

# SB1640



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1640

Introduced 2/20/2015, by Sen. Wm. Sam McCann

#### SYNOPSIS AS INTRODUCED:

See Index

Repeals the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes.

LRB099 02653 RLC 22659 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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 under  
2 the Firearm Owners Identification Card Act before the  
3 effective date of this amendatory Act of the 99th General  
4 Assembly or applied for or received a concealed carry  
5 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, 2605-300, 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) (Blank). ~~Exercise the rights, powers, and duties~~  
9 ~~vested in the Department by the Firearm Owners~~  
10 ~~Identification Card 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 2605/2605-300) (was 20 ILCS 2605/55a in part)  
16 Sec. 2605-300. Records; crime laboratories; personnel. To  
17 do the following:

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

20 (2) Be a central repository for criminal history record  
21 information.

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

25 (4) Procure and file for record copies of fingerprints



1 that may be required by law.

2 (5) Establish general and field crime laboratories.

3 (6) Register and file for record information that may  
4 be required by law for the issuance of ~~firearm owner's~~  
5 ~~identification cards under the Firearm Owners~~  
6 ~~Identification Card Act~~ and concealed carry licenses under  
7 the Firearm Concealed Carry Act.

8 (7) Employ polygraph operators, laboratory  
9 technicians, and other specially qualified persons to aid  
10 in the identification of criminal activity.

11 (8) Undertake other identification, information,  
12 laboratory, statistical, or registration activities that  
13 may be required by law.

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

15 (20 ILCS 2605/2605-595)

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

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

23 (b) The Department of State Police may use moneys in the  
24 Fund to finance any of its lawful purposes, mandates,  
25 functions, and duties under ~~the Firearm Owners Identification~~

1 ~~Card Act and~~ the Firearm Concealed Carry Act, including the  
2 cost of sending notices of expiration of ~~Firearm Owner's~~  
3 ~~Identification Cards,~~ concealed carry licenses, the prompt and  
4 efficient processing of applications under ~~the Firearm Owners~~  
5 ~~Identification Card Act and~~ the Firearm Concealed Carry Act,  
6 the improved efficiency and reporting of the LEADS and federal  
7 NICS law enforcement data systems, and support for  
8 investigations required under that Act ~~these Acts~~ and law. Any  
9 surplus funds beyond what is needed to comply with the  
10 aforementioned purposes shall be used by the Department to  
11 improve the Law Enforcement Agencies Data System (LEADS) and  
12 criminal history background check system.

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

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

17 (20 ILCS 2605/2605-120 rep.)

18 Section 15. The Department of State Police Law of the Civil  
19 Administrative Code of Illinois is amended by repealing Section  
20 2605-120.

21 Section 20. The Criminal Identification Act is amended by  
22 changing Section 2.2 as follows:

23 (20 ILCS 2630/2.2)

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

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

21           Section 25. The State Finance Act is amended by changing  
22 Section 6z-99 as follows:

23           (30 ILCS 105/6z-99)

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

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

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

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

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

20 Section 30. The Peace Officer Firearm Training Act is  
21 amended by changing Section 1 as follows:

22 (50 ILCS 710/1) (from Ch. 85, par. 515)

23 Sec. 1. Definitions. As used in this Act:

24 (a) "Peace officer" means (i) any person who by virtue of

1 his office or public employment is vested by law with a primary  
2 duty to maintain public order or to make arrests for offenses,  
3 whether that duty extends to all offenses or is limited to  
4 specific offenses, and who is employed in such capacity by any  
5 county or municipality or (ii) any retired law enforcement  
6 officers qualified under federal law to carry a concealed  
7 weapon.

8 (a-5) "Probation officer" means a county probation officer  
9 authorized by the Chief Judge of the Circuit Court to carry a  
10 firearm as part of his or her duties under Section 12 of the  
11 Probation and Probation Officers Act and Section 24-2 of the  
12 Criminal Code of 2012.

13 (b) "Firearms" means any weapon or device defined as a  
14 firearm in Section 2-7.5 of the Criminal Code of 2012 ~~1.1 of~~  
15 ~~"An Act relating to the acquisition, possession and transfer of~~  
16 ~~firearms and firearm ammunition, to provide a penalty for the~~  
17 ~~violation thereof and to make an appropriation in connection~~  
18 ~~therewith", approved August 3, 1967, as amended.~~

19 (Source: P.A. 98-725, eff. 1-1-15.)

20 Section 35. The School Code is amended by changing Sections  
21 10-22.6, 10-27.1A and 34-8.05 as follows:

22 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

23 Sec. 10-22.6. Suspension or expulsion of pupils; school  
24 searches.

1           (a) To expel pupils guilty of gross disobedience or  
2 misconduct, including gross disobedience or misconduct  
3 perpetuated by electronic means, and no action shall lie  
4 against them for such expulsion. Expulsion shall take place  
5 only after the parents have been requested to appear at a  
6 meeting of the board, or with a hearing officer appointed by  
7 it, to discuss their child's behavior. Such request shall be  
8 made by registered or certified mail and shall state the time,  
9 place and purpose of the meeting. The board, or a hearing  
10 officer appointed by it, at such meeting shall state the  
11 reasons for dismissal and the date on which the expulsion is to  
12 become effective. If a hearing officer is appointed by the  
13 board he shall report to the board a written summary of the  
14 evidence heard at the meeting and the board may take such  
15 action thereon as it finds appropriate. An expelled pupil may  
16 be immediately transferred to an alternative program in the  
17 manner provided in Article 13A or 13B of this Code. A pupil  
18 must not be denied transfer because of the expulsion, except in  
19 cases in which such transfer is deemed to cause a threat to the  
20 safety of students or staff in the alternative program.

21           (b) To suspend or by policy to authorize the superintendent  
22 of the district or the principal, assistant principal, or dean  
23 of students of any school to suspend pupils guilty of gross  
24 disobedience or misconduct, or to suspend pupils guilty of  
25 gross disobedience or misconduct on the school bus from riding  
26 the school bus, and no action shall lie against them for such

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

1 cause a threat to the safety of students or staff in the  
2 alternative program.

