20 regional offices, verification of their service. The  
21 Department shall establish what constitutes suitable  
22 verification of service for the purpose of issuing resident  
23 veterans hunting licenses at a reduced fee. The fee for a  
24 hunting license to hunt all species shall be \$1 for residents  
25 over 75 years of age. Nonresidents shall be charged \$57 for a  
26 hunting license.

1 Nonresidents may be issued a nonresident hunting license  
2 for a period not to exceed 10 consecutive days' hunting in the  
3 State and shall be charged a fee of \$35.

4 A special nonresident hunting license authorizing a  
5 nonresident to take game birds by hunting on a game breeding  
6 and hunting preserve area only, established under Section 3.27,  
7 shall be issued upon proper application being made and payment  
8 of a fee equal to that for a resident hunting license. The  
9 expiration date of this license shall be on the same date each  
10 year that game breeding and hunting preserve area licenses  
11 expire.

12 Each applicant for a State Migratory Waterfowl Stamp,  
13 regardless of his residence or other condition, shall pay a fee  
14 of \$15 and shall receive a stamp. The fee for a State Migratory  
15 Waterfowl Stamp shall be waived for residents over 75 years of  
16 age. Except as provided under Section 20-45 of the Fish and  
17 Aquatic Life Code, the stamp shall be signed by the person or  
18 affixed to his license or permit in a space designated by the  
19 Department for that purpose.

20 Each applicant for a State Habitat Stamp, regardless of his  
21 residence or other condition, shall pay a fee of \$5 and shall  
22 receive a stamp. The fee for a State Habitat Stamp shall be  
23 waived for residents over 75 years of age. Except as provided  
24 under Section 20-45 of the Fish and Aquatic Life Code, the  
25 stamp shall be signed by the person or affixed to his license  
26 or permit in a space designated by the Department for that

1 purpose.

2 Nothing in this Section shall be construed as to require  
3 the purchase of more than one State Habitat Stamp by any person  
4 in any one license year.

5 The fees for State Pheasant Stamps and State Furbearer  
6 Stamps shall be waived for residents over 75 years of age.

7 The Department shall furnish the holders of hunting  
8 licenses and stamps with an insignia as evidence of possession  
9 of license, or license and stamp, as the Department may  
10 consider advisable. The insignia shall be exhibited and used as  
11 the Department may order.

12 All other hunting licenses and all State stamps shall  
13 expire upon March 31 of each year.

14 Every person holding any license, permit, or stamp issued  
15 under the provisions of this Act shall have it in his  
16 possession for immediate presentation for inspection to the  
17 officers and authorized employees of the Department, any  
18 sheriff, deputy sheriff, or any other peace officer making a  
19 demand for it. This provision shall not apply to Department  
20 owned or managed sites where it is required that all hunters  
21 deposit their license, permit, ~~or~~ Firearm Owner's  
22 Identification Card, or certificate of handgun registration at  
23 the check station upon entering the hunting areas.

24 (Source: P.A. 97-498, eff. 4-1-12; 98-800, eff. 8-1-14.)

25 Section 35. The Clerks of Courts Act is amended by changing

1 Section 27.3a as follows:

2 (705 ILCS 105/27.3a)

3 Sec. 27.3a. Fees for automated record keeping, probation  
4 and court services operations, and State and Conservation  
5 Police operations.

6 1. The expense of establishing and maintaining automated  
7 record keeping systems in the offices of the clerks of the  
8 circuit court shall be borne by the county. To defray such  
9 expense in any county having established such an automated  
10 system or which elects to establish such a system, the county  
11 board may require the clerk of the circuit court in their  
12 county to charge and collect a court automation fee of not less  
13 than \$1 nor more than \$25 to be charged and collected by the  
14 clerk of the court. Such fee shall be paid at the time of  
15 filing the first pleading, paper or other appearance filed by  
16 each party in all civil cases or by the defendant in any  
17 felony, traffic, misdemeanor, municipal ordinance, or  
18 conservation case upon a judgment of guilty or grant of  
19 supervision, provided that the record keeping system which  
20 processes the case category for which the fee is charged is  
21 automated or has been approved for automation by the county  
22 board, and provided further that no additional fee shall be  
23 required if more than one party is presented in a single  
24 pleading, paper or other appearance. Such fee shall be  
25 collected in the manner in which all other fees or costs are



1 collected.

2 1.1. Starting on July 6, 2012 (the effective date of Public  
3 Act 97-761) and pursuant to an administrative order from the  
4 chief judge of the circuit or the presiding judge of the county  
5 authorizing such collection, a clerk of the circuit court in  
6 any county that imposes a fee pursuant to subsection 1 of this  
7 Section shall also charge and collect an additional \$10  
8 operations fee for probation and court services department  
9 operations.

10 This additional fee shall be paid by the defendant in any  
11 felony, traffic, misdemeanor, local ordinance, or conservation  
12 case upon a judgment of guilty or grant of supervision, except  
13 such \$10 operations fee shall not be charged and collected in  
14 cases governed by Supreme Court Rule 529 in which the bail  
15 amount is \$120 or less.

16 1.2. With respect to the fee imposed and collected under  
17 subsection 1.1 of this Section, each clerk shall transfer all  
18 fees monthly to the county treasurer for deposit into the  
19 probation and court services fund created under Section 15.1 of  
20 the Probation and Probation Officers Act, and such monies shall  
21 be disbursed from the fund only at the direction of the chief  
22 judge of the circuit or another judge designated by the Chief  
23 Circuit Judge in accordance with the policies and guidelines  
24 approved by the Supreme Court.

25 1.5. Starting on June 1, 2014, a clerk of the circuit court  
26 in any county that imposes a fee pursuant to subsection 1 of

1 this Section, shall charge and collect an additional fee in an  
2 amount equal to the amount of the fee imposed pursuant to  
3 subsection 1 of this Section, except the fee imposed under this  
4 subsection may not be more than \$15. This additional fee shall  
5 be paid by the defendant in any felony, traffic, misdemeanor,  
6 or local ordinance case upon a judgment of guilty or grant of  
7 supervision. This fee shall not be paid by the defendant for  
8 any violation listed in subsection 1.6 of this Section.

9 1.6. Starting on June 1, 2014, a clerk of the circuit court  
10 in any county that imposes a fee pursuant to subsection 1 of  
11 this Section shall charge and collect an additional fee in an  
12 amount equal to the amount of the fee imposed pursuant to  
13 subsection 1 of this Section, except the fee imposed under this  
14 subsection may not be more than \$15. This additional fee shall  
15 be paid by the defendant upon a judgment of guilty or grant of  
16 supervision for a violation under the State Parks Act, the  
17 Recreational Trails of Illinois Act, the Illinois Explosives  
18 Act, the Timber Buyers Licensing Act, the Forest Products  
19 Transportation Act, the Firearm Owners Identification Card and  
20 Certificate of Handgun Registration Act, the Environmental  
21 Protection Act, the Fish and Aquatic Life Code, the Wildlife  
22 Code, the Cave Protection Act, the Illinois Exotic Weed Act,  
23 the Illinois Forestry Development Act, the Ginseng Harvesting  
24 Act, the Illinois Lake Management Program Act, the Illinois  
25 Natural Areas Preservation Act, the Illinois Open Land Trust  
26 Act, the Open Space Lands Acquisition and Development Act, the

1 Illinois Prescribed Burning Act, the State Forest Act, the  
2 Water Use Act of 1983, the Illinois Veteran, Youth, and Young  
3 Adult Conservation Jobs Act, the Snowmobile Registration and  
4 Safety Act, the Boat Registration and Safety Act, the Illinois  
5 Dangerous Animals Act, the Hunter and Fishermen Interference  
6 Prohibition Act, the Wrongful Tree Cutting Act, or Section  
7 11-1426.1, 11-1426.2, 11-1427, 11-1427.1, 11-1427.2,  
8 11-1427.3, 11-1427.4, or 11-1427.5 of the Illinois Vehicle  
9 Code, or Section 48-3 or 48-10 of the Criminal Code of 2012.

10 2. With respect to the fee imposed under subsection 1 of  
11 this Section, each clerk shall commence such charges and  
12 collections upon receipt of written notice from the chairman of  
13 the county board together with a certified copy of the board's  
14 resolution, which the clerk shall file of record in his office.

15 3. With respect to the fee imposed under subsection 1 of  
16 this Section, such fees shall be in addition to all other fees  
17 and charges of such clerks, and assessable as costs, and may be  
18 waived only if the judge specifically provides for the waiver  
19 of the court automation fee. The fees shall be remitted monthly  
20 by such clerk to the county treasurer, to be retained by him in  
21 a special fund designated as the court automation fund. The  
22 fund shall be audited by the county auditor, and the board  
23 shall make expenditure from the fund in payment of any cost  
24 related to the automation of court records, including hardware,  
25 software, research and development costs and personnel related  
26 thereto, provided that the expenditure is approved by the clerk

1 of the court and by the chief judge of the circuit court or his  
2 designate.

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

8 5. With respect to the additional fee imposed under  
9 subsection 1.5 of this Section, the fee shall be remitted by  
10 the circuit clerk to the State Treasurer within one month after  
11 receipt for deposit into the State Police Operations Assistance  
12 Fund.

13 6. With respect to the additional fees imposed under  
14 subsection 1.5 of this Section, the Director of State Police  
15 may direct the use of these fees for homeland security purposes  
16 by transferring these fees on a quarterly basis from the State  
17 Police Operations Assistance Fund into the Illinois Law  
18 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
19 initiatives programs. The transferred fees shall be allocated,  
20 subject to the approval of the ILEAS Executive Board, as  
21 follows: (i) 66.6% shall be used for homeland security  
22 initiatives and (ii) 33.3% shall be used for airborne  
23 operations. The ILEAS Executive Board shall annually supply the  
24 Director of State Police with a report of the use of these  
25 fees.

26 7. With respect to the additional fee imposed under

1 subsection 1.6 of this Section, the fee shall be remitted by  
2 the circuit clerk to the State Treasurer within one month after  
3 receipt for deposit into the Conservation Police Operations  
4 Assistance Fund.

5 (Source: P.A. 97-46, eff. 7-1-12; 97-453, eff. 8-19-11; 97-738,  
6 eff. 7-5-12; 97-761, eff. 7-6-12; 97-813, eff. 7-13-12;  
7 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-375, eff.  
8 8-16-13; 98-606, eff. 6-1-14; 98-1016, eff. 8-22-14.)

9 Section 40. The Criminal Code of 2012 is amended by  
10 changing Sections 2-7.1, 2-7.5, 12-3.05, 17-30, 24-1.1,  
11 24-1.6, 24-2, 24-3, 24-3.2, 24-3.4, 24-3.5, and 24-9 as  
12 follows:

13 (720 ILCS 5/2-7.1)

14 Sec. 2-7.1. "Firearm" and "firearm ammunition". "Firearm"  
15 and "firearm ammunition" have the meanings ascribed to them in  
16 Section 1.1 of the Firearm Owners Identification Card and  
17 Certificate of Handgun Registration Act.

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

19 (720 ILCS 5/2-7.5)

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

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

2 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

3 Sec. 12-3.05. Aggravated battery.

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

8 (1) Causes great bodily harm or permanent disability or  
9 disfigurement.

10 (2) Causes severe and permanent disability, great  
11 bodily harm, or disfigurement by means of a caustic or  
12 flammable substance, a poisonous gas, a deadly biological  
13 or chemical contaminant or agent, a radioactive substance,  
14 or a bomb or explosive compound.

15 (3) Causes great bodily harm or permanent disability or  
16 disfigurement to an individual whom the person knows to be  
17 a peace officer, community policing volunteer, fireman,  
18 private security officer, correctional institution  
19 employee, or Department of Human Services employee  
20 supervising or controlling sexually dangerous persons or  
21 sexually violent persons:

22 (i) performing his or her official duties;

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

25 (iii) battered in retaliation for performing his

1 or her official duties.

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

4 (5) Strangles another individual.

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

9 (1) causes great bodily harm or permanent disability or  
10 disfigurement to any child under the age of 13 years, or to  
11 any severely or profoundly intellectually disabled person;  
12 or

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

16 (c) Offense based on location of conduct. A person commits  
17 aggravated battery when, in committing a battery, other than by  
18 the discharge of a firearm, he or she is or the person battered  
19 is on or about a public way, public property, a public place of  
20 accommodation or amusement, a sports venue, or a domestic  
21 violence shelter.

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

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

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

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

5 (4) A peace officer, community policing volunteer,  
6 fireman, private security officer, correctional  
7 institution employee, or Department of Human Services  
8 employee supervising or controlling sexually dangerous  
9 persons or sexually violent persons:

10 (i) performing his or her official duties;

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

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

15 (5) A judge, emergency management worker, emergency  
16 medical technician, or utility worker:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her  
19 official duties; or

20 (iii) battered in retaliation for performing his  
21 or her official duties.

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

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



1 (8) A taxi driver on duty.

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

6 (10) A person authorized to serve process under Section  
7 2-202 of the Code of Civil Procedure or a special process  
8 server appointed by the circuit court while that individual  
9 is in the performance of his or her duties as a process  
10 server.

11 (11) A nurse while in the performance of his or her  
12 duties as a nurse.

13 (e) Offense based on use of a firearm. A person commits  
14 aggravated battery when, in committing a battery, he or she  
15 knowingly does any of the following:

16 (1) Discharges a firearm, other than a machine gun or a  
17 firearm equipped with a silencer, and causes any injury to  
18 another person.

19 (2) Discharges a firearm, other than a machine gun or a  
20 firearm equipped with a silencer, and causes any injury to  
21 a person he or she knows to be a peace officer, community  
22 policing volunteer, person summoned by a police officer,  
23 fireman, private security officer, correctional  
24 institution employee, or emergency management worker:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

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

4 (3) Discharges a firearm, other than a machine gun or a  
5 firearm equipped with a silencer, and causes any injury to  
6 a person he or she knows to be an emergency medical  
7 technician employed by a municipality or other  
8 governmental unit:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her  
11 official duties; or

12 (iii) battered in retaliation for performing his  
13 or her official duties.

14 (4) Discharges a firearm and causes any injury to a  
15 person he or she knows to be a teacher, a student in a  
16 school, or a school employee, and the teacher, student, or  
17 employee is upon school grounds or grounds adjacent to a  
18 school or in any part of a building used for school  
19 purposes.

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

22 (6) Discharges a machine gun or a firearm equipped with  
23 a silencer, and causes any injury to a person he or she  
24 knows to be a peace officer, community policing volunteer,  
25 person summoned by a police officer, fireman, private  
26 security officer, correctional institution employee or

1 emergency management worker:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her  
4 official duties; or

5 (iii) battered in retaliation for performing his  
6 or her official duties.

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

11 (i) performing his or her official duties;

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

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

16 (8) Discharges a machine gun or a firearm equipped with  
17 a silencer, and causes any injury to a person he or she  
18 knows to be a teacher, or a student in a school, or a  
19 school employee, and the teacher, student, or employee is  
20 upon school grounds or grounds adjacent to a school or in  
21 any part of a building used for school purposes.

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

25 (1) Uses a deadly weapon other than by discharge of a  
26 firearm, or uses an air rifle as defined in Section

1 24.8-0.1 of this Code.

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

4 (3) Knowingly and without lawful justification shines  
5 or flashes a laser gunsight or other laser device attached  
6 to a firearm, or used in concert with a firearm, so that  
7 the laser beam strikes upon or against the person of  
8 another.

9 (4) Knowingly video or audio records the offense with  
10 the intent to disseminate the recording.

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

14 (1) Violates Section 401 of the Illinois Controlled  
15 Substances Act by unlawfully delivering a controlled  
16 substance to another and any user experiences great bodily  
17 harm or permanent disability as a result of the injection,  
18 inhalation, or ingestion of any amount of the controlled  
19 substance.

20 (2) Knowingly administers to an individual or causes  
21 him or her to take, without his or her consent or by threat  
22 or deception, and for other than medical purposes, any  
23 intoxicating, poisonous, stupefying, narcotic, anesthetic,  
24 or controlled substance, or gives to another person any  
25 food containing any substance or object intended to cause  
26 physical injury if eaten.

1           (3) Knowingly causes or attempts to cause a  
2           correctional institution employee or Department of Human  
3           Services employee to come into contact with blood, seminal  
4           fluid, urine, or feces by throwing, tossing, or expelling  
5           the fluid or material, and the person is an inmate of a  
6           penal institution or is a sexually dangerous person or  
7           sexually violent person in the custody of the Department of  
8           Human Services.

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

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

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

15          Aggravated battery as defined in subdivision (a)(1) is a  
16          Class 1 felony when the aggravated battery was intentional and  
17          involved the infliction of torture, as defined in paragraph  
18          (14) of subsection (b) of Section 9-1 of this Code, as the  
19          infliction of or subjection to extreme physical pain, motivated  
20          by an intent to increase or prolong the pain, suffering, or  
21          agony of the victim.

22          Aggravated battery under subdivision (a)(5) is a Class 1  
23          felony if:

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

26                (B) the person caused great bodily harm or permanent

1           disability or disfigurement to the other person while  
2           committing the offense; or

3           (C) the person has been previously convicted of a  
4           violation of subdivision (a)(5) under the laws of this  
5           State or laws similar to subdivision (a)(5) of any other  
6           state.

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

9           Aggravated battery as defined in subdivision (a)(2) is a  
10          Class X felony for which a person shall be sentenced to a term  
11          of imprisonment of a minimum of 6 years and a maximum of 45  
12          years.

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

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

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

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

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

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

7           (3) if, during the commission of the offense, the  
8 person personally discharged a firearm that proximately  
9 caused great bodily harm, permanent disability, permanent  
10 disfigurement, or death to another person, 25 years or up  
11 to a term of natural life shall be added to the term of  
12 imprisonment imposed by the court.

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

14           "Building or other structure used to provide shelter" has  
15 the meaning ascribed to "shelter" in Section 1 of the Domestic  
16 Violence Shelters Act.

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

19           "Domestic violence shelter" means any building or other  
20 structure used to provide shelter or other services to victims  
21 or to the dependent children of victims of domestic violence  
22 pursuant to the Illinois Domestic Violence Act of 1986 or the  
23 Domestic Violence Shelters Act, or any place within 500 feet of  
24 such a building or other structure in the case of a person who  
25 is going to or from such a building or other structure.

26           "Firearm" has the meaning provided under Section 1.1 of the

1 Firearm Owners Identification Card and Certificate of Handgun  
2 Registration Act, and does not include an air rifle as defined  
3 by Section 24.8-0.1 of this Code.

4 "Machine gun" has the meaning ascribed to it in Section  
5 24-1 of this Code.

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

8 "Strangle" means intentionally impeding the normal  
9 breathing or circulation of the blood of an individual by  
10 applying pressure on the throat or neck of that individual or  
11 by blocking the nose or mouth of that individual.

12 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-227, eff.  
13 1-1-12, 97-313, eff. 1-1-12, and 97-467, eff. 1-1-12; 97-1109,  
14 eff. 1-1-13; 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,  
15 eff. 7-16-14.)

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

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

19 (a) Unlawful sale of household appliances. A person commits  
20 unlawful sale of household appliances when he or she knowingly,  
21 with the intent to defraud or deceive another, keeps for sale,  
22 within any commercial context, any household appliance with a  
23 missing, defaced, obliterated, or otherwise altered  
24 manufacturer's identification number.

25 (b) Construction equipment identification defacement. A



1 person commits construction equipment identification  
2 defacement when he or she knowingly changes, alters, removes,  
3 mutilates, or obliterates a permanently affixed serial number,  
4 product identification number, part number, component  
5 identification number, owner-applied identification, or other  
6 mark of identification attached to or stamped, inscribed,  
7 molded, or etched into a machine or other equipment, whether  
8 stationary or mobile or self-propelled, or a part of such  
9 machine or equipment, used in the construction, maintenance, or  
10 demolition of buildings, structures, bridges, tunnels, sewers,  
11 utility pipes or lines, ditches or open cuts, roads, highways,  
12 dams, airports, or waterways or in material handling for such  
13 projects.

14 The trier of fact may infer that the defendant has  
15 knowingly changed, altered, removed, or obliterated the serial  
16 number, product identification number, part number, component  
17 identification number, owner-applied identification number, or  
18 other mark of identification, if the defendant was in  
19 possession of any machine or other equipment or a part of such  
20 machine or equipment used in the construction, maintenance, or  
21 demolition of buildings, structures, bridges, tunnels, sewers,  
22 utility pipes or lines, ditches or open cuts, roads, highways,  
23 dams, airports, or waterways or in material handling for such  
24 projects upon which any such serial number, product  
25 identification number, part number, component identification  
26 number, owner-applied identification number, or other mark of

1 identification has been changed, altered, removed, or  
2 obliterated.

3 (c) Defacement of manufacturer's serial number or  
4 identification mark. A person commits defacement of a  
5 manufacturer's serial number or identification mark when he or  
6 she knowingly removes, alters, defaces, covers, or destroys the  
7 manufacturer's serial number or any other manufacturer's  
8 number or distinguishing identification mark upon any machine  
9 or other article of merchandise, other than a motor vehicle as  
10 defined in Section 1-146 of the Illinois Vehicle Code or a  
11 firearm as defined in the Firearm Owners Identification Card  
12 and Certificate of Handgun Registration Act, with the intent of  
13 concealing or destroying the identity of such machine or other  
14 article of merchandise.

15 (d) Sentence.

16 (1) A violation of subsection (a) of this Section is a  
17 Class 4 felony if the value of the appliance or appliances  
18 exceeds \$1,000 and a Class B misdemeanor if the value of  
19 the appliance or appliances is \$1,000 or less.

20 (2) A violation of subsection (b) of this Section is a  
21 Class A misdemeanor.

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

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

26 (f) Definitions. In this Section:

1 "Commercial context" means a continuing business  
2 enterprise conducted for profit by any person whose primary  
3 business is the wholesale or retail marketing of household  
4 appliances, or a significant portion of whose business or  
5 inventory consists of household appliances kept or sold on a  
6 wholesale or retail basis.

7 "Household appliance" means any gas or electric device or  
8 machine marketed for use as home entertainment or for  
9 facilitating or expediting household tasks or chores. The term  
10 shall include but not necessarily be limited to refrigerators,  
11 freezers, ranges, radios, television sets, vacuum cleaners,  
12 toasters, dishwashers, and other similar household items.

13 "Manufacturer's identification number" means any serial  
14 number or other similar numerical or alphabetical designation  
15 imprinted upon or attached to or placed, stamped, or otherwise  
16 imprinted upon or attached to a household appliance or item by  
17 the manufacturer for purposes of identifying a particular  
18 appliance or item individually or by lot number.

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

20 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

21 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
22 Felons or Persons in the Custody of the Department of  
23 Corrections Facilities.

24 (a) It is unlawful for a person to knowingly possess on or  
25 about his person or on his land or in his own abode or fixed

1 place of business any weapon prohibited under Section 24-1 of  
2 this Act or any firearm or any firearm ammunition if the person  
3 has been convicted of a felony under the laws of this State or  
4 any other jurisdiction. This Section shall not apply if the  
5 person has been granted relief by the Director of the  
6 Department of State Police under Section 10 of the Firearm  
7 Owners Identification Card and Certificate of Handgun  
8 Registration Act.

9 (b) It is unlawful for any person confined in a penal  
10 institution, which is a facility of the Illinois Department of  
11 Corrections, to possess any weapon prohibited under Section  
12 24-1 of this Code or any firearm or firearm ammunition,  
13 regardless of the intent with which he possesses it.

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

18 (d) The defense of necessity is not available to a person  
19 who is charged with a violation of subsection (b) of this  
20 Section.

21 (e) Sentence. Violation of this Section by a person not  
22 confined in a penal institution shall be a Class 3 felony for  
23 which the person shall be sentenced to no less than 2 years and  
24 no more than 10 years and any second or subsequent violation  
25 shall be a Class 2 felony for which the person shall be  
26 sentenced to a term of imprisonment of not less than 3 years

1 and not more than 14 years. Violation of this Section by a  
2 person not confined in a penal institution who has been  
3 convicted of a forcible felony, a felony violation of Article  
4 24 of this Code or of the Firearm Owners Identification Card  
5 and Certificate of Handgun Registration Act, stalking or  
6 aggravated stalking, or a Class 2 or greater felony under the  
7 Illinois Controlled Substances Act, the Cannabis Control Act,  
8 or the Methamphetamine Control and Community Protection Act is  
9 a Class 2 felony for which the person shall be sentenced to not  
10 less than 3 years and not more than 14 years. Violation of this  
11 Section by a person who is on parole or mandatory supervised  
12 release is a Class 2 felony for which the person shall be  
13 sentenced to not less than 3 years and not more than 14 years.  
14 Violation of this Section by a person not confined in a penal  
15 institution is a Class X felony when the firearm possessed is a  
16 machine gun. Any person who violates this Section while  
17 confined in a penal institution, which is a facility of the  
18 Illinois Department of Corrections, is guilty of a Class 1  
19 felony, if he possesses any weapon prohibited under Section  
20 24-1 of this Code regardless of the intent with which he  
21 possesses it, a Class X felony if he possesses any firearm,  
22 firearm ammunition or explosive, and a Class X felony for which  
23 the offender shall be sentenced to not less than 12 years and  
24 not more than 50 years when the firearm possessed is a machine  
25 gun. A violation of this Section while wearing or in possession  
26 of body armor as defined in Section 33F-1 is a Class X felony

1 punishable by a term of imprisonment of not less than 10 years  
2 and not more than 40 years. The possession of each firearm or  
3 firearm ammunition in violation of this Section constitutes a  
4 single and separate violation.

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

6 (720 ILCS 5/24-1.6)

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

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

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

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

1 any pistol, revolver, stun gun or taser or other firearm;  
2 and

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

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

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

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

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

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

26 (D) the person possessing the weapon was

1 previously adjudicated a delinquent minor under the  
2 Juvenile Court Act of 1987 for an act that if committed  
3 by an adult would be a felony; or

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

10 (F) (blank); or

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

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

18 (I) the person possessing the weapon was under 21  
19 years of age and in possession of a handgun, unless the  
20 person under 21 is engaged in lawful activities under  
21 the Wildlife Code or described in subsection  
22 24-2(b)(1), (b)(3), or 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 person  
7 who has been issued a currently valid Firearm Owner's  
8 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 and Certificate of Handgun  
7 Registration in accordance with Section 5 of the Firearm  
8 Owners Identification Card Act is a Class X felony.

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

11 (Source: P.A. 98-63, eff. 7-9-13.)

12 (720 ILCS 5/24-2)

13 Sec. 24-2. Exemptions.

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

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

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

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

1 the United States or the Illinois National Guard or the  
2 Reserve Officers Training Corps, while in the performance  
3 of their official duty.

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

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

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

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

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

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

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

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

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

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

25 (11) Investigators of the Office of the State's  
26 Attorneys Appellate Prosecutor authorized by the board of

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

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

6           (12.5) Probation officers while in the performance of  
7           their duties, or while commuting between their homes,  
8           places of employment or specific locations that are part of  
9           their assigned duties, with the consent of the chief judge  
10          of the circuit for which they are employed, if they have  
11          received weapons training according to requirements of the  
12          Peace Officer and Probation Officer Firearm Training Act.

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

17          (13.5) A person employed as an armed security guard at  
18          a nuclear energy, storage, weapons or development site or  
19          facility regulated by the Nuclear Regulatory Commission  
20          who has completed the background screening and training  
21          mandated by the rules and regulations of the Nuclear  
22          Regulatory Commission.

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

26          (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply

1 to or affect any person carrying a concealed pistol, revolver,  
2 or handgun and the person has been issued a currently valid  
3 license under the Firearm Concealed Carry Act at the time of  
4 the commission of the offense.

5 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
6 24-1.6 do not apply to or affect any of the following:

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

12 (2) Duly authorized military or civil organizations  
13 while parading, with the special permission of the  
14 Governor.

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

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

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

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

25 (1) Peace officers while in performance of their  
26 official duties.