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

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

14 (1) A firearm. For the purposes of this Section,  
15 "firearm" means any gun, rifle, shotgun, weapon as defined  
16 by Section 921 of Title 18 of the United States Code,  
17 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~  
18 ~~Owners Identification Card Act, or firearm as defined in~~  
19 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion  
20 period under this subdivision (1) may be modified by the  
21 superintendent, and the superintendent's determination may  
22 be modified by the board on a case-by-case basis.

23 (2) A knife, brass knuckles or other knuckle weapon  
24 regardless of its composition, a billy club, or any other  
25 object if used or attempted to be used to cause bodily  
26 harm, including "look alike" of any firearm as defined in



1 subdivision (1) of this subsection (d). The expulsion  
2 requirement under this subdivision (2) may be modified by  
3 the superintendent, and the superintendent's determination  
4 may be modified by the board on a case-by-case basis.

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

13 (d-5) The board may suspend or by regulation authorize the  
14 superintendent of the district or the principal, assistant  
15 principal, or dean of students of any school to suspend a  
16 student for a period not to exceed 10 school days or may expel  
17 a student for a definite period of time not to exceed 2  
18 calendar years, as determined on a case by case basis, if (i)  
19 that student has been determined to have made an explicit  
20 threat on an Internet website against a school employee, a  
21 student, or any school-related personnel, (ii) the Internet  
22 website through which the threat was made is a site that was  
23 accessible within the school at the time the threat was made or  
24 was available to third parties who worked or studied within the  
25 school grounds at the time the threat was made, and (iii) the  
26 threat could be reasonably interpreted as threatening to the

1 safety and security of the threatened individual because of his  
2 or her duties or employment status or status as a student  
3 inside the school. The provisions of this subsection (d-5)  
4 apply in all school districts, including special charter  
5 districts and districts organized under Article 34 of this  
6 Code.

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

1 disciplinary action may be taken. School authorities may also  
2 turn over such evidence to law enforcement authorities. The  
3 provisions of this subsection (e) apply in all school  
4 districts, including special charter districts and districts  
5 organized under Article 34.

6 (f) Suspension or expulsion may include suspension or  
7 expulsion from school and all school activities and a  
8 prohibition from being present on school grounds.

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

21 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
22 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;  
23 97-1150, eff. 1-25-13.)

24 (105 ILCS 5/10-27.1A)

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

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

26           (b) Upon receiving a report from any school official

1 pursuant to this Section, or from any other person, the  
2 principal or his or her designee shall immediately notify a  
3 local law enforcement agency. If the person found to be in  
4 possession of a firearm on school grounds is a student, the  
5 principal or his or her designee shall also immediately notify  
6 that student's parent or guardian. Any principal or his or her  
7 designee acting in good faith who makes such reports under this  
8 Section shall have immunity from any civil or criminal  
9 liability that might otherwise be incurred or imposed as a  
10 result of making the reports. Knowingly and willfully failing  
11 to comply with this Section is a petty offense. A second or  
12 subsequent offense is a Class C misdemeanor. If the person  
13 found to be in possession of the firearm on school grounds is a  
14 minor, the law enforcement agency shall detain that minor until  
15 such time as the agency makes a determination pursuant to  
16 clause (a) of subsection (1) of Section 5-401 of the Juvenile  
17 Court Act of 1987, as to whether the agency reasonably believes  
18 that the minor is delinquent. If the law enforcement agency  
19 determines that probable cause exists to believe that the minor  
20 committed a violation of item (4) of subsection (a) of Section  
21 24-1 of the Criminal Code of 2012 while on school grounds, the  
22 agency shall detain the minor for processing pursuant to  
23 Section 5-407 of the Juvenile Court Act of 1987.

24 (c) On or after January 1, 1997, upon receipt of any  
25 written, electronic, or verbal report from any school personnel  
26 regarding a verified incident involving a firearm in a school

1 or on school owned or leased property, including any conveyance  
2 owned, leased, or used by the school for the transport of  
3 students or school personnel, the superintendent or his or her  
4 designee shall report all such firearm-related incidents  
5 occurring in a school or on school property to the local law  
6 enforcement authorities immediately and to the Department of  
7 State Police in a form, manner, and frequency as prescribed by  
8 the Department of State Police.

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

15 (d) As used in this Section, the term "firearm" shall have  
16 the meaning ascribed to it in Section 2-7.5 of the Criminal  
17 Code of 2012 ~~1.1 of the Firearm Owners Identification Card Act.~~

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

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

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

1 (105 ILCS 5/34-8.05)

2 Sec. 34-8.05. Reporting firearms in schools. On or after  
3 January 1, 1997, upon receipt of any written, electronic, or  
4 verbal report from any school personnel regarding a verified  
5 incident involving a firearm in a school or on school owned or  
6 leased property, including any conveyance owned, leased, or  
7 used by the school for the transport of students or school  
8 personnel, the general superintendent or his or her designee  
9 shall report all such firearm-related incidents occurring in a  
10 school or on school property to the local law enforcement  
11 authorities no later than 24 hours after the occurrence of the  
12 incident and to the Department of State Police in a form,  
13 manner, and frequency as prescribed by the Department of State  
14 Police.

15 The State Board of Education shall receive an annual  
16 statistical compilation and related data associated with  
17 incidents involving firearms in schools from the Department of  
18 State Police. As used in this Section, the term "firearm" shall  
19 have the meaning ascribed to it in Section 2-7.5 of the  
20 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
21 ~~Card Act.~~

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

23 Section 40. The Illinois Explosives Act is amended by  
24 changing Section 2005 as follows:

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

2 Sec. 2005. Qualifications for licensure.

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

4 (1) is under 21 years of age;

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

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

9 (4) is a fugitive from justice;

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

14 (6) has been adjudicated a mentally disabled person as  
15 defined in Section 6-103.1 of the Mental Health and  
16 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~  
17 ~~Identification Card Act~~; or

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

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

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

25 Section 45. The Private Detective, Private Alarm, Private



1 Security, and Locksmith Act of 2004 is amended by changing  
2 Sections 35-30 and 35-35 as follows:

3 (225 ILCS 447/35-30)

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

5 Sec. 35-30. Employee requirements. All employees of a  
6 licensed agency, other than those exempted, shall apply for a  
7 permanent employee registration card. The holder of an agency  
8 license issued under this Act, known in this Section as  
9 "employer", may employ in the conduct of his or her business  
10 employees under the following provisions:

11 (a) No person shall be issued a permanent employee  
12 registration card who:

13 (1) Is younger than 18 years of age.

14 (2) Is younger than 21 years of age if the services  
15 will include being armed.

16 (3) Has been determined by the Department to be unfit  
17 by reason of conviction of an offense in this or another  
18 state, including registration as a sex offender, but not  
19 including a traffic offense. Persons convicted of felonies  
20 involving bodily harm, weapons, violence, or theft within  
21 the previous 10 years shall be presumed to be unfit for  
22 registration. The Department shall adopt rules for making  
23 those determinations that shall afford the applicant due  
24 process of law.

25 (4) Has had a license or permanent employee

1 registration card denied, suspended, or revoked under this  
2 Act (i) within one year before the date the person's  
3 application for permanent employee registration card is  
4 received by the Department; and (ii) that refusal, denial,  
5 suspension, or revocation was based on any provision of  
6 this Act other than Section 40-50, item (6) or (8) of  
7 subsection (a) of Section 15-10, subsection (b) of Section  
8 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
9 subsection (b) of Section 20-10, item (6) or (8) of  
10 subsection (a) of Section 25-10, subsection (b) of Section  
11 25-10, item (7) of subsection (a) of Section 30-10,  
12 subsection (b) of Section 30-10, or Section 10-40.

13 (5) Has been declared incompetent by any court of  
14 competent jurisdiction by reason of mental disease or  
15 defect and has not been restored.

16 (6) Has been dishonorably discharged from the armed  
17 services of the United States.

18 (b) No person may be employed by a private detective  
19 agency, private security contractor agency, private alarm  
20 contractor agency, fingerprint vendor agency, or locksmith  
21 agency under this Section until he or she has executed and  
22 furnished to the employer, on forms furnished by the  
23 Department, a verified statement to be known as "Employee's  
24 Statement" setting forth:

25 (1) The person's full name, age, and residence address.

26 (2) The business or occupation engaged in for the 5

1 years immediately before the date of the execution of the  
2 statement, the place where the business or occupation was  
3 engaged in, and the names of employers, if any.

4 (3) That the person has not had a license or employee  
5 registration denied, revoked, or suspended under this Act  
6 (i) within one year before the date the person's  
7 application for permanent employee registration card is  
8 received by the Department; and (ii) that refusal, denial,  
9 suspension, or revocation was based on any provision of  
10 this Act other than Section 40-50, item (6) or (8) of  
11 subsection (a) of Section 15-10, subsection (b) of Section  
12 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
13 subsection (b) of Section 20-10, item (6) or (8) of  
14 subsection (a) of Section 25-10, subsection (b) of Section  
15 25-10, item (7) of subsection (a) of Section 30-10,  
16 subsection (b) of Section 30-10, or Section 10-40.

17 (4) Any conviction of a felony or misdemeanor.

18 (5) Any declaration of incompetence by a court of  
19 competent jurisdiction that has not been restored.

20 (6) Any dishonorable discharge from the armed services  
21 of the United States.

22 (7) Any other information as may be required by any  
23 rule of the Department to show the good character,  
24 competency, and integrity of the person executing the  
25 statement.

26 (c) Each applicant for a permanent employee registration

1 card shall have his or her fingerprints submitted to the  
2 Department of State Police in an electronic format that  
3 complies with the form and manner for requesting and furnishing  
4 criminal history record information as prescribed by the  
5 Department of State Police. These fingerprints shall be checked  
6 against the Department of State Police and Federal Bureau of  
7 Investigation criminal history record databases now and  
8 hereafter filed. The Department of State Police shall charge  
9 applicants a fee for conducting the criminal history records  
10 check, which shall be deposited in the State Police Services  
11 Fund and shall not exceed the actual cost of the records check.  
12 The Department of State Police shall furnish, pursuant to  
13 positive identification, records of Illinois convictions to  
14 the Department. The Department may require applicants to pay a  
15 separate fingerprinting fee, either to the Department or  
16 directly to the vendor. The Department, in its discretion, may  
17 allow an applicant who does not have reasonable access to a  
18 designated vendor to provide his or her fingerprints in an  
19 alternative manner. The Department, in its discretion, may also  
20 use other procedures in performing or obtaining criminal  
21 background checks of applicants. Instead of submitting his or  
22 her fingerprints, an individual may submit proof that is  
23 satisfactory to the Department that an equivalent security  
24 clearance has been conducted. Also, an individual who has  
25 retired as a peace officer within 12 months of application may  
26 submit verification, on forms provided by the Department and

1 signed by his or her employer, of his or her previous full-time  
2 employment as a peace officer.

3 (d) The Department shall issue a permanent employee  
4 registration card, in a form the Department prescribes, to all  
5 qualified applicants. The holder of a permanent employee  
6 registration card shall carry the card at all times while  
7 actually engaged in the performance of the duties of his or her  
8 employment. Expiration and requirements for renewal of  
9 permanent employee registration cards shall be established by  
10 rule of the Department. Possession of a permanent employee  
11 registration card does not in any way imply that the holder of  
12 the card is employed by an agency unless the permanent employee  
13 registration card is accompanied by the employee  
14 identification card required by subsection (f) of this Section.

15 (e) Each employer shall maintain a record of each employee  
16 that is accessible to the duly authorized representatives of  
17 the Department. The record shall contain the following  
18 information:

19 (1) A photograph taken within 10 days of the date that  
20 the employee begins employment with the employer. The  
21 photograph shall be replaced with a current photograph  
22 every 3 calendar years.