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

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

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

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

26          During transportation, such weapons shall be broken

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

3 (6) The manufacture, transport, testing, delivery,  
4 transfer or sale, and all lawful commercial or experimental  
5 activities necessary thereto, of rifles, shotguns, and  
6 weapons made from rifles or shotguns, or ammunition for  
7 such rifles, shotguns or weapons, where engaged in by a  
8 person operating as a contractor or subcontractor pursuant  
9 to a contract or subcontract for the development and supply  
10 of such rifles, shotguns, weapons or ammunition to the  
11 United States government or any branch of the Armed Forces  
12 of the United States, when such activities are necessary  
13 and incident to fulfilling the terms of such contract.

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

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

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

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

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

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

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

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

21               (2) Bonafide collectors of antique or surplus military  
22               ordinance.

23               (3) Laboratories having a department of forensic  
24               ballistics, or specializing in the development of  
25               ammunition or explosive ordinance.

26               (4) Commerce, preparation, assembly or possession of

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

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

26 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

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

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

13 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
14 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
15 athlete's possession, transport on official Olympic and  
16 Paralympic transit systems established for athletes, or use of  
17 competition firearms sanctioned by the International Olympic  
18 Committee, the International Paralympic Committee, the  
19 International Shooting Sport Federation, or USA Shooting in  
20 connection with such athlete's training for and participation  
21 in shooting competitions at the 2016 Olympic and Paralympic  
22 Games and sanctioned test events leading up to the 2016 Olympic  
23 and Paralympic Games.

24 (h) An information or indictment based upon a violation of  
25 any subsection of this Article need not negative any exemptions  
26 contained in this Article. The defendant shall have the burden

1 of proving such an exemption.

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

18 (Source: P.A. 97-465, eff. 8-22-11; 97-676, eff. 6-1-12;  
19 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13; 98-63, eff. 7-9-13;  
20 98-463, eff. 8-16-13; 98-725, eff. 1-1-15.)

21 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

23 (A) A person commits the offense of unlawful sale or  
24 delivery of firearms when he or she knowingly does any of the  
25 following:

1           (a) Sells or gives any firearm of a size which may be  
2           concealed upon the person to any person under 18 years of  
3           age.

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

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

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

11          (e) Sells or gives any firearm to any person who has  
12          been a patient in a mental institution within the past 5  
13          years. In this subsection (e):

14                 "Mental institution" means any hospital,  
15                 institution, clinic, evaluation facility, mental  
16                 health center, or part thereof, which is used primarily  
17                 for the care or treatment of persons with mental  
18                 illness.

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

25          (f) Sells or gives any firearms to any person who is  
26          intellectually disabled.

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



1 agreement to purchase a firearm.

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

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

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

23 A person "engaged in the business" means a person who  
24 devotes time, attention, and labor to engaging in the  
25 activity as a regular course of trade or business with the  
26 principal objective of livelihood and profit, but does not

1 include a person who makes occasional repairs of firearms  
2 or who occasionally fits special barrels, stocks, or  
3 trigger mechanisms to firearms.

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

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

1 Identification Card that has not expired or (ii) an  
2 approval number issued in accordance with subsection  
3 (a-10) of subsection 3 or Section 3.1 of the Firearm Owners  
4 Identification Card and Certificate of Handgun  
5 Registration Act shall be proof that the Firearm Owner's  
6 Identification Card was valid.

7 (1) In addition to the other requirements of this  
8 paragraph (k), all persons who are not federally  
9 licensed firearms dealers must also have complied with  
10 subsection (a-10) of Section 3 of the Firearm Owners  
11 Identification Card Act by determining the validity of  
12 a purchaser's Firearm Owner's Identification Card.

13 (2) All sellers or transferors who have complied  
14 with the requirements of subparagraph (1) of this  
15 paragraph (k) shall not be liable for damages in any  
16 civil action arising from the use or misuse by the  
17 transferee of the firearm transferred, except for  
18 willful or wanton misconduct on the part of the seller  
19 or transferor.

20 (1) Not being entitled to the possession of a firearm,  
21 delivers the firearm, knowing it to have been stolen or  
22 converted. It may be inferred that a person who possesses a  
23 firearm with knowledge that its serial number has been  
24 removed or altered has knowledge that the firearm is stolen  
25 or converted.

26 (B) Paragraph (h) of subsection (A) does not include

1 firearms sold within 6 months after enactment of Public Act  
2 78-355 (approved August 21, 1973, effective October 1, 1973),  
3 nor is any firearm legally owned or possessed by any citizen or  
4 purchased by any citizen within 6 months after the enactment of  
5 Public Act 78-355 subject to confiscation or seizure under the  
6 provisions of that Public Act. Nothing in Public Act 78-355  
7 shall be construed to prohibit the gift or trade of any firearm  
8 if that firearm was legally held or acquired within 6 months  
9 after the enactment of that Public Act.

10 (C) Sentence.

11 (1) Any person convicted of unlawful sale or delivery  
12 of firearms in violation of paragraph (c), (e), (f), (g),  
13 or (h) of subsection (A) commits a Class 4 felony.

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

17 (3) Any person convicted of unlawful sale or delivery  
18 of firearms in violation of paragraph (a) of subsection (A)  
19 commits a Class 2 felony.

20 (4) Any person convicted of unlawful sale or delivery  
21 of firearms in violation of paragraph (a), (b), or (i) of  
22 subsection (A) in any school, on the real property  
23 comprising a school, within 1,000 feet of the real property  
24 comprising a school, at a school related activity, or on or  
25 within 1,000 feet of any conveyance owned, leased, or  
26 contracted by a school or school district to transport

1 students to or from school or a school related activity,  
2 regardless of the time of day or time of year at which the  
3 offense was committed, commits a Class 1 felony. Any person  
4 convicted of a second or subsequent violation of unlawful  
5 sale or delivery of firearms in violation of paragraph (a),  
6 (b), or (i) of subsection (A) in any school, on the real  
7 property comprising a school, within 1,000 feet of the real  
8 property comprising a school, at a school related activity,  
9 or on or within 1,000 feet of any conveyance owned, leased,  
10 or contracted by a school or school district to transport  
11 students to or from school or a school related activity,  
12 regardless of the time of day or time of year at which the  
13 offense was committed, commits a Class 1 felony for which  
14 the sentence shall be a term of imprisonment of no less  
15 than 5 years and no more than 15 years.

16 (5) Any person convicted of unlawful sale or delivery  
17 of firearms in violation of paragraph (a) or (i) of  
18 subsection (A) in residential property owned, operated, or  
19 managed by a public housing agency or leased by a public  
20 housing agency as part of a scattered site or mixed-income  
21 development, in a public park, in a courthouse, on  
22 residential property owned, operated, or managed by a  
23 public housing agency or leased by a public housing agency  
24 as part of a scattered site or mixed-income development, on  
25 the real property comprising any public park, on the real  
26 property comprising any courthouse, or on any public way

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

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

10 (7) Any person convicted of unlawful sale or delivery  
11 of firearms in violation of paragraph (k) of subsection (A)  
12 commits a Class 4 felony, except that a violation of  
13 subparagraph (1) of paragraph (k) of subsection (A) shall  
14 not be punishable as a crime or petty offense. A third or  
15 subsequent conviction for a violation of paragraph (k) of  
16 subsection (A) is a Class 1 felony.

17 (8) A person 18 years of age or older convicted of  
18 unlawful sale or delivery of firearms in violation of  
19 paragraph (a) or (i) of subsection (A), when the firearm  
20 that was sold or given to another person under 18 years of  
21 age was used in the commission of or attempt to commit a  
22 forcible felony, shall be fined or imprisoned, or both, not  
23 to exceed the maximum provided for the most serious  
24 forcible felony so committed or attempted by the person  
25 under 18 years of age who was sold or given the firearm.

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

1 of firearms in violation of paragraph (d) of subsection (A)  
2 commits a Class 3 felony.

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

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

10 (D) For purposes of this Section:

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

13 "School related activity" means any sporting, social,  
14 academic, or other activity for which students' attendance or  
15 participation is sponsored, organized, or funded in whole or in  
16 part by a school or school district.

17 (E) A prosecution for a violation of paragraph (k) of  
18 subsection (A) of this Section may be commenced within 6 years  
19 after the commission of the offense. A prosecution for a  
20 violation of this Section other than paragraph (g) of  
21 subsection (A) of this Section may be commenced within 5 years  
22 after the commission of the offense defined in the particular  
23 paragraph.

24 (Source: P.A. 97-227, eff. 1-1-12; 97-347, eff. 1-1-12; 97-813,  
25 eff. 7-13-12; 97-1167, eff. 6-1-13; 98-508, eff. 8-19-13.)



1 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

7 For purposes of this Section:

8 "Armor piercing bullet" means any handgun bullet or handgun  
9 ammunition with projectiles or projectile cores constructed  
10 entirely (excluding the presence of traces of other substances)  
11 from tungsten alloys, steel, iron, brass, bronze, beryllium  
12 copper or depleted uranium, or fully jacketed bullets larger  
13 than 22 caliber whose jacket has a weight of more than 25% of  
14 the total weight of the projectile, and excluding those handgun  
15 projectiles whose cores are composed of soft materials such as  
16 lead or lead alloys, zinc or zinc alloys, frangible projectiles  
17 designed primarily for sporting purposes, and any other  
18 projectiles or projectile cores that the U. S. Secretary of the  
19 Treasury finds to be primarily intended to be used for sporting  
20 purposes or industrial purposes or that otherwise does not  
21 constitute "armor piercing ammunition" as that term is defined  
22 by federal law.

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

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

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

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

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

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

20 (1) Peace officers;

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

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

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

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

6 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

8 (a) It shall be unlawful for any person who holds a license  
9 to sell at retail any alcoholic liquor issued by the Illinois  
10 Liquor Control Commission or local liquor control commissioner  
11 under the Liquor Control Act of 1934 or an agent or employee of  
12 the licensee to sell or deliver to any other person a firearm  
13 in or on the real property of the establishment where the  
14 licensee is licensed to sell alcoholic liquors unless the sale  
15 or delivery of the firearm is otherwise lawful under this  
16 Article and under the Firearm Owners Identification Card and  
17 Certificate of Handgun Registration Act.

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

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

21 (720 ILCS 5/24-3.5)

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

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

1           (1) executed by a transferee of a firearm stating: (i)  
2           the transferee's name and address (including county or  
3           similar political subdivision); (ii) whether the  
4           transferee is a citizen of the United States; (iii) the  
5           transferee's State of residence; and (iv) the date and  
6           place of birth, height, weight, and race of the transferee;  
7           and

8           (2) on which the transferee certifies that he or she is  
9           not prohibited by federal law from transporting or shipping  
10          a firearm in interstate or foreign commerce or receiving a  
11          firearm that has been shipped or transported in interstate  
12          or foreign commerce or possessing a firearm in or affecting  
13          commerce.

14          (b) A person commits the offense of unlawful purchase of a  
15          firearm who knowingly purchases or attempts to purchase a  
16          firearm with the intent to deliver that firearm to another  
17          person who is prohibited by federal or State law from  
18          possessing a firearm.

19          (c) A person commits the offense of unlawful purchase of a  
20          firearm when he or she, in purchasing or attempting to purchase  
21          a firearm, intentionally provides false or misleading  
22          information on a United States Department of the Treasury,  
23          Bureau of Alcohol, Tobacco and Firearms firearms transaction  
24          record form.

25          (d) Exemption. It is not a violation of subsection (b) of  
26          this Section for a person to make a gift or loan of a firearm to

1 a person who is not prohibited by federal or State law from  
2 possessing a firearm if the transfer of the firearm is made in  
3 accordance with Section 3 of the Firearm Owners Identification  
4 Card and Certificate of Handgun Registration Act.

5 (e) Sentence.

6 (1) A person who commits the offense of unlawful  
7 purchase of a firearm:

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

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

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

19 (2) In addition to any other penalty that may be  
20 imposed for a violation of this Section, the court may  
21 sentence a person convicted of a violation of subsection  
22 (c) of this Section to a fine not to exceed \$250,000 for  
23 each violation.

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

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

1 (720 ILCS 5/24-9)

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

3 (a) Except as provided in subsection (c), it is unlawful  
4 for any person to store or leave, within premises under his or  
5 her control, a firearm if the person knows or has reason to  
6 believe that a minor under the age of 14 years who does not  
7 have a Firearm Owners Identification Card is likely to gain  
8 access to the firearm without the lawful permission of the  
9 minor's parent, guardian, or person having charge of the minor,  
10 and the minor causes death or great bodily harm with the  
11 firearm, unless the firearm is:

12 (1) secured by a device or mechanism, other than the  
13 firearm safety, designed to render a firearm temporarily  
14 inoperable; or

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

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

19 (b) Sentence. A person who violates this Section is guilty  
20 of a Class C misdemeanor and shall be fined not less than  
21 \$1,000. A second or subsequent violation of this Section is a  
22 Class A misdemeanor.

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

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

1 defense of another; or

2 (2) to any firearm obtained by a minor under the age of  
3 14 because of an unlawful entry of the premises by the  
4 minor or another person.

5 (d) For the purposes of this Section, "firearm" has the  
6 meaning ascribed to it in Section 1.1 of the Firearm Owners  
7 Identification Card and Certificate of Handgun Registration  
8 Act.

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

10 Section 45. The Methamphetamine Control and Community  
11 Protection Act is amended by changing Section 10 as follows:

12 (720 ILCS 646/10)

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

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

16 "Anhydrous ammonia equipment" means all items used to  
17 store, hold, contain, handle, transfer, transport, or apply  
18 anhydrous ammonia for lawful purposes.

19 "Booby trap" means any device designed to cause physical  
20 injury when triggered by an act of a person approaching,  
21 entering, or moving through a structure, a vehicle, or any  
22 location where methamphetamine has been manufactured, is being  
23 manufactured, or is intended to be manufactured.

24 "Deliver" or "delivery" has the meaning provided in

1 subsection (h) of Section 102 of the Illinois Controlled  
2 Substances Act.

3 "Director" means the Director of State Police or the  
4 Director's designated agents.

5 "Dispose" or "disposal" means to abandon, discharge,  
6 release, deposit, inject, dump, spill, leak, or place  
7 methamphetamine waste onto or into any land, water, or well of  
8 any type so that the waste has the potential to enter the  
9 environment, be emitted into the air, or be discharged into the  
10 soil or any waters, including groundwater.