23 (2) The Employee's Statement specified in subsection  
24 (b) of this Section.

25 (3) All correspondence or documents relating to the  
26 character and integrity of the employee received by the

1 employer from any official source or law enforcement  
2 agency.

3 (4) In the case of former employees, the employee  
4 identification card of that person issued under subsection  
5 (f) of this Section. Each employee record shall duly note  
6 if the employee is employed in an armed capacity. Armed  
7 employee files shall contain ~~a copy of an active firearm~~  
8 ~~owner's identification card and~~ a copy of an active firearm  
9 control card. Each employer shall maintain a record for  
10 each armed employee of each instance in which the  
11 employee's weapon was discharged during the course of his  
12 or her professional duties or activities. The record shall  
13 be maintained on forms provided by the Department, a copy  
14 of which must be filed with the Department within 15 days  
15 of an instance. The record shall include the date and time  
16 of the occurrence, the circumstances involved in the  
17 occurrence, and any other information as the Department may  
18 require. Failure to provide this information to the  
19 Department or failure to maintain the record as a part of  
20 each armed employee's permanent file is grounds for  
21 disciplinary action. The Department, upon receipt of a  
22 report, shall have the authority to make any investigation  
23 it considers appropriate into any occurrence in which an  
24 employee's weapon was discharged and to take disciplinary  
25 action as may be appropriate.

26 (5) A copy of the employee's permanent employee

1 registration card or a copy of the Department's "License  
2 Lookup" Webpage showing that the employee has been issued a  
3 valid permanent employee registration card by the  
4 Department.

5 The Department may, by rule, prescribe further record  
6 requirements.

7 (f) Every employer shall furnish an employee  
8 identification card to each of his or her employees. This  
9 employee identification card shall contain a recent photograph  
10 of the employee, the employee's name, the name and agency  
11 license number of the employer, the employee's personal  
12 description, the signature of the employer, the signature of  
13 that employee, the date of issuance, and an employee  
14 identification card number.

15 (g) No employer may issue an employee identification card  
16 to any person who is not employed by the employer in accordance  
17 with this Section or falsely state or represent that a person  
18 is or has been in his or her employ. It is unlawful for an  
19 applicant for registered employment to file with the Department  
20 the fingerprints of a person other than himself or herself.

21 (h) Every employer shall obtain the identification card of  
22 every employee who terminates employment with him or her.

23 (i) Every employer shall maintain a separate roster of the  
24 names of all employees currently working in an armed capacity  
25 and submit the roster to the Department on request.

26 (j) No agency may employ any person to perform a licensed

1 activity under this Act unless the person possesses a valid  
2 permanent employee registration card or a valid license under  
3 this Act, or is exempt pursuant to subsection (n).

4 (k) Notwithstanding the provisions of subsection (j), an  
5 agency may employ a person in a temporary capacity if all of  
6 the following conditions are met:

7 (1) The agency completes in its entirety and submits to  
8 the Department an application for a permanent employee  
9 registration card, including the required fingerprint  
10 receipt and fees.

11 (2) The agency has verification from the Department  
12 that the applicant has no record of any criminal conviction  
13 pursuant to the criminal history check conducted by the  
14 Department of State Police. The agency shall maintain the  
15 verification of the results of the Department of State  
16 Police criminal history check as part of the employee  
17 record as required under subsection (e) of this Section.

18 (3) The agency exercises due diligence to ensure that  
19 the person is qualified under the requirements of the Act  
20 to be issued a permanent employee registration card.

21 (4) The agency maintains a separate roster of the names  
22 of all employees whose applications are currently pending  
23 with the Department and submits the roster to the  
24 Department on a monthly basis. Rosters are to be maintained  
25 by the agency for a period of at least 24 months.

26 An agency may employ only a permanent employee applicant



1 for which it either submitted a permanent employee application  
2 and all required forms and fees or it confirms with the  
3 Department that a permanent employee application and all  
4 required forms and fees have been submitted by another agency,  
5 licensee or the permanent employee and all other requirements  
6 of this Section are met.

7 The Department shall have the authority to revoke, without  
8 a hearing, the temporary authority of an individual to work  
9 upon receipt of Federal Bureau of Investigation fingerprint  
10 data or a report of another official authority indicating a  
11 criminal conviction. If the Department has not received a  
12 temporary employee's Federal Bureau of Investigation  
13 fingerprint data within 120 days of the date the Department  
14 received the Department of State Police fingerprint data, the  
15 Department may, at its discretion, revoke the employee's  
16 temporary authority to work with 15 days written notice to the  
17 individual and the employing agency.

18 An agency may not employ a person in a temporary capacity  
19 if it knows or reasonably should have known that the person has  
20 been convicted of a crime under the laws of this State, has  
21 been convicted in another state of any crime that is a crime  
22 under the laws of this State, has been convicted of any crime  
23 in a federal court, or has been posted as an unapproved  
24 applicant by the Department. Notice by the Department to the  
25 agency, via certified mail, personal delivery, electronic  
26 mail, or posting on the Department's Internet site accessible

1 to the agency that the person has been convicted of a crime  
2 shall be deemed constructive knowledge of the conviction on the  
3 part of the agency. The Department may adopt rules to implement  
4 this subsection (k).

5 (l) No person may be employed under this Section in any  
6 capacity if:

7 (1) the person, while so employed, is being paid by the  
8 United States or any political subdivision for the time so  
9 employed in addition to any payments he or she may receive  
10 from the employer; or

11 (2) the person wears any portion of his or her official  
12 uniform, emblem of authority, or equipment while so  
13 employed.

14 (m) If information is discovered affecting the  
15 registration of a person whose fingerprints were submitted  
16 under this Section, the Department shall so notify the agency  
17 that submitted the fingerprints on behalf of that person.

18 (n) Peace officers shall be exempt from the requirements of  
19 this Section relating to permanent employee registration  
20 cards. The agency shall remain responsible for any peace  
21 officer employed under this exemption, regardless of whether  
22 the peace officer is compensated as an employee or as an  
23 independent contractor and as further defined by rule.