11 "Emergency response" means the act of collecting evidence  
12 from or securing a methamphetamine laboratory site,  
13 methamphetamine waste site or other methamphetamine-related  
14 site and cleaning up the site, whether these actions are  
15 performed by public entities or private contractors paid by  
16 public entities.

17 "Emergency service provider" means a local, State, or  
18 federal peace officer, firefighter, emergency medical  
19 technician-ambulance, emergency medical  
20 technician-intermediate, emergency medical  
21 technician-paramedic, ambulance driver, or other medical or  
22 first aid personnel rendering aid, or any agent or designee of  
23 the foregoing.

24 "Finished methamphetamine" means methamphetamine in a form  
25 commonly used for personal consumption.

26 "Firearm" has the meaning provided in Section 1.1 of the



1 Firearm Owners Identification Card and Certificate of Handgun  
2 Registration Act.

3 "Manufacture" means to produce, prepare, compound,  
4 convert, process, synthesize, concentrate, purify, separate,  
5 extract, or package any methamphetamine, methamphetamine  
6 precursor, methamphetamine manufacturing catalyst,  
7 methamphetamine manufacturing reagent, methamphetamine  
8 manufacturing solvent, or any substance containing any of the  
9 foregoing.

10 "Methamphetamine" means the chemical methamphetamine (a  
11 Schedule II controlled substance under the Illinois Controlled  
12 Substances Act) or any salt, optical isomer, salt of optical  
13 isomer, or analog thereof, with the exception of  
14 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
15 scheduled substance with a separate listing under the Illinois  
16 Controlled Substances Act.

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

21 "Methamphetamine manufacturing environment" means a  
22 structure or vehicle in which:

- 23 (1) methamphetamine is being or has been manufactured;  
24 (2) chemicals that are being used, have been used, or  
25 are intended to be used to manufacture methamphetamine are  
26 stored;

1           (3) methamphetamine manufacturing materials that have  
2           been used to manufacture methamphetamine are stored; or

3           (4) methamphetamine manufacturing waste is stored.

4           "Methamphetamine manufacturing material" means any  
5           methamphetamine precursor, substance containing any  
6           methamphetamine precursor, methamphetamine manufacturing  
7           catalyst, substance containing any methamphetamine  
8           manufacturing catalyst, methamphetamine manufacturing reagent,  
9           substance containing any methamphetamine manufacturing  
10          reagent, methamphetamine manufacturing solvent, substance  
11          containing any methamphetamine manufacturing solvent, or any  
12          other chemical, substance, ingredient, equipment, apparatus,  
13          or item that is being used, has been used, or is intended to be  
14          used in the manufacture of methamphetamine.

15          "Methamphetamine manufacturing reagent" means any  
16          substance other than a methamphetamine manufacturing catalyst  
17          that has been used, is being used, or is intended to be used to  
18          react with and chemically alter any methamphetamine precursor.

19          "Methamphetamine manufacturing solvent" means any  
20          substance that has been used, is being used, or is intended to  
21          be used as a medium in which any methamphetamine precursor,  
22          methamphetamine manufacturing catalyst, methamphetamine  
23          manufacturing reagent, or any substance containing any of the  
24          foregoing is dissolved, diluted, or washed during any part of  
25          the methamphetamine manufacturing process.

26          "Methamphetamine manufacturing waste" means any chemical,

1 substance, ingredient, equipment, apparatus, or item that is  
2 left over from, results from, or is produced by the process of  
3 manufacturing methamphetamine, other than finished  
4 methamphetamine.

5 "Methamphetamine precursor" means ephedrine,  
6 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
7 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
8 isomer, or salt of an optical isomer of any of these chemicals.

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

13 "Package" means an item marked for retail sale that is not  
14 designed to be further broken down or subdivided for the  
15 purpose of retail sale.

16 "Participate" or "participation" in the manufacture of  
17 methamphetamine means to produce, prepare, compound, convert,  
18 process, synthesize, concentrate, purify, separate, extract,  
19 or package any methamphetamine, methamphetamine precursor,  
20 methamphetamine manufacturing catalyst, methamphetamine  
21 manufacturing reagent, methamphetamine manufacturing solvent,  
22 or any substance containing any of the foregoing, or to assist  
23 in any of these actions, or to attempt to take any of these  
24 actions, regardless of whether this action or these actions  
25 result in the production of finished methamphetamine.

26 "Person with a disability" means a person who suffers from

1 a permanent physical or mental impairment resulting from  
2 disease, injury, functional disorder, or congenital condition  
3 which renders the person incapable of adequately providing for  
4 his or her own health and personal care.

5 "Procure" means to purchase, steal, gather, or otherwise  
6 obtain, by legal or illegal means, or to cause another to take  
7 such action.

8 "Second or subsequent offense" means an offense under this  
9 Act committed by an offender who previously committed an  
10 offense under this Act, the Illinois Controlled Substances Act,  
11 the Cannabis Control Act, or another Act of this State, another  
12 state, or the United States relating to methamphetamine,  
13 cannabis, or any other controlled substance.

14 "Standard dosage form", as used in relation to any  
15 methamphetamine precursor, means that the methamphetamine  
16 precursor is contained in a pill, tablet, capsule, caplet, gel  
17 cap, or liquid cap that has been manufactured by a lawful  
18 entity and contains a standard quantity of methamphetamine  
19 precursor.

20 "Unauthorized container", as used in relation to anhydrous  
21 ammonia, means any container that is not designed for the  
22 specific and sole purpose of holding, storing, transporting, or  
23 applying anhydrous ammonia. "Unauthorized container" includes,  
24 but is not limited to, any propane tank, fire extinguisher,  
25 oxygen cylinder, gasoline can, food or beverage cooler, or  
26 compressed gas cylinder used in dispensing fountain drinks.

1 "Unauthorized container" does not encompass anhydrous ammonia  
2 manufacturing plants, refrigeration systems where anhydrous  
3 ammonia is used solely as a refrigerant, anhydrous ammonia  
4 transportation pipelines, anhydrous ammonia tankers, or  
5 anhydrous ammonia barges.

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

7 Section 46. The Code of Criminal Procedure of 1963 is  
8 amended by changing Section 112A-14 as follows:

9 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

10 Sec. 112A-14. Order of protection; remedies.

11 (a) Issuance of order. If the court finds that petitioner  
12 has been abused by a family or household member, as defined in  
13 this Article, an order of protection prohibiting such abuse  
14 shall issue; provided that petitioner must also satisfy the  
15 requirements of one of the following Sections, as appropriate:  
16 Section 112A-17 on emergency orders, Section 112A-18 on interim  
17 orders, or Section 112A-19 on plenary orders. Petitioner shall  
18 not be denied an order of protection because petitioner or  
19 respondent is a minor. The court, when determining whether or  
20 not to issue an order of protection, shall not require physical  
21 manifestations of abuse on the person of the victim.  
22 Modification and extension of prior orders of protection shall  
23 be in accordance with this Article.

24 (b) Remedies and standards. The remedies to be included in

1 an order of protection shall be determined in accordance with  
2 this Section and one of the following Sections, as appropriate:  
3 Section 112A-17 on emergency orders, Section 112A-18 on interim  
4 orders, and Section 112A-19 on plenary orders. The remedies  
5 listed in this subsection shall be in addition to other civil  
6 or criminal remedies available to petitioner.

7 (1) Prohibition of abuse. Prohibit respondent's  
8 harassment, interference with personal liberty,  
9 intimidation of a dependent, physical abuse or willful  
10 deprivation, as defined in this Article, if such abuse has  
11 occurred or otherwise appears likely to occur if not  
12 prohibited.

13 (2) Grant of exclusive possession of residence.  
14 Prohibit respondent from entering or remaining in any  
15 residence, household, or premises of the petitioner,  
16 including one owned or leased by respondent, if petitioner  
17 has a right to occupancy thereof. The grant of exclusive  
18 possession of the residence, household, or premises shall  
19 not affect title to real property, nor shall the court be  
20 limited by the standard set forth in Section 701 of the  
21 Illinois Marriage and Dissolution of Marriage Act.

22 (A) Right to occupancy. A party has a right to  
23 occupancy of a residence or household if it is solely  
24 or jointly owned or leased by that party, that party's  
25 spouse, a person with a legal duty to support that  
26 party or a minor child in that party's care, or by any

1 person or entity other than the opposing party that  
2 authorizes that party's occupancy (e.g., a domestic  
3 violence shelter). Standards set forth in subparagraph  
4 (B) shall not preclude equitable relief.

5 (B) Presumption of hardships. If petitioner and  
6 respondent each has the right to occupancy of a  
7 residence or household, the court shall balance (i) the  
8 hardships to respondent and any minor child or  
9 dependent adult in respondent's care resulting from  
10 entry of this remedy with (ii) the hardships to  
11 petitioner and any minor child or dependent adult in  
12 petitioner's care resulting from continued exposure to  
13 the risk of abuse (should petitioner remain at the  
14 residence or household) or from loss of possession of  
15 the residence or household (should petitioner leave to  
16 avoid the risk of abuse). When determining the balance  
17 of hardships, the court shall also take into account  
18 the accessibility of the residence or household.  
19 Hardships need not be balanced if respondent does not  
20 have a right to occupancy.

21 The balance of hardships is presumed to favor  
22 possession by petitioner unless the presumption is  
23 rebutted by a preponderance of the evidence, showing  
24 that the hardships to respondent substantially  
25 outweigh the hardships to petitioner and any minor  
26 child or dependent adult in petitioner's care. The

1 court, on the request of petitioner or on its own  
2 motion, may order respondent to provide suitable,  
3 accessible, alternate housing for petitioner instead  
4 of excluding respondent from a mutual residence or  
5 household.

6 (3) Stay away order and additional prohibitions. Order  
7 respondent to stay away from petitioner or any other person  
8 protected by the order of protection, or prohibit  
9 respondent from entering or remaining present at  
10 petitioner's school, place of employment, or other  
11 specified places at times when petitioner is present, or  
12 both, if reasonable, given the balance of hardships.  
13 Hardships need not be balanced for the court to enter a  
14 stay away order or prohibit entry if respondent has no  
15 right to enter the premises.

16 If an order of protection grants petitioner exclusive  
17 possession of the residence, or prohibits respondent from  
18 entering the residence, or orders respondent to stay away  
19 from petitioner or other protected persons, then the court  
20 may allow respondent access to the residence to remove  
21 items of clothing and personal adornment used exclusively  
22 by respondent, medications, and other items as the court  
23 directs. The right to access shall be exercised on only one  
24 occasion as the court directs and in the presence of an  
25 agreed-upon adult third party or law enforcement officer.

26 (4) Counseling. Require or recommend the respondent to



1           undergo counseling for a specified duration with a social  
2           worker, psychologist, clinical psychologist, psychiatrist,  
3           family service agency, alcohol or substance abuse program,  
4           mental health center guidance counselor, agency providing  
5           services to elders, program designed for domestic violence  
6           abusers or any other guidance service the court deems  
7           appropriate. The court may order the respondent in any  
8           intimate partner relationship to report to an Illinois  
9           Department of Human Services protocol approved partner  
10          abuse intervention program for an assessment and to follow  
11          all recommended treatment.

12           (5) Physical care and possession of the minor child. In  
13          order to protect the minor child from abuse, neglect, or  
14          unwarranted separation from the person who has been the  
15          minor child's primary caretaker, or to otherwise protect  
16          the well-being of the minor child, the court may do either  
17          or both of the following: (i) grant petitioner physical  
18          care or possession of the minor child, or both, or (ii)  
19          order respondent to return a minor child to, or not remove  
20          a minor child from, the physical care of a parent or person  
21          in loco parentis.

22           If a court finds, after a hearing, that respondent has  
23          committed abuse (as defined in Section 112A-3) of a minor  
24          child, there shall be a rebuttable presumption that  
25          awarding physical care to respondent would not be in the  
26          minor child's best interest.

1           (6) Temporary legal custody. Award temporary legal  
2 custody to petitioner in accordance with this Section, the  
3 Illinois Marriage and Dissolution of Marriage Act, the  
4 Illinois Parentage Act of 1984, and this State's Uniform  
5 Child-Custody Jurisdiction and Enforcement Act.

6           If a court finds, after a hearing, that respondent has  
7 committed abuse (as defined in Section 112A-3) of a minor  
8 child, there shall be a rebuttable presumption that  
9 awarding temporary legal custody to respondent would not be  
10 in the child's best interest.

11           (7) Visitation. Determine the visitation rights, if  
12 any, of respondent in any case in which the court awards  
13 physical care or temporary legal custody of a minor child  
14 to petitioner. The court shall restrict or deny  
15 respondent's visitation with a minor child if the court  
16 finds that respondent has done or is likely to do any of  
17 the following: (i) abuse or endanger the minor child during  
18 visitation; (ii) use the visitation as an opportunity to  
19 abuse or harass petitioner or petitioner's family or  
20 household members; (iii) improperly conceal or detain the  
21 minor child; or (iv) otherwise act in a manner that is not  
22 in the best interests of the minor child. The court shall  
23 not be limited by the standards set forth in Section 607.1  
24 of the Illinois Marriage and Dissolution of Marriage Act.  
25 If the court grants visitation, the order shall specify  
26 dates and times for the visitation to take place or other

1 specific parameters or conditions that are appropriate. No  
2 order for visitation shall refer merely to the term  
3 "reasonable visitation".

4 Petitioner may deny respondent access to the minor  
5 child if, when respondent arrives for visitation,  
6 respondent is under the influence of drugs or alcohol and  
7 constitutes a threat to the safety and well-being of  
8 petitioner or petitioner's minor children or is behaving in  
9 a violent or abusive manner.

10 If necessary to protect any member of petitioner's  
11 family or household from future abuse, respondent shall be  
12 prohibited from coming to petitioner's residence to meet  
13 the minor child for visitation, and the parties shall  
14 submit to the court their recommendations for reasonable  
15 alternative arrangements for visitation. A person may be  
16 approved to supervise visitation only after filing an  
17 affidavit accepting that responsibility and acknowledging  
18 accountability to the court.

19 (8) Removal or concealment of minor child. Prohibit  
20 respondent from removing a minor child from the State or  
21 concealing the child within the State.

22 (9) Order to appear. Order the respondent to appear in  
23 court, alone or with a minor child, to prevent abuse,  
24 neglect, removal or concealment of the child, to return the  
25 child to the custody or care of the petitioner or to permit  
26 any court-ordered interview or examination of the child or

1 the respondent.

2 (10) Possession of personal property. Grant petitioner  
3 exclusive possession of personal property and, if  
4 respondent has possession or control, direct respondent to  
5 promptly make it available to petitioner, if:

6 (i) petitioner, but not respondent, owns the  
7 property; or

8 (ii) the parties own the property jointly; sharing  
9 it would risk abuse of petitioner by respondent or is  
10 impracticable; and the balance of hardships favors  
11 temporary possession by petitioner.

12 If petitioner's sole claim to ownership of the property  
13 is that it is marital property, the court may award  
14 petitioner temporary possession thereof under the  
15 standards of subparagraph (ii) of this paragraph only if a  
16 proper proceeding has been filed under the Illinois  
17 Marriage and Dissolution of Marriage Act, as now or  
18 hereafter amended.

19 No order under this provision shall affect title to  
20 property.

21 (11) Protection of property. Forbid the respondent  
22 from taking, transferring, encumbering, concealing,  
23 damaging or otherwise disposing of any real or personal  
24 property, except as explicitly authorized by the court, if:

25 (i) petitioner, but not respondent, owns the  
26 property; or

1           (ii) the parties own the property jointly, and the  
2           balance of hardships favors granting this remedy.

3           If petitioner's sole claim to ownership of the property  
4           is that it is marital property, the court may grant  
5           petitioner relief under subparagraph (ii) of this  
6           paragraph only if a proper proceeding has been filed under  
7           the Illinois Marriage and Dissolution of Marriage Act, as  
8           now or hereafter amended.

9           The court may further prohibit respondent from  
10          improperly using the financial or other resources of an  
11          aged member of the family or household for the profit or  
12          advantage of respondent or of any other person.

13          (11.5) Protection of animals. Grant the petitioner the  
14          exclusive care, custody, or control of any animal owned,  
15          possessed, leased, kept, or held by either the petitioner  
16          or the respondent or a minor child residing in the  
17          residence or household of either the petitioner or the  
18          respondent and order the respondent to stay away from the  
19          animal and forbid the respondent from taking,  
20          transferring, encumbering, concealing, harming, or  
21          otherwise disposing of the animal.

22          (12) Order for payment of support. Order respondent to  
23          pay temporary support for the petitioner or any child in  
24          the petitioner's care or custody, when the respondent has a  
25          legal obligation to support that person, in accordance with  
26          the Illinois Marriage and Dissolution of Marriage Act,

1           which shall govern, among other matters, the amount of  
2           support, payment through the clerk and withholding of  
3           income to secure payment. An order for child support may be  
4           granted to a petitioner with lawful physical care or  
5           custody of a child, or an order or agreement for physical  
6           care or custody, prior to entry of an order for legal  
7           custody. Such a support order shall expire upon entry of a  
8           valid order granting legal custody to another, unless  
9           otherwise provided in the custody order.

10           (13) Order for payment of losses. Order respondent to  
11           pay petitioner for losses suffered as a direct result of  
12           the abuse. Such losses shall include, but not be limited  
13           to, medical expenses, lost earnings or other support,  
14           repair or replacement of property damaged or taken,  
15           reasonable attorney's fees, court costs and moving or other  
16           travel expenses, including additional reasonable expenses  
17           for temporary shelter and restaurant meals.

18           (i) Losses affecting family needs. If a party is  
19           entitled to seek maintenance, child support or  
20           property distribution from the other party under the  
21           Illinois Marriage and Dissolution of Marriage Act, as  
22           now or hereafter amended, the court may order  
23           respondent to reimburse petitioner's actual losses, to  
24           the extent that such reimbursement would be  
25           "appropriate temporary relief", as authorized by  
26           subsection (a) (3) of Section 501 of that Act.

1           (ii) Recovery of expenses. In the case of an  
2           improper concealment or removal of a minor child, the  
3           court may order respondent to pay the reasonable  
4           expenses incurred or to be incurred in the search for  
5           and recovery of the minor child, including but not  
6           limited to legal fees, court costs, private  
7           investigator fees, and travel costs.

8           (14) Prohibition of entry. Prohibit the respondent  
9           from entering or remaining in the residence or household  
10          while the respondent is under the influence of alcohol or  
11          drugs and constitutes a threat to the safety and well-being  
12          of the petitioner or the petitioner's children.

13          (14.5) Prohibition of firearm possession.

14           (A) A person who is subject to an existing order of  
15           protection, interim order of protection, emergency  
16           order of protection, or plenary order of protection,  
17           issued under this Code may not lawfully possess weapons  
18           under Section 8.2 of the Firearm Owners Identification  
19           Card and Certificate of Handgun Registration Act.

20           (B) Any firearms in the possession of the  
21           respondent, except as provided in subparagraph (C) of  
22           this paragraph (14.5), shall be ordered by the court to  
23           be turned over to a person with a valid Firearm Owner's  
24           Identification Card for safekeeping. The court shall  
25           issue an order that the respondent's Firearm Owner's  
26           Identification Card be turned over to the local law

1 enforcement agency, which in turn shall immediately  
2 mail the card to the Department of State Police Firearm  
3 Owner's Identification Card Office for safekeeping.  
4 The period of safekeeping shall be for the duration of  
5 the order of protection. The firearm or firearms and  
6 Firearm Owner's Identification Card, if unexpired,  
7 shall at the respondent's request be returned to the  
8 respondent at expiration of the order of protection.

9 (C) If the respondent is a peace officer as defined  
10 in Section 2-13 of the Criminal Code of 2012, the court  
11 shall order that any firearms used by the respondent in  
12 the performance of his or her duties as a peace officer  
13 be surrendered to the chief law enforcement executive  
14 of the agency in which the respondent is employed, who  
15 shall retain the firearms for safekeeping for the  
16 duration of the order of protection.

17 (D) Upon expiration of the period of safekeeping,  
18 if the firearms or Firearm Owner's Identification Card  
19 cannot be returned to respondent because respondent  
20 cannot be located, fails to respond to requests to  
21 retrieve the firearms, or is not lawfully eligible to  
22 possess a firearm, upon petition from the local law  
23 enforcement agency, the court may order the local law  
24 enforcement agency to destroy the firearms, use the  
25 firearms for training purposes, or for any other  
26 application as deemed appropriate by the local law



1 enforcement agency; or that the firearms be turned over  
2 to a third party who is lawfully eligible to possess  
3 firearms, and who does not reside with respondent.

4 (15) Prohibition of access to records. If an order of  
5 protection prohibits respondent from having contact with  
6 the minor child, or if petitioner's address is omitted  
7 under subsection (b) of Section 112A-5, or if necessary to  
8 prevent abuse or wrongful removal or concealment of a minor  
9 child, the order shall deny respondent access to, and  
10 prohibit respondent from inspecting, obtaining, or  
11 attempting to inspect or obtain, school or any other  
12 records of the minor child who is in the care of  
13 petitioner.

14 (16) Order for payment of shelter services. Order  
15 respondent to reimburse a shelter providing temporary  
16 housing and counseling services to the petitioner for the  
17 cost of the services, as certified by the shelter and  
18 deemed reasonable by the court.

19 (17) Order for injunctive relief. Enter injunctive  
20 relief necessary or appropriate to prevent further abuse of  
21 a family or household member or to effectuate one of the  
22 granted remedies, if supported by the balance of hardships.  
23 If the harm to be prevented by the injunction is abuse or  
24 any other harm that one of the remedies listed in  
25 paragraphs (1) through (16) of this subsection is designed  
26 to prevent, no further evidence is necessary to establish

1 that the harm is an irreparable injury.

2 (c) Relevant factors; findings.

3 (1) In determining whether to grant a specific remedy,  
4 other than payment of support, the court shall consider  
5 relevant factors, including but not limited to the  
6 following:

7 (i) the nature, frequency, severity, pattern and  
8 consequences of the respondent's past abuse of the  
9 petitioner or any family or household member,  
10 including the concealment of his or her location in  
11 order to evade service of process or notice, and the  
12 likelihood of danger of future abuse to petitioner or  
13 any member of petitioner's or respondent's family or  
14 household; and

15 (ii) the danger that any minor child will be abused  
16 or neglected or improperly removed from the  
17 jurisdiction, improperly concealed within the State or  
18 improperly separated from the child's primary  
19 caretaker.

20 (2) In comparing relative hardships resulting to the  
21 parties from loss of possession of the family home, the  
22 court shall consider relevant factors, including but not  
23 limited to the following:

24 (i) availability, accessibility, cost, safety,  
25 adequacy, location and other characteristics of  
26 alternate housing for each party and any minor child or

1 dependent adult in the party's care;

2 (ii) the effect on the party's employment; and

3 (iii) the effect on the relationship of the party,  
4 and any minor child or dependent adult in the party's  
5 care, to family, school, church and community.

6 (3) Subject to the exceptions set forth in paragraph  
7 (4) of this subsection, the court shall make its findings  
8 in an official record or in writing, and shall at a minimum  
9 set forth the following:

10 (i) That the court has considered the applicable  
11 relevant factors described in paragraphs (1) and (2) of  
12 this subsection.

13 (ii) Whether the conduct or actions of respondent,  
14 unless prohibited, will likely cause irreparable harm  
15 or continued abuse.

16 (iii) Whether it is necessary to grant the  
17 requested relief in order to protect petitioner or  
18 other alleged abused persons.

19 (4) For purposes of issuing an ex parte emergency order  
20 of protection, the court, as an alternative to or as a  
21 supplement to making the findings described in paragraphs  
22 (c)(3)(i) through (c)(3)(iii) of this subsection, may use  
23 the following procedure:

24 When a verified petition for an emergency order of  
25 protection in accordance with the requirements of Sections  
26 112A-5 and 112A-17 is presented to the court, the court

1 shall examine petitioner on oath or affirmation. An  
2 emergency order of protection shall be issued by the court  
3 if it appears from the contents of the petition and the  
4 examination of petitioner that the averments are  
5 sufficient to indicate abuse by respondent and to support  
6 the granting of relief under the issuance of the emergency  
7 order of protection.

8 (5) Never married parties. No rights or  
9 responsibilities for a minor child born outside of marriage  
10 attach to a putative father until a father and child  
11 relationship has been established under the Illinois  
12 Parentage Act of 1984. Absent such an adjudication, no  
13 putative father shall be granted temporary custody of the  
14 minor child, visitation with the minor child, or physical  
15 care and possession of the minor child, nor shall an order  
16 of payment for support of the minor child be entered.

17 (d) Balance of hardships; findings. If the court finds that  
18 the balance of hardships does not support the granting of a  
19 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
20 subsection (b) of this Section, which may require such  
21 balancing, the court's findings shall so indicate and shall  
22 include a finding as to whether granting the remedy will result  
23 in hardship to respondent that would substantially outweigh the  
24 hardship to petitioner from denial of the remedy. The findings  
25 shall be an official record or in writing.

26 (e) Denial of remedies. Denial of any remedy shall not be

1 based, in whole or in part, on evidence that:

2 (1) Respondent has cause for any use of force, unless  
3 that cause satisfies the standards for justifiable use of  
4 force provided by Article 7 of the Criminal Code of 2012;

5 (2) Respondent was voluntarily intoxicated;

6 (3) Petitioner acted in self-defense or defense of  
7 another, provided that, if petitioner utilized force, such  
8 force was justifiable under Article 7 of the Criminal Code  
9 of 2012;

10 (4) Petitioner did not act in self-defense or defense  
11 of another;

12 (5) Petitioner left the residence or household to avoid  
13 further abuse by respondent;

14 (6) Petitioner did not leave the residence or household  
15 to avoid further abuse by respondent;

16 (7) Conduct by any family or household member excused  
17 the abuse by respondent, unless that same conduct would  
18 have excused such abuse if the parties had not been family  
19 or household members.

20 (Source: P.A. 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13;  
21 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

22 Section 50. The Unified Code of Corrections is amended by  
23 changing Sections 5-5-3 and 5-5-3.2 as follows:

24 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

1           Sec. 5-5-3. Disposition.

2           (a) (Blank).

3           (b) (Blank).

4           (c) (1) (Blank).

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

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

13           (B) Attempted first degree murder.

14           (C) A Class X felony.

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

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

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

26           (F) A Class 2 or greater felony if the offender had

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

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

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

17           (H) Criminal sexual assault.

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

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

23           Before July 1, 1994, for the purposes of this  
24          paragraph, "organized gang" means an association of 5 or  
25          more persons, with an established hierarchy, that  
26          encourages members of the association to perpetrate crimes

1 or provides support to the members of the association who  
2 do commit crimes.

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

7 (K) Vehicular hijacking.

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

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

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

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

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

24 (Q) A violation of subsection (b) or (b-5) of Section  
25 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012.



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

3 (S) (Blank).

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

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

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

1 to those offenses.

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

4 (X) A violation of subsection (a) of Section 31-1a of  
5 the Criminal Code of 1961 or the Criminal Code of 2012.

6 (Y) A conviction for unlawful possession of a firearm  
7 by a street gang member when the firearm was loaded or  
8 contained firearm ammunition.

9 (Z) A Class 1 felony committed while he or she was  
10 serving a term of probation or conditional discharge for a  
11 felony.

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

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

16 (CC) Knowingly selling, offering for sale, holding for  
17 sale, or using 2,000 or more counterfeit items or  
18 counterfeit items having a retail value in the aggregate of  
19 \$500,000 or more.

20 (DD) A conviction for aggravated assault under  
21 paragraph (6) of subsection (c) of Section 12-2 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 if the  
23 firearm is aimed toward the person against whom the firearm  
24 is being used.

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be  
2 imposed for a violation of paragraph (c) of Section 6-303 of  
3 the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
6 this subsection (c), a minimum of 100 hours of community  
7 service shall be imposed for a second violation of Section  
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300  
10 hours of community service, as determined by the court, shall  
11 be imposed for a second violation of subsection (c) of Section  
12 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
14 (4.9) of this subsection (c), a minimum term of imprisonment of  
15 30 days or 300 hours of community service, as determined by the  
16 court, shall be imposed for a third or subsequent violation of  
17 Section 6-303 of the Illinois Vehicle Code.