24 (o) Persons who have no access to confidential or security  
25 information, who do not go to a client's or prospective  
26 client's residence or place of business, and who otherwise do

1 not provide traditional security services are exempt from  
2 employee registration. Examples of exempt employees include,  
3 but are not limited to, employees working in the capacity of  
4 ushers, directors, ticket takers, cashiers, drivers, and  
5 reception personnel. Confidential or security information is  
6 that which pertains to employee files, scheduling, client  
7 contracts, or technical security and alarm data.

8 (p) An applicant who is 21 years of age or older seeking a  
9 religious exemption to the photograph requirement of this  
10 Section shall furnish with the application an approved copy of  
11 United States Department of the Treasury Internal Revenue  
12 Service Form 4029. Regardless of age, an applicant seeking a  
13 religious exemption to this photograph requirement shall  
14 submit fingerprints in a form and manner prescribed by the  
15 Department with his or her application in lieu of a photograph.

16 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

17 (225 ILCS 447/35-35)

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

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

20 (a) No person shall perform duties that include the use,  
21 carrying, or possession of a firearm in the performance of  
22 those duties without complying with the provisions of this  
23 Section and having been issued a valid firearm control card by  
24 the Department.

25 (b) No employer shall employ any person to perform the

1 duties for which licensure or employee registration is required  
2 and allow that person to carry a firearm unless that person has  
3 complied with all the firearm training requirements of this  
4 Section and has been issued a firearm control card. This Act  
5 permits only the following to carry firearms while actually  
6 engaged in the performance of their duties or while commuting  
7 directly to or from their places of employment: persons  
8 licensed as private detectives and their registered employees;  
9 persons licensed as private security contractors and their  
10 registered employees; persons licensed as private alarm  
11 contractors and their registered employees; and employees of a  
12 registered armed proprietary security force.

13 (c) Possession of a valid firearm control card allows a  
14 licensee or employee to carry a firearm not otherwise  
15 prohibited by law while the licensee or employee is engaged in  
16 the performance of his or her duties or while the licensee or  
17 employee is commuting directly to or from the licensee's or  
18 employee's place or places of employment.

19 (d) The Department shall issue a firearm control card to a  
20 person who has passed an approved firearm training course, who  
21 is currently licensed or employed by an agency licensed by this  
22 Act and has met all the requirements of this Act, and who is  
23 not prohibited under State or federal law from possessing a  
24 firearm ~~possesses a valid firearm owner identification card.~~  
25 Application for the firearm control card shall be made by the  
26 employer to the Department on forms provided by the Department.

1 The Department shall forward the card to the employer who shall  
2 be responsible for its issuance to the licensee or employee.  
3 The firearm control card shall be issued by the Department and  
4 shall identify the person holding it and the name of the course  
5 where the licensee or employee received firearm instruction and  
6 shall specify the type of weapon or weapons the person is  
7 authorized by the Department to carry and for which the person  
8 has been trained.

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

11 (f) The Department may, in addition to any other  
12 disciplinary action permitted by this Act, refuse to issue,  
13 suspend, or revoke a firearm control card if the applicant or  
14 holder has been convicted of any felony or crime involving the  
15 illegal use, carrying, or possession of a deadly weapon or for  
16 a violation of this Act or rules adopted ~~promulgated~~ under this  
17 Act. The Department shall refuse to issue or shall revoke a  
18 firearm control card if the applicant or holder is prohibited  
19 under State or federal law from possessing a firearm ~~fails to~~  
20 ~~possess a valid firearm owners identification card without~~  
21 ~~hearing~~. The Secretary shall summarily suspend a firearm  
22 control card if the Secretary finds that its continued use  
23 would constitute an imminent danger to the public. A hearing  
24 shall be held before the Board within 30 days if the Secretary  
25 summarily suspends a firearm control card.

26 (g) Notwithstanding any other provision of this Act to the

1 contrary, all requirements relating to firearms control cards  
2 do not apply to a peace officer.

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

17 (i) The Department shall not issue a firearm control card  
18 to a licensed fingerprint vendor or a licensed locksmith or  
19 employees of a licensed fingerprint vendor agency or a licensed  
20 locksmith agency.

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

22 Section 50. The Mental Health and Developmental  
23 Disabilities Code is amended by changing Sections 6-103.1,  
24 6-103.2, and 6-103.3 as follows:

1 (405 ILCS 5/6-103.1)

2 Sec. 6-103.1. Adjudication as a mentally disabled person.  
3 When a person has been adjudicated as a mentally disabled  
4 person ~~as defined in Section 1.1 of the Firearm Owners~~  
5 ~~Identification Card Act~~, including, but not limited to, an  
6 adjudication as a disabled person as defined in Section 11a-2  
7 of the Probate Act of 1975, the court shall direct the circuit  
8 court clerk to notify the Department of State Police, ~~Firearm~~  
9 ~~Owner's Identification (FOID) Office~~, in a form and manner  
10 prescribed by the Department of State Police, and shall forward  
11 a copy of the court order to the Department no later than 7  
12 days after the entry of the order. Upon receipt of the order,  
13 the Department of State Police shall provide notification to  
14 the National Instant Criminal Background Check System. For  
15 purposes of this Section, "has been adjudicated as a mentally  
16 disabled person" means the person is the subject of a  
17 determination by a court, board, commission, or other lawful  
18 authority that the person, as a result of marked subnormal  
19 intelligence, or mental illness, mental impairment,  
20 incompetency, condition, or disease:

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

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

26 (3) is not guilty in a criminal case by reason of

1 insanity, mental disease or defect;

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

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

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

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

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

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

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

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

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

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

26 (13) is subject to the provisions of the Interstate



1           Agreements on Sexually Dangerous Persons Act.

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

3           (405 ILCS 5/6-103.2)