18 (4.5) A minimum term of imprisonment of 30 days shall be  
19 imposed for a third violation of subsection (c) of Section  
20 6-303 of the Illinois Vehicle Code.

21 (4.6) Except as provided in paragraph (4.10) of this  
22 subsection (c), a minimum term of imprisonment of 180 days  
23 shall be imposed for a fourth or subsequent violation of  
24 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

25 (4.7) A minimum term of imprisonment of not less than 30  
26 consecutive days, or 300 hours of community service, shall be

1 imposed for a violation of subsection (a-5) of Section 6-303 of  
2 the Illinois Vehicle Code, as provided in subsection (b-5) of  
3 that Section.

4 (4.8) A mandatory prison sentence shall be imposed for a  
5 second violation of subsection (a-5) of Section 6-303 of the  
6 Illinois Vehicle Code, as provided in subsection (c-5) of that  
7 Section. The person's driving privileges shall be revoked for a  
8 period of not less than 5 years from the date of his or her  
9 release from prison.

10 (4.9) A mandatory prison sentence of not less than 4 and  
11 not more than 15 years shall be imposed for a third violation  
12 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
13 Code, as provided in subsection (d-2.5) of that Section. The  
14 person's driving privileges shall be revoked for the remainder  
15 of his or her life.

16 (4.10) A mandatory prison sentence for a Class 1 felony  
17 shall be imposed, and the person shall be eligible for an  
18 extended term sentence, for a fourth or subsequent violation of  
19 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
20 as provided in subsection (d-3.5) of that Section. The person's  
21 driving privileges shall be revoked for the remainder of his or  
22 her life.

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

25 (A) a period of conditional discharge;

26 (B) a fine;

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

3 (5.1) In addition to any other penalties imposed, and  
4 except as provided in paragraph (5.2) or (5.3), a person  
5 convicted of violating subsection (c) of Section 11-907 of the  
6 Illinois Vehicle Code shall have his or her driver's license,  
7 permit, or privileges suspended for at least 90 days but not  
8 more than one year, if the violation resulted in damage to the  
9 property of another person.

10 (5.2) In addition to any other penalties imposed, and  
11 except as provided in paragraph (5.3), a person convicted of  
12 violating subsection (c) of Section 11-907 of the Illinois  
13 Vehicle Code shall have his or her driver's license, permit, or  
14 privileges suspended for at least 180 days but not more than 2  
15 years, if the violation resulted in injury to another person.

16 (5.3) In addition to any other penalties imposed, a person  
17 convicted of violating subsection (c) of Section 11-907 of the  
18 Illinois Vehicle Code shall have his or her driver's license,  
19 permit, or privileges suspended for 2 years, if the violation  
20 resulted in the death of another person.

21 (5.4) In addition to any other penalties imposed, a person  
22 convicted of violating Section 3-707 of the Illinois Vehicle  
23 Code shall have his or her driver's license, permit, or  
24 privileges suspended for 3 months and until he or she has paid  
25 a reinstatement fee of \$100.

26 (5.5) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle  
2 Code during a period in which his or her driver's license,  
3 permit, or privileges were suspended for a previous violation  
4 of that Section shall have his or her driver's license, permit,  
5 or privileges suspended for an additional 6 months after the  
6 expiration of the original 3-month suspension and until he or  
7 she has paid a reinstatement fee of \$100.

8 (6) (Blank).

9 (7) (Blank).

10 (8) (Blank).

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

14 (10) (Blank).

15 (11) The court shall impose a minimum fine of \$1,000 for a  
16 first offense and \$2,000 for a second or subsequent offense  
17 upon a person convicted of or placed on supervision for battery  
18 when the individual harmed was a sports official or coach at  
19 any level of competition and the act causing harm to the sports  
20 official or coach occurred within an athletic facility or  
21 within the immediate vicinity of the athletic facility at which  
22 the sports official or coach was an active participant of the  
23 athletic contest held at the athletic facility. For the  
24 purposes of this paragraph (11), "sports official" means a  
25 person at an athletic contest who enforces the rules of the  
26 contest, such as an umpire or referee; "athletic facility"

1 means an indoor or outdoor playing field or recreational area  
2 where sports activities are conducted; and "coach" means a  
3 person recognized as a coach by the sanctioning authority that  
4 conducted the sporting event.

5 (12) A person may not receive a disposition of court  
6 supervision for a violation of Section 5-16 of the Boat  
7 Registration and Safety Act if that person has previously  
8 received a disposition of court supervision for a violation of  
9 that Section.

10 (13) A person convicted of or placed on court supervision  
11 for an assault or aggravated assault when the victim and the  
12 offender are family or household members as defined in Section  
13 103 of the Illinois Domestic Violence Act of 1986 or convicted  
14 of domestic battery or aggravated domestic battery may be  
15 required to attend a Partner Abuse Intervention Program under  
16 protocols set forth by the Illinois Department of Human  
17 Services under such terms and conditions imposed by the court.  
18 The costs of such classes shall be paid by the offender.

19 (d) In any case in which a sentence originally imposed is  
20 vacated, the case shall be remanded to the trial court. The  
21 trial court shall hold a hearing under Section 5-4-1 of the  
22 Unified Code of Corrections which may include evidence of the  
23 defendant's life, moral character and occupation during the  
24 time since the original sentence was passed. The trial court  
25 shall then impose sentence upon the defendant. The trial court  
26 may impose any sentence which could have been imposed at the

1 original trial subject to Section 5-5-4 of the Unified Code of  
2 Corrections. If a sentence is vacated on appeal or on  
3 collateral attack due to the failure of the trier of fact at  
4 trial to determine beyond a reasonable doubt the existence of a  
5 fact (other than a prior conviction) necessary to increase the  
6 punishment for the offense beyond the statutory maximum  
7 otherwise applicable, either the defendant may be re-sentenced  
8 to a term within the range otherwise provided or, if the State  
9 files notice of its intention to again seek the extended  
10 sentence, the defendant shall be afforded a new trial.

11 (e) In cases where prosecution for aggravated criminal  
12 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
13 Code of 1961 or the Criminal Code of 2012 results in conviction  
14 of a defendant who was a family member of the victim at the  
15 time of the commission of the offense, the court shall consider  
16 the safety and welfare of the victim and may impose a sentence  
17 of probation only where:

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

19 (A) the defendant is willing to undergo a court  
20 approved counseling program for a minimum duration of 2  
21 years; or

22 (B) the defendant is willing to participate in a  
23 court approved plan including but not limited to the  
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;



1 (iii) continued financial support of the  
2 family;

3 (iv) restitution for harm done to the victim;  
4 and

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

7 (2) the court orders the defendant to pay for the  
8 victim's counseling services, to the extent that the court  
9 finds, after considering the defendant's income and  
10 assets, that the defendant is financially capable of paying  
11 for such services, if the victim was under 18 years of age  
12 at the time the offense was committed and requires  
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section  
15 5-6-4; except where the court determines at the hearing that  
16 the defendant violated a condition of his or her probation  
17 restricting contact with the victim or other family members or  
18 commits another offense with the victim or other family  
19 members, the court shall revoke the defendant's probation and  
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and  
22 "victim" shall have the meanings ascribed to them in Section  
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under  
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

1 11-14.3, 11-14.4 except for an offense that involves keeping a  
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, the defendant shall undergo medical  
6 testing to determine whether the defendant has any sexually  
7 transmissible disease, including a test for infection with  
8 human immunodeficiency virus (HIV) or any other identified  
9 causative agent of acquired immunodeficiency syndrome (AIDS).  
10 Any such medical test shall be performed only by appropriately  
11 licensed medical practitioners and may include an analysis of  
12 any bodily fluids as well as an examination of the defendant's  
13 person. Except as otherwise provided by law, the results of  
14 such test shall be kept strictly confidential by all medical  
15 personnel involved in the testing and must be personally  
16 delivered in a sealed envelope to the judge of the court in  
17 which the conviction was entered for the judge's inspection in  
18 camera. Acting in accordance with the best interests of the  
19 victim and the public, the judge shall have the discretion to  
20 determine to whom, if anyone, the results of the testing may be  
21 revealed. The court shall notify the defendant of the test  
22 results. The court shall also notify the victim if requested by  
23 the victim, and if the victim is under the age of 15 and if  
24 requested by the victim's parents or legal guardian, the court  
25 shall notify the victim's parents or legal guardian of the test  
26 results. The court shall provide information on the

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

14 (g-5) When an inmate is tested for an airborne communicable  
15 disease, as determined by the Illinois Department of Public  
16 Health including but not limited to tuberculosis, the results  
17 of the test shall be personally delivered by the warden or his  
18 or her designee in a sealed envelope to the judge of the court  
19 in which the inmate must appear for the judge's inspection in  
20 camera if requested by the judge. Acting in accordance with the  
21 best interests of those in the courtroom, the judge shall have  
22 the discretion to determine what if any precautions need to be  
23 taken to prevent transmission of the disease in the courtroom.

24 (h) Whenever a defendant is convicted of an offense under  
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
26 defendant shall undergo medical testing to determine whether

1 the defendant has been exposed to human immunodeficiency virus  
2 (HIV) or any other identified causative agent of acquired  
3 immunodeficiency syndrome (AIDS). Except as otherwise provided  
4 by law, the results of such test shall be kept strictly  
5 confidential by all medical personnel involved in the testing  
6 and must be personally delivered in a sealed envelope to the  
7 judge of the court in which the conviction was entered for the  
8 judge's inspection in camera. Acting in accordance with the  
9 best interests of the public, the judge shall have the  
10 discretion to determine to whom, if anyone, the results of the  
11 testing may be revealed. The court shall notify the defendant  
12 of a positive test showing an infection with the human  
13 immunodeficiency virus (HIV). The court shall provide  
14 information on the availability of HIV testing and counseling  
15 at Department of Public Health facilities to all parties to  
16 whom the results of the testing are revealed and shall direct  
17 the State's Attorney to provide the information to the victim  
18 when possible. A State's Attorney may petition the court to  
19 obtain the results of any HIV test administered under this  
20 Section, and the court shall grant the disclosure if the  
21 State's Attorney shows it is relevant in order to prosecute a  
22 charge of criminal transmission of HIV under Section 12-5.01 or  
23 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
24 2012 against the defendant. The court shall order that the cost  
25 of any such test shall be paid by the county and may be taxed as  
26 costs against the convicted defendant.

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

8 (j) In cases when prosecution for any violation of Section  
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
10 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
11 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
12 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
13 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012, any violation of the Illinois Controlled  
15 Substances Act, any violation of the Cannabis Control Act, or  
16 any violation of the Methamphetamine Control and Community  
17 Protection Act results in conviction, a disposition of court  
18 supervision, or an order of probation granted under Section 10  
19 of the Cannabis Control Act, Section 410 of the Illinois  
20 Controlled Substances Act, or Section 70 of the Methamphetamine  
21 Control and Community Protection Act of a defendant, the court  
22 shall determine whether the defendant is employed by a facility  
23 or center as defined under the Child Care Act of 1969, a public  
24 or private elementary or secondary school, or otherwise works  
25 with children under 18 years of age on a daily basis. When a  
26 defendant is so employed, the court shall order the Clerk of

1 the Court to send a copy of the judgment of conviction or order  
2 of supervision or probation to the defendant's employer by  
3 certified mail. If the employer of the defendant is a school,  
4 the Clerk of the Court shall direct the mailing of a copy of  
5 the judgment of conviction or order of supervision or probation  
6 to the appropriate regional superintendent of schools. The  
7 regional superintendent of schools shall notify the State Board  
8 of Education of any notification under this subsection.

9 (j-5) A defendant at least 17 years of age who is convicted  
10 of a felony and who has not been previously convicted of a  
11 misdemeanor or felony and who is sentenced to a term of  
12 imprisonment in the Illinois Department of Corrections shall as  
13 a condition of his or her sentence be required by the court to  
14 attend educational courses designed to prepare the defendant  
15 for a high school diploma and to work toward a high school  
16 diploma or to work toward passing high school equivalency  
17 testing or to work toward completing a vocational training  
18 program offered by the Department of Corrections. If a  
19 defendant fails to complete the educational training required  
20 by his or her sentence during the term of incarceration, the  
21 Prisoner Review Board shall, as a condition of mandatory  
22 supervised release, require the defendant, at his or her own  
23 expense, to pursue a course of study toward a high school  
24 diploma or passage of high school equivalency testing. The  
25 Prisoner Review Board shall revoke the mandatory supervised  
26 release of a defendant who wilfully fails to comply with this

1 subsection (j-5) upon his or her release from confinement in a  
2 penal institution while serving a mandatory supervised release  
3 term; however, the inability of the defendant after making a  
4 good faith effort to obtain financial aid or pay for the  
5 educational training shall not be deemed a wilful failure to  
6 comply. The Prisoner Review Board shall recommit the defendant  
7 whose mandatory supervised release term has been revoked under  
8 this subsection (j-5) as provided in Section 3-3-9. This  
9 subsection (j-5) does not apply to a defendant who has a high  
10 school diploma or has successfully passed high school  
11 equivalency testing. This subsection (j-5) does not apply to a  
12 defendant who is determined by the court to be developmentally  
13 disabled or otherwise mentally incapable of completing the  
14 educational or vocational program.

15 (k) (Blank).

16 (l) (A) Except as provided in paragraph (C) of subsection  
17 (l), whenever a defendant, who is an alien as defined by the  
18 Immigration and Nationality Act, is convicted of any felony or  
19 misdemeanor offense, the court after sentencing the defendant  
20 may, upon motion of the State's Attorney, hold sentence in  
21 abeyance and remand the defendant to the custody of the  
22 Attorney General of the United States or his or her designated  
23 agent to be deported when:

24 (1) a final order of deportation has been issued  
25 against the defendant pursuant to proceedings under the  
26 Immigration and Nationality Act, and

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

4           Otherwise, the defendant shall be sentenced as provided in  
5           this Chapter V.

6           (B) If the defendant has already been sentenced for a  
7           felony or misdemeanor offense, or has been placed on probation  
8           under Section 10 of the Cannabis Control Act, Section 410 of  
9           the Illinois Controlled Substances Act, or Section 70 of the  
10          Methamphetamine Control and Community Protection Act, the  
11          court may, upon motion of the State's Attorney to suspend the  
12          sentence imposed, commit the defendant to the custody of the  
13          Attorney General of the United States or his or her designated  
14          agent when:

15           (1) a final order of deportation has been issued  
16           against the defendant pursuant to proceedings under the  
17           Immigration and Nationality Act, and

18           (2) the deportation of the defendant would not  
19           deprecate the seriousness of the defendant's conduct and  
20           would not be inconsistent with the ends of justice.