4           Sec. 6-103.2. Developmental disability; notice. For  
5 purposes of this Section, if a person is determined to be  
6 developmentally disabled ~~as defined in Section 1.1 of the~~  
7 ~~Firearm Owners Identification Card Act~~ by a physician, clinical  
8 psychologist, or qualified examiner, whether practicing at a  
9 public or by a private mental health facility or developmental  
10 disability facility, the physician, clinical psychologist, or  
11 qualified examiner shall notify the Department of Human  
12 Services within 24 hours of making the determination that the  
13 person has a developmental disability. The Department of Human  
14 Services shall immediately update its records and information  
15 relating to mental health and developmental disabilities, and  
16 if appropriate, shall notify the Department of State Police in  
17 a form and manner prescribed by the Department of State Police.  
18 Information disclosed under this Section shall remain  
19 privileged and confidential, and shall not be redisclosed,  
20 except as required under clause (e) (2) of Section 24-4.5 of the  
21 Criminal Code of 2012 ~~subsection (c) of Section 3.1 of the~~  
22 ~~Firearm Owners Identification Card Act~~, nor used for any other  
23 purpose. The method of providing this information shall  
24 guarantee that the information is not released beyond that  
25 which is necessary for the purpose of this Section and shall be

1 provided by rule by the Department of Human Services. The  
2 identity of the person reporting under this Section shall not  
3 be disclosed to the subject of the report.

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

9 In this Section, "developmentally disabled" has the  
10 meaning ascribed to it in Section 12 of the Mental Health and  
11 Developmental Disabilities Confidentiality Act.

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

13 (405 ILCS 5/6-103.3)

14 Sec. 6-103.3. Clear and present danger; notice. If a person  
15 is determined to pose a clear and present danger to himself,  
16 herself, or to others by a physician, clinical psychologist, or  
17 qualified examiner, whether employed by the State, by any  
18 public or private mental health facility or part thereof, or by  
19 a law enforcement official or a school administrator, then the  
20 physician, clinical psychologist, qualified examiner shall  
21 notify the Department of Human Services and a law enforcement  
22 official or school administrator shall notify the Department of  
23 State Police, within 24 hours of making the determination that  
24 the person poses a clear and present danger. The Department of  
25 Human Services shall immediately update its records and

1 information relating to mental health and developmental  
2 disabilities, and if appropriate, shall notify the Department  
3 of State Police in a form and manner prescribed by the  
4 Department of State Police. Information disclosed under this  
5 Section shall remain privileged and confidential, and shall not  
6 be redisclosed, except as required under clause (e)(2) of  
7 Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~  
8 ~~Section 3.1 of the Firearm Owners Identification Card Act~~, nor  
9 used for any other purpose. The method of providing this  
10 information shall guarantee that the information is not  
11 released beyond that which is necessary for the purpose of this  
12 Section and shall be provided by rule by the Department of  
13 Human Services. The identity of the person reporting under this  
14 Section shall not be disclosed to the subject of the report.  
15 The physician, clinical psychologist, qualified examiner, law  
16 enforcement official, or school administrator making the  
17 determination and his or her employer shall not be held  
18 criminally, civilly, or professionally liable for making or not  
19 making the notification required under this Section, except for  
20 willful or wanton misconduct. This Section does not apply to a  
21 law enforcement official, if making the notification under this  
22 Section will interfere with an ongoing or pending criminal  
23 investigation.

24 For the purposes of this Section:

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

26 (1) communicates a serious threat of physical

1 violence against a reasonably identifiable victim or  
2 poses a clear and imminent risk of serious physical  
3 injury to himself, herself, or another person as  
4 determined by a physician, clinical psychologist, or  
5 qualified examiner; or

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

11 "Physician", "clinical psychologist", and "qualified  
12 examiner" have the meanings ascribed to them in the Mental  
13 Health and Developmental Disabilities Code ~~has the meaning~~  
14 ~~ascribed to it in Section 1.1 of the Firearm Owners~~  
15 ~~Identification Card Act.~~

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

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

20 Section 55. The Lead Poisoning Prevention Act is amended by  
21 changing Section 2 as follows:

22 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

24 "Child care facility" means any structure used by a child

1 care provider licensed by the Department of Children and Family  
2 Services or public or private school structure frequented by  
3 children 6 years of age or younger.

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

9 "Delegate agency" means a unit of local government or  
10 health department approved by the Department to carry out the  
11 provisions of this Act.

12 "Department" means the Department of Public Health.

13 "Director" means the Director of Public Health.

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

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

19 "Exposed surface" means any interior or exterior surface of  
20 a regulated facility.

21 "High risk area" means an area in the State determined by  
22 the Department to be high risk for lead exposure for children 6  
23 years of age or younger. The Department may consider, but is  
24 not limited to, the following factors to determine a high risk  
25 area: age and condition (using Department of Housing and Urban  
26 Development definitions of "slum" and "blighted") of housing,

1 proximity to highway traffic or heavy local traffic or both,  
2 percentage of housing determined as rental or vacant, proximity  
3 to industry using lead, established incidence of elevated blood  
4 lead levels in children, percentage of population living below  
5 200% of federal poverty guidelines, and number of children  
6 residing in the area who are 6 years of age or younger.

7 "Lead abatement" means any approved work practices that  
8 will permanently eliminate lead exposure or remove the  
9 lead-bearing substances in a regulated facility. The  
10 Department shall establish by rule which work practices are  
11 approved or prohibited for lead abatement.

12 "Lead abatement contractor" means any person or entity  
13 licensed by the Department to perform lead abatement and  
14 mitigation.

15 "Lead abatement supervisor" means any person employed by a  
16 lead abatement contractor and licensed by the Department to  
17 perform lead abatement and lead mitigation and to supervise  
18 lead workers who perform lead abatement and lead mitigation.

19 "Lead abatement worker" means any person employed by a lead  
20 abatement contractor and licensed by the Department to perform  
21 lead abatement and mitigation.

22 "Lead activities" means the conduct of any lead services,  
23 including, lead inspection, lead risk assessment, lead  
24 mitigation, or lead abatement work or supervision in a  
25 regulated facility.