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

24          (D) Upon motion of the State's Attorney, if a defendant  
25          sentenced under this Section returns to the jurisdiction of the  
26          United States, the defendant shall be recommitted to the



1 custody of the county from which he or she was sentenced.  
2 Thereafter, the defendant shall be brought before the  
3 sentencing court, which may impose any sentence that was  
4 available under Section 5-5-3 at the time of initial  
5 sentencing. In addition, the defendant shall not be eligible  
6 for additional sentence credit for good conduct as provided  
7 under Section 3-6-3.

8 (m) A person convicted of criminal defacement of property  
9 under Section 21-1.3 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, in which the property damage exceeds  
11 \$300 and the property damaged is a school building, shall be  
12 ordered to perform community service that may include cleanup,  
13 removal, or painting over the defacement.

14 (n) The court may sentence a person convicted of a  
15 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
17 of 1961 or the Criminal Code of 2012 (i) to an impact  
18 incarceration program if the person is otherwise eligible for  
19 that program under Section 5-8-1.1, (ii) to community service,  
20 or (iii) if the person is an addict or alcoholic, as defined in  
21 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
22 substance or alcohol abuse program licensed under that Act.

23 (o) Whenever a person is convicted of a sex offense as  
24 defined in Section 2 of the Sex Offender Registration Act, the  
25 defendant's driver's license or permit shall be subject to  
26 renewal on an annual basis in accordance with the provisions of

1 license renewal established by the Secretary of State.  
2 (Source: P.A. 97-159, eff. 7-21-11; 97-697, eff. 6-22-12;  
3 97-917, eff. 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff.  
4 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-756,  
5 eff. 7-16-14.)

6 (730 ILCS 5/5-5-3.2)

7 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
8 Sentencing.

9 (a) The following factors shall be accorded weight in favor  
10 of imposing a term of imprisonment or may be considered by the  
11 court as reasons to impose a more severe sentence under Section  
12 5-8-1 or Article 4.5 of Chapter V:

13 (1) the defendant's conduct caused or threatened  
14 serious harm;

15 (2) the defendant received compensation for committing  
16 the offense;

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

19 (4) the defendant, by the duties of his office or by  
20 his position, was obliged to prevent the particular offense  
21 committed or to bring the offenders committing it to  
22 justice;

23 (5) the defendant held public office at the time of the  
24 offense, and the offense related to the conduct of that  
25 office;

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

4           (7) the sentence is necessary to deter others from  
5 committing the same crime;

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

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

11           (10) by reason of another individual's actual or  
12 perceived race, color, creed, religion, ancestry, gender,  
13 sexual orientation, physical or mental disability, or  
14 national origin, the defendant committed the offense  
15 against (i) the person or property of that individual; (ii)  
16 the person or property of a person who has an association  
17 with, is married to, or has a friendship with the other  
18 individual; or (iii) the person or property of a relative  
19 (by blood or marriage) of a person described in clause (i)  
20 or (ii). For the purposes of this Section, "sexual  
21 orientation" means heterosexuality, homosexuality, or  
22 bisexuality;

23           (11) the offense took place in a place of worship or on  
24 the grounds of a place of worship, immediately prior to,  
25 during or immediately following worship services. For  
26 purposes of this subparagraph, "place of worship" shall

1 mean any church, synagogue or other building, structure or  
2 place used primarily for religious worship;

3 (12) the defendant was convicted of a felony committed  
4 while he was released on bail or his own recognizance  
5 pending trial for a prior felony and was convicted of such  
6 prior felony, or the defendant was convicted of a felony  
7 committed while he was serving a period of probation,  
8 conditional discharge, or mandatory supervised release  
9 under subsection (d) of Section 5-8-1 for a prior felony;

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

15 (14) the defendant held a position of trust or  
16 supervision such as, but not limited to, family member as  
17 defined in Section 11-0.1 of the Criminal Code of 2012,  
18 teacher, scout leader, baby sitter, or day care worker, in  
19 relation to a victim under 18 years of age, and the  
20 defendant committed an offense in violation of Section  
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
22 11-14.4 except for an offense that involves keeping a place  
23 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
24 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
25 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
26 of 2012 against that victim;

1           (15) the defendant committed an offense related to the  
2           activities of an organized gang. For the purposes of this  
3           factor, "organized gang" has the meaning ascribed to it in  
4           Section 10 of the Streetgang Terrorism Omnibus Prevention  
5           Act;

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

20          (16.5) the defendant committed an offense in violation  
21          of one of the following Sections while in a day care  
22          center, regardless of the time of day or time of year; on  
23          the real property of a day care center, regardless of the  
24          time of day or time of year; or on a public way within  
25          1,000 feet of the real property comprising any day care  
26          center, regardless of the time of day or time of year:

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

8 (17) the defendant committed the offense by reason of  
9 any person's activity as a community policing volunteer or  
10 to prevent any person from engaging in activity as a  
11 community policing volunteer. For the purpose of this  
12 Section, "community policing volunteer" has the meaning  
13 ascribed to it in Section 2-3.5 of the Criminal Code of  
14 2012;

15 (18) the defendant committed the offense in a nursing  
16 home or on the real property comprising a nursing home. For  
17 the purposes of this paragraph (18), "nursing home" means a  
18 skilled nursing or intermediate long term care facility  
19 that is subject to license by the Illinois Department of  
20 Public Health under the Nursing Home Care Act, the  
21 Specialized Mental Health Rehabilitation Act of 2013, or  
22 the ID/DD Community Care Act;

23 (19) the defendant was a federally licensed firearm  
24 dealer and was previously convicted of a violation of  
25 subsection (a) of Section 3 of the Firearm Owners  
26 Identification Card and Certificate of Handgun

1       Registration Act and has now committed either a felony  
2       violation of the Firearm Owners Identification Card and  
3       Certificate of Handgun Registration Act or an act of armed  
4       violence while armed with a firearm;

5           (20) the defendant (i) committed the offense of  
6       reckless homicide under Section 9-3 of the Criminal Code of  
7       1961 or the Criminal Code of 2012 or the offense of driving  
8       under the influence of alcohol, other drug or drugs,  
9       intoxicating compound or compounds or any combination  
10      thereof under Section 11-501 of the Illinois Vehicle Code  
11      or a similar provision of a local ordinance and (ii) was  
12      operating a motor vehicle in excess of 20 miles per hour  
13      over the posted speed limit as provided in Article VI of  
14      Chapter 11 of the Illinois Vehicle Code;

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

21          (22) the defendant committed the offense against a  
22      person that the defendant knew, or reasonably should have  
23      known, was a member of the Armed Forces of the United  
24      States serving on active duty. For purposes of this clause  
25      (22), the term "Armed Forces" means any of the Armed Forces  
26      of the United States, including a member of any reserve

1 component thereof or National Guard unit called to active  
2 duty;

3 (23) the defendant committed the offense against a  
4 person who was elderly, disabled, or infirm by taking  
5 advantage of a family or fiduciary relationship with the  
6 elderly, disabled, or infirm person;

7 (24) the defendant committed any offense under Section  
8 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
9 of 2012 and possessed 100 or more images;

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

13 (26) the defendant committed the offense of child  
14 pornography or aggravated child pornography, specifically  
15 including paragraph (1), (2), (3), (4), (5), or (7) of  
16 subsection (a) of Section 11-20.1 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 where a child engaged in,  
18 solicited for, depicted in, or posed in any act of sexual  
19 penetration or bound, fettered, or subject to sadistic,  
20 masochistic, or sadomasochistic abuse in a sexual context  
21 and specifically including paragraph (1), (2), (3), (4),  
22 (5), or (7) of subsection (a) of Section 11-20.1B or  
23 Section 11-20.3 of the Criminal Code of 1961 where a child  
24 engaged in, solicited for, depicted in, or posed in any act  
25 of sexual penetration or bound, fettered, or subject to  
26 sadistic, masochistic, or sadomasochistic abuse in a



1 sexual context;

2 (27) the defendant committed the offense of first  
3 degree murder, assault, aggravated assault, battery,  
4 aggravated battery, robbery, armed robbery, or aggravated  
5 robbery against a person who was a veteran and the  
6 defendant knew, or reasonably should have known, that the  
7 person was a veteran performing duties as a representative  
8 of a veterans' organization. For the purposes of this  
9 paragraph (27), "veteran" means an Illinois resident who  
10 has served as a member of the United States Armed Forces, a  
11 member of the Illinois National Guard, or a member of the  
12 United States Reserve Forces; and "veterans' organization"  
13 means an organization comprised of members of which  
14 substantially all are individuals who are veterans or  
15 spouses, widows, or widowers of veterans, the primary  
16 purpose of which is to promote the welfare of its members  
17 and to provide assistance to the general public in such a  
18 way as to confer a public benefit; or

19 (28) the defendant committed the offense of assault,  
20 aggravated assault, battery, aggravated battery, robbery,  
21 armed robbery, or aggravated robbery against a person that  
22 the defendant knew or reasonably should have known was a  
23 letter carrier or postal worker while that person was  
24 performing his or her duties delivering mail for the United  
25 States Postal Service.

26 For the purposes of this Section:

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

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

7 "Public transportation" means the transportation or  
8 conveyance of persons by means available to the general public,  
9 and includes paratransit services.

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

13 (1) When a defendant is convicted of any felony, after  
14 having been previously convicted in Illinois or any other  
15 jurisdiction of the same or similar class felony or greater  
16 class felony, when such conviction has occurred within 10  
17 years after the previous conviction, excluding time spent  
18 in custody, and such charges are separately brought and  
19 tried and arise out of different series of acts; or

20 (2) When a defendant is convicted of any felony and the  
21 court finds that the offense was accompanied by  
22 exceptionally brutal or heinous behavior indicative of  
23 wanton cruelty; or

24 (3) When a defendant is convicted of any felony  
25 committed against:

26 (i) a person under 12 years of age at the time of

1 the offense or such person's property;

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

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

6 (4) When a defendant is convicted of any felony and the  
7 offense involved any of the following types of specific  
8 misconduct committed as part of a ceremony, rite,  
9 initiation, observance, performance, practice or activity  
10 of any actual or ostensible religious, fraternal, or social  
11 group:

12 (i) the brutalizing or torturing of humans or  
13 animals;

14 (ii) the theft of human corpses;

15 (iii) the kidnapping of humans;

16 (iv) the desecration of any cemetery, religious,  
17 fraternal, business, governmental, educational, or  
18 other building or property; or

19 (v) ritualized abuse of a child; or

20 (5) When a defendant is convicted of a felony other  
21 than conspiracy and the court finds that the felony was  
22 committed under an agreement with 2 or more other persons  
23 to commit that offense and the defendant, with respect to  
24 the other individuals, occupied a position of organizer,  
25 supervisor, financier, or any other position of management  
26 or leadership, and the court further finds that the felony

1 committed was related to or in furtherance of the criminal  
2 activities of an organized gang or was motivated by the  
3 defendant's leadership in an organized gang; or

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

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

17 (8) When a defendant commits any felony and the  
18 defendant used, possessed, exercised control over, or  
19 otherwise directed an animal to assault a law enforcement  
20 officer engaged in the execution of his or her official  
21 duties or in furtherance of the criminal activities of an  
22 organized gang in which the defendant is engaged; or

23 (9) When a defendant commits any felony and the  
24 defendant knowingly video or audio records the offense with  
25 the intent to disseminate the recording.

26 (c) The following factors may be considered by the court as

1 reasons to impose an extended term sentence under Section 5-8-2  
2 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

3 (1) When a defendant is convicted of first degree  
4 murder, after having been previously convicted in Illinois  
5 of any offense listed under paragraph (c)(2) of Section  
6 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
7 within 10 years after the previous conviction, excluding  
8 time spent in custody, and the charges are separately  
9 brought and tried and arise out of different series of  
10 acts.

11 (1.5) When a defendant is convicted of first degree  
12 murder, after having been previously convicted of domestic  
13 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
14 (720 ILCS 5/12-3.3) committed on the same victim or after  
15 having been previously convicted of violation of an order  
16 of protection (720 ILCS 5/12-30) in which the same victim  
17 was the protected person.

18 (2) When a defendant is convicted of voluntary  
19 manslaughter, second degree murder, involuntary  
20 manslaughter, or reckless homicide in which the defendant  
21 has been convicted of causing the death of more than one  
22 individual.

23 (3) When a defendant is convicted of aggravated  
24 criminal sexual assault or criminal sexual assault, when  
25 there is a finding that aggravated criminal sexual assault  
26 or criminal sexual assault was also committed on the same

1 victim by one or more other individuals, and the defendant  
2 voluntarily participated in the crime with the knowledge of  
3 the participation of the others in the crime, and the  
4 commission of the crime was part of a single course of  
5 conduct during which there was no substantial change in the  
6 nature of the criminal objective.

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

14 (5) When a defendant is convicted of a felony violation  
15 of Section 24-1 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
17 finding that the defendant is a member of an organized  
18 gang.

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

25 (7) When a defendant is convicted of an offense  
26 involving the illegal manufacture of a controlled

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

18 (8) When the defendant is convicted of attempted mob  
19 action, solicitation to commit mob action, or conspiracy to  
20 commit mob action under Section 8-1, 8-2, or 8-4 of the  
21 Criminal Code of 2012, where the criminal object is a  
22 violation of Section 25-1 of the Criminal Code of 2012, and  
23 an electronic communication is used in the commission of  
24 the offense. For the purposes of this paragraph (8),  
25 "electronic communication" shall have the meaning provided  
26 in Section 26.5-0.1 of the Criminal Code of 2012.