26 "Lead-bearing substance" means any item containing or

1 coated with lead such that the lead content is more than  
2 six-hundredths of one percent (0.06%) lead by total weight; or  
3 any dust on surfaces or in furniture or other nonpermanent  
4 elements of the regulated facility; or any paint or other  
5 surface coating material containing more than five-tenths of  
6 one percent (0.5%) lead by total weight (calculated as lead  
7 metal) in the total non-volatile content of liquid paint; or  
8 lead-bearing substances containing greater than one milligram  
9 per square centimeter or any lower standard for lead content in  
10 residential paint as may be established by federal law or rule  
11 ; or more than 1 milligram per square centimeter in the dried  
12 film of paint or previously applied substance; or item or dust  
13 on item containing lead in excess of the amount specified in  
14 the rules authorized by this Act or a lower standard for lead  
15 content as may be established by federal law or rule.  
16 "Lead-bearing substance" does not include firearm ammunition  
17 or components as defined by Section 2-7.1 of the Criminal Code  
18 of 2012 ~~the Firearm Owners Identification Card Act.~~

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

21 "Lead hazard screen" means a lead risk assessment that  
22 involves limited dust and paint sampling for lead-bearing  
23 substances and lead hazards. This service is used as a  
24 screening tool designed to determine if further lead  
25 investigative services are required for the regulated  
26 facility.

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

3 "Lead inspector" means an individual who has been trained  
4 by a Department-approved training program and is licensed by  
5 the Department to conduct lead inspections; to sample for the  
6 presence of lead in paint, dust, soil, and water; and to  
7 conduct compliance investigations.

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

12 "Lead poisoning" means the condition of having blood lead  
13 levels in excess of those considered safe under State and  
14 federal rules.

15 "Lead risk assessment" means an on-site investigation to  
16 determine the existence, nature, severity, and location of lead  
17 hazards. "Lead risk assessment" includes any lead sampling and  
18 visual assessment associated with conducting a lead risk  
19 assessment and lead hazard screen and all lead sampling  
20 associated with compliance investigations.

21 "Lead risk assessor" means an individual who has been  
22 trained by a Department-approved training program and is  
23 licensed by the Department to conduct lead risk assessments,  
24 lead inspections, and lead hazard screens; to sample for the  
25 presence of lead in paint, dust, soil, water, and sources for  
26 lead-bearing substances; and to conduct compliance



1 investigations.

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

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

9 "Owner" means any person, who alone, jointly, or severally  
10 with others:

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

13 (b) Has charge, care, or control of the regulated  
14 facility as owner or agent of the owner, or as executor,  
15 administrator, trustee, or guardian of the estate of the  
16 owner.

17 "Person" means any individual, partnership, firm, company,  
18 limited liability company, corporation, association, joint  
19 stock company, trust, estate, political subdivision, State  
20 agency, or any other legal entity, or their legal  
21 representative, agent, or assign.

22 "Regulated facility" means a residential building or child  
23 care facility.

24 "Residential building" means any room, group of rooms, or  
25 other interior areas of a structure designed or used for human  
26 habitation; common areas accessible by inhabitants; and the

1 surrounding property or structures.

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

3 (430 ILCS 65/Act rep.)

4 Section 60. The Firearm Owners Identification Card Act is  
5 repealed.

6 Section 65. The Firearm Concealed Carry Act is amended by  
7 changing Sections 25, 30, 40, 70, 80, and 105 as follows:

8 (430 ILCS 66/25)

9 Sec. 25. Qualifications for a license.

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

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

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

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

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

1 years preceding the date of the license application; or

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

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

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

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

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

17 (430 ILCS 66/30)

18 Sec. 30. Contents of license application.

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

1 Code of 2012."

2 (b) The application shall contain the following:

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

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

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

19 (4) an affirmation that the applicant is not prohibited  
20 under State or federal law from possessing or receiving a  
21 firearm ~~possesses a currently valid Firearm Owner's~~  
22 ~~Identification Card and card number if possessed or notice~~  
23 ~~the applicant is applying for a Firearm Owner's~~  
24 ~~Identification Card in conjunction with the license~~  
25 ~~application;~~

26 (5) an affirmation that the applicant has not been

1 convicted or found guilty of:

2 (A) a felony;

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

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

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

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

19 (8) a full set of fingerprints submitted to the  
20 Department in electronic format, provided the Department  
21 may accept an application submitted without a set of  
22 fingerprints in which case the Department shall be granted  
23 30 days in addition to the 90 days provided under  
24 subsection (e) of Section 10 of this Act to issue or deny a  
25 license;

26 (9) a head and shoulder color photograph in a size

1 specified by the Department taken within the 30 days  
2 preceding the date of the license application; and

3 (10) a photocopy of any certificates or other evidence  
4 of compliance with the training requirements under this  
5 Act.

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

7 (430 ILCS 66/40)

8 Sec. 40. Non-resident license applications.

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

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

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

25 (1) the application and documentation required under

1 Section 30 of this Act and the applicable fee;

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

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

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

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

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

15 (3) a photocopy of any certificates or other evidence  
16 of compliance with the training requirements under Section  
17 75 of this Act; and

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

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

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

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

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

14 (2) is eligible to carry a firearm in public under the  
15 laws of his or her state or territory of residence, as  
16 evidenced by the possession of a concealed carry license or  
17 permit issued by his or her state of residence, if  
18 applicable; and

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

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

24 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)



1           Sec. 70. Violations.

2           (a) A license issued or renewed under this Act shall be  
3           revoked if, at any time, the licensee is found to be ineligible  
4           for a license under this Act or the licensee is prohibited from  
5           possessing a firearm under State or federal law ~~no longer meets~~  
6           ~~the eligibility requirements of the Firearm Owners~~  
7           ~~Identification Card Act.~~

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

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

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

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

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

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

1 Criminal Code of 2012. Except as otherwise provided in this  
2 subsection, nothing in this subsection prohibits the licensee  
3 from being subjected to penalties for violations other than  
4 those specified in this Act.