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

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

16 (Source: P.A. 97-38, eff. 6-28-11, 97-227, eff. 1-1-12; 97-333,  
17 eff. 8-12-11; 97-693, eff. 1-1-13; 97-1108, eff. 1-1-13;  
18 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-14, eff.  
19 1-1-14; 98-104, eff. 7-22-13; 98-385, eff. 1-1-14; 98-756, eff.  
20 7-16-14.)

21 Section 51. The Stalking No Contact Order Act is amended by  
22 changing Section 80 as follows:

23 (740 ILCS 21/80)

24 Sec. 80. Stalking no contact orders; remedies.



1           (a) If the court finds that the petitioner has been a  
2 victim of stalking, a stalking no contact order shall issue;  
3 provided that the petitioner must also satisfy the requirements  
4 of Section 95 on emergency orders or Section 100 on plenary  
5 orders. The petitioner shall not be denied a stalking no  
6 contact order because the petitioner or the respondent is a  
7 minor. The court, when determining whether or not to issue a  
8 stalking no contact order, may not require physical injury on  
9 the person of the petitioner. Modification and extension of  
10 prior stalking no contact orders shall be in accordance with  
11 this Act.

12           (b) A stalking no contact order shall order one or more of  
13 the following:

14                 (1) prohibit the respondent from threatening to commit  
15 or committing stalking;

16                 (2) order the respondent not to have any contact with  
17 the petitioner or a third person specifically named by the  
18 court;

19                 (3) prohibit the respondent from knowingly coming  
20 within, or knowingly remaining within a specified distance  
21 of the petitioner or the petitioner's residence, school,  
22 daycare, or place of employment, or any specified place  
23 frequented by the petitioner; however, the court may order  
24 the respondent to stay away from the respondent's own  
25 residence, school, or place of employment only if the  
26 respondent has been provided actual notice of the

1 opportunity to appear and be heard on the petition;

2 (4) prohibit the respondent from possessing a Firearm  
3 Owners Identification Card or certificate of handgun  
4 registration, or possessing or buying firearms; and

5 (5) order other injunctive relief the court determines  
6 to be necessary to protect the petitioner or third party  
7 specifically named by the court.

8 (b-5) When the petitioner and the respondent attend the  
9 same public, private, or non-public elementary, middle, or high  
10 school, the court when issuing a stalking no contact order and  
11 providing relief shall consider the severity of the act, any  
12 continuing physical danger or emotional distress to the  
13 petitioner, the educational rights guaranteed to the  
14 petitioner and respondent under federal and State law, the  
15 availability of a transfer of the respondent to another school,  
16 a change of placement or a change of program of the respondent,  
17 the expense, difficulty, and educational disruption that would  
18 be caused by a transfer of the respondent to another school,  
19 and any other relevant facts of the case. The court may order  
20 that the respondent not attend the public, private, or  
21 non-public elementary, middle, or high school attended by the  
22 petitioner, order that the respondent accept a change of  
23 placement or program, as determined by the school district or  
24 private or non-public school, or place restrictions on the  
25 respondent's movements within the school attended by the  
26 petitioner. The respondent bears the burden of proving by a

1 preponderance of the evidence that a transfer, change of  
2 placement, or change of program of the respondent is not  
3 available. The respondent also bears the burden of production  
4 with respect to the expense, difficulty, and educational  
5 disruption that would be caused by a transfer of the respondent  
6 to another school. A transfer, change of placement, or change  
7 of program is not unavailable to the respondent solely on the  
8 ground that the respondent does not agree with the school  
9 district's or private or non-public school's transfer, change  
10 of placement, or change of program or solely on the ground that  
11 the respondent fails or refuses to consent to or otherwise does  
12 not take an action required to effectuate a transfer, change of  
13 placement, or change of program. When a court orders a  
14 respondent to stay away from the public, private, or non-public  
15 school attended by the petitioner and the respondent requests a  
16 transfer to another attendance center within the respondent's  
17 school district or private or non-public school, the school  
18 district or private or non-public school shall have sole  
19 discretion to determine the attendance center to which the  
20 respondent is transferred. In the event the court order results  
21 in a transfer of the minor respondent to another attendance  
22 center, a change in the respondent's placement, or a change of  
23 the respondent's program, the parents, guardian, or legal  
24 custodian of the respondent is responsible for transportation  
25 and other costs associated with the transfer or change.

26 (b-6) The court may order the parents, guardian, or legal

1 custodian of a minor respondent to take certain actions or to  
2 refrain from taking certain actions to ensure that the  
3 respondent complies with the order. In the event the court  
4 orders a transfer of the respondent to another school, the  
5 parents, guardian, or legal custodian of the respondent are  
6 responsible for transportation and other costs associated with  
7 the change of school by the respondent.

8 (b-7) The court shall not hold a school district or private  
9 or non-public school or any of its employees in civil or  
10 criminal contempt unless the school district or private or  
11 non-public school has been allowed to intervene.

12 (b-8) The court may hold the parents, guardian, or legal  
13 custodian of a minor respondent in civil or criminal contempt  
14 for a violation of any provision of any order entered under  
15 this Act for conduct of the minor respondent in violation of  
16 this Act if the parents, guardian, or legal custodian directed,  
17 encouraged, or assisted the respondent minor in such conduct.

18 (c) The court may award the petitioner costs and attorneys  
19 fees if a stalking no contact order is granted.

20 (d) Monetary damages are not recoverable as a remedy.

21 (e) If the stalking no contact order prohibits the  
22 respondent from possessing a Firearm Owner's Identification  
23 Card, or possessing or buying firearms; the court shall  
24 confiscate the respondent's Firearm Owner's Identification  
25 Card and immediately return the card to the Department of State  
26 Police Firearm Owner's Identification Card Office.

1 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
2 97-1131, eff. 1-1-13.)

3 Section 55. The Mental Health and Developmental  
4 Disabilities Confidentiality Act is amended by changing  
5 Section 12 as follows:

6 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

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

1 provision shall have immunity from any liability, civil,  
2 criminal or otherwise, if such information is disclosed relying  
3 upon the representation of an officer of the United States  
4 Secret Service or the Department of State Police that a person  
5 is under the protection of the United States Secret Service or  
6 is a public official.

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

18 (b) The Department of Human Services (acting as successor  
19 to the Department of Mental Health and Developmental  
20 Disabilities) and all public or private hospitals and mental  
21 health facilities are required, as hereafter described in this  
22 subsection, to furnish the Department of State Police only such  
23 information as may be required for the sole purpose of  
24 determining whether an individual who may be or may have been a  
25 patient is disqualified because of that status from receiving  
26 or retaining a Firearm Owner's Identification Card or falls

1 within the federal prohibitors under subsection (e), (f), (g),  
2 (r), (s), or (t) of Section 8 of the Firearm Owners  
3 Identification Card and Certificate of Handgun Registration  
4 Act, or falls within the federal prohibitors in 18 U.S.C.  
5 922(g) and (n). All physicians, clinical psychologists, or  
6 qualified examiners at public or private mental health  
7 facilities or parts thereof as defined in this subsection  
8 shall, in the form and manner required by the Department,  
9 provide notice directly to the Department of Human Services, or  
10 to his or her employer who shall then report to the Department,  
11 within 24 hours after determining that a patient as described  
12 in clause (2) of the definition of "patient" in Section 1.1 of  
13 the Firearm Owners Identification Card and Certificate of  
14 Handgun Registration Act poses a clear and present danger to  
15 himself, herself, or others, or is determined to be  
16 developmentally disabled. This information shall be furnished  
17 within 24 hours after the physician, clinical psychologist, or  
18 qualified examiner has made a determination, or within 7 days  
19 after admission to a public or private hospital or mental  
20 health facility or the provision of services to a patient  
21 described in clause (1) of the definition of "patient" in  
22 Section 1.1 of the Firearm Owners Identification Card and  
23 Certificate of Handgun Registration Act. Any such information  
24 disclosed under this subsection shall remain privileged and  
25 confidential, and shall not be redisclosed, except as required  
26 by subsection (e) of Section 3.1 of the Firearm Owners

1 Identification Card and Certificate of Handgun Registration  
2 Act, nor utilized for any other purpose. The method of  
3 requiring the providing of such information shall guarantee  
4 that no information is released beyond what is necessary for  
5 this purpose. In addition, the information disclosed shall be  
6 provided by the Department within the time period established  
7 by Section 24-3 of the Criminal Code of 2012 regarding the  
8 delivery of firearms. The method used shall be sufficient to  
9 provide the necessary information within the prescribed time  
10 period, which may include periodically providing lists to the  
11 Department of Human Services or any public or private hospital  
12 or mental health facility of Firearm Owner's Identification  
13 Card applicants on which the Department or hospital shall  
14 indicate the identities of those individuals who are to its  
15 knowledge disqualified from having a Firearm Owner's  
16 Identification Card for reasons described herein. The  
17 Department may provide for a centralized source of information  
18 for the State on this subject under its jurisdiction. The  
19 identity of the person reporting under this subsection shall  
20 not be disclosed to the subject of the report. For the purposes  
21 of this subsection, the physician, clinical psychologist, or  
22 qualified examiner making the determination and his or her  
23 employer shall not be held criminally, civilly, or  
24 professionally liable for making or not making the notification  
25 required under this subsection, except for willful or wanton  
26 misconduct.



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

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

19 (1) (Blank).

20 (1.3) "Clear and present danger" has the meaning as  
21 defined in Section 1.1 of the Firearm Owners Identification  
22 Card and Certificate of Handgun Registration Act.

23 (1.5) "Developmentally disabled" has the meaning as  
24 defined in Section 1.1 of the Firearm Owners Identification  
25 Card and Certificate of Handgun Registration Act.

26 (2) "Patient" has the meaning as defined in Section 1.1

1 of the Firearm Owners Identification Card and Certificate  
2 of Handgun Registration Act.

3 (3) "Mental health facility" has the meaning as defined  
4 in Section 1.1 of the Firearm Owners Identification Card  
5 and Certificate of Handgun Registration Act.

6 (c) Upon the request of a peace officer who takes a person  
7 into custody and transports such person to a mental health or  
8 developmental disability facility pursuant to Section 3-606 or  
9 4-404 of the Mental Health and Developmental Disabilities Code  
10 or who transports a person from such facility, a facility  
11 director shall furnish said peace officer the name, address,  
12 age and name of the nearest relative of the person transported  
13 to or from the mental health or developmental disability  
14 facility. In no case shall the facility director disclose to  
15 the peace officer any information relating to the diagnosis,  
16 treatment or evaluation of the person's mental or physical  
17 health.

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

22 (d) Upon the request of a peace officer or prosecuting  
23 authority who is conducting a bona fide investigation of a  
24 criminal offense, or attempting to apprehend a fugitive from  
25 justice, a facility director may disclose whether a person is  
26 present at the facility. Upon request of a peace officer or

1 prosecuting authority who has a valid forcible felony warrant  
2 issued, a facility director shall disclose: (1) whether the  
3 person who is the subject of the warrant is present at the  
4 facility and (2) the date of that person's discharge or future  
5 discharge from the facility. The requesting peace officer or  
6 prosecuting authority must furnish a case number and the  
7 purpose of the investigation or an outstanding arrest warrant  
8 at the time of the request. Any person, institution, or agency  
9 participating in good faith in disclosing such information in  
10 accordance with this subsection (d) is immune from any  
11 liability, civil, criminal or otherwise, that might result by  
12 reason of the action.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

14 Section 60. The Uniform Disposition of Unclaimed Property  
15 Act is amended by changing Section 1 as follows:

16 (765 ILCS 1025/1) (from Ch. 141, par. 101)

17 Sec. 1. As used in this Act, unless the context otherwise  
18 requires:

19 (a) "Banking organization" means any bank, trust company,  
20 savings bank, industrial bank, land bank, safe deposit company,  
21 or a private banker.

22 (b) "Business association" means any corporation, joint  
23 stock company, business trust, partnership, or any  
24 association, limited liability company, or other business

1 entity consisting of one or more persons, whether or not for  
2 profit.

3 (c) "Financial organization" means any savings and loan  
4 association, building and loan association, credit union,  
5 currency exchange, co-operative bank, mutual funds, or  
6 investment company.

7 (d) "Holder" means any person in possession of property  
8 subject to this Act belonging to another, or who is trustee in  
9 case of a trust, or is indebted to another on an obligation  
10 subject to this Act.

11 (e) "Life insurance corporation" means any association or  
12 corporation transacting the business of insurance on the lives  
13 of persons or insurance appertaining thereto, including, but  
14 not by way of limitation, endowments and annuities.

15 (f) "Owner" means a depositor in case of a deposit, a  
16 beneficiary in case of a trust, a creditor, claimant, or payee  
17 in case of other property, or any person having a legal or  
18 equitable interest in property subject to this Act, or his  
19 legal representative.

20 (g) "Person" means any individual, business association,  
21 financial organization, government or political subdivision or  
22 agency, public authority, estate, trust, or any other legal or  
23 commercial entity.

24 (h) "Utility" means any person who owns or operates, for  
25 public use, any plant, equipment, property, franchise, or  
26 license for the transmission of communications or the

1 production, storage, transmission, sale, delivery, or  
2 furnishing of electricity, water, steam, oil or gas.

3 (i) (Blank).

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

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

13 (l) "Reportable property" means property, tangible or  
14 intangible, presumed abandoned under this Act that must be  
15 appropriately and timely reported and remitted to the Office of  
16 the State Treasurer under this Act. Interest, dividends, stock  
17 splits, warrants, or other rights that become reportable  
18 property under this Act include the underlying security or  
19 commodity giving rise to the interest, dividend, split,  
20 warrant, or other right to which the owner would be entitled.

21 (m) "Firearm" has the meaning ascribed to that term in the  
22 Firearm Owners Identification Card and Certificate of Handgun  
23 Registration Act.

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

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20 ILCS 2605/2605-120

was 20 ILCS 2605/55a in part

6

20 ILCS 2605/2605-300

was 20 ILCS 2605/55a in part

7

20 ILCS 2605/2605-595

8

30 ILCS 105/5.866 new

9

30 ILCS 105/5.867 new

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- 6 765 ILCS 1025/1 from Ch. 141, par. 101