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

24 (h) (Blank). ~~A license issued or renewed under this Act~~  
25 ~~shall be revoked if, at any time, the licensee is found~~  
26 ~~ineligible for a Firearm Owner's Identification Card, or the~~

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

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

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

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

19 (430 ILCS 66/80)

20 Sec. 80. Certified firearms instructors.

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

25 (b) A person who is not a certified firearms instructor

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

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

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

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

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

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

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

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

23 (A) certification from a law enforcement agency;

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

26 (C) certification from a firearm instructor

1           qualification course offered by the Illinois Law  
2           Enforcement Training Standards Board; or

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

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

11          (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 98-718,  
12          eff. 1-1-15.)

13                   (430 ILCS 66/105)

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

1 the Mental Health and Developmental Disabilities Code 1.1 of  
2 ~~the Firearm Owners Identification Card Act.~~

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

4 Section 70. The Wildlife Code is amended by changing  
5 Sections 3.2 and 3.2a as follows:

6 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

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

1 and place of residence.

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

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

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



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

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

1 hunting license.

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

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

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

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

1 or permit in a space designated by the Department for that  
2 purpose.

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

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

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

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

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

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

1 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

2 Sec. 3.2a. Every person holding any license, permit or  
3 stamp issued under the provisions hereof shall have it in his  
4 possession for immediate presentation for inspection to the  
5 officers and authorized employees of the Department, any  
6 sheriff, deputy sheriff or any other peace officer making a  
7 demand for it. This provision shall not apply to Department  
8 owned or managed sites where it is required that all hunters  
9 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~  
10 ~~Identification Card~~ at the check station upon entering the  
11 hunting areas.

12 (Source: P.A. 85-152.)

13 Section 75. The Clerks of Courts Act is amended by changing  
14 Section 27.3a as follows:

15 (705 ILCS 105/27.3a)

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

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

1 county to charge and collect a court automation fee of not less  
2 than \$1 nor more than \$25 to be charged and collected by the  
3 clerk of the court. Such fee shall be paid at the time of  
4 filing the first pleading, paper or other appearance filed by  
5 each party in all civil cases or by the defendant in any  
6 felony, traffic, misdemeanor, municipal ordinance, or  
7 conservation case upon a judgment of guilty or grant of  
8 supervision, provided that the record keeping system which  
9 processes the case category for which the fee is charged is  
10 automated or has been approved for automation by the county  
11 board, and provided further that no additional fee shall be  
12 required if more than one party is presented in a single  
13 pleading, paper or other appearance. Such fee shall be  
14 collected in the manner in which all other fees or costs are  
15 collected.

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

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

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

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

13 1.5. Starting on June 1, 2014, a clerk of the circuit court  
14 in any county that imposes a fee pursuant to subsection 1 of  
15 this Section, shall charge and collect an additional fee in an  
16 amount equal to the amount of the fee imposed pursuant to  
17 subsection 1 of this Section, except the fee imposed under this  
18 subsection may not be more than \$15. This additional fee shall  
19 be paid by the defendant in any felony, traffic, misdemeanor,  
20 or local ordinance case upon a judgment of guilty or grant of  
21 supervision. This fee shall not be paid by the defendant for  
22 any violation listed in subsection 1.6 of this Section.

23 1.6. Starting on June 1, 2014, a clerk of the circuit court  
24 in any county that imposes a fee pursuant to subsection 1 of  
25 this Section shall charge and collect an additional fee in an  
26 amount equal to the amount of the fee imposed pursuant to

1 subsection 1 of this Section, except the fee imposed under this  
2 subsection may not be more than \$15. This additional fee shall  
3 be paid by the defendant upon a judgment of guilty or grant of  
4 supervision for a violation under the State Parks Act, the  
5 Recreational Trails of Illinois Act, the Illinois Explosives  
6 Act, the Timber Buyers Licensing Act, the Forest Products  
7 Transportation Act, ~~the Firearm Owners Identification Card~~  
8 ~~Act~~, the Environmental Protection Act, the Fish and Aquatic  
9 Life Code, the Wildlife Code, the Cave Protection Act, the  
10 Illinois Exotic Weed Act, the Illinois Forestry Development  
11 Act, the Ginseng Harvesting Act, the Illinois Lake Management  
12 Program Act, the Illinois Natural Areas Preservation Act, the  
13 Illinois Open Land Trust Act, the Open Space Lands Acquisition  
14 and Development Act, the Illinois Prescribed Burning Act, the  
15 State Forest Act, the Water Use Act of 1983, the Illinois  
16 Veteran, Youth, and Young Adult Conservation Jobs Act, the  
17 Snowmobile Registration and Safety Act, the Boat Registration  
18 and Safety Act, the Illinois Dangerous Animals Act, the Hunter  
19 and Fishermen Interference Prohibition Act, the Wrongful Tree  
20 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,  
21 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of  
22 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the  
23 Criminal Code of 2012.

24 2. With respect to the fee imposed under subsection 1 of  
25 this Section, each clerk shall commence such charges and  
26 collections upon receipt of written notice from the chairman of

1 the county board together with a certified copy of the board's  
2 resolution, which the clerk shall file of record in his office.

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

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

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



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

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

19           (Source: P.A. 97-46, eff. 7-1-12; 97-453, eff. 8-19-11; 97-738,  
20 eff. 7-5-12; 97-761, eff. 7-6-12; 97-813, eff. 7-13-12;  
21 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-375, eff.  
22 8-16-13; 98-606, eff. 6-1-14; 98-1016, eff. 8-22-14.)

23           Section 80. The Criminal Code of 2012 is amended by  
24 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,  
25 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,

1 24-3.5, 24-4.1, and 24-9 and adding Section 24-4.5 as follows:

2 (720 ILCS 5/2-7.1)

3 Sec. 2-7.1. "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition".  
4 "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition" means any  
5 self-contained cartridge or shotgun shell, by whatever name  
6 known, which is designed to be used or adaptable to use in a  
7 firearm; excluding, however:

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

12 (2) any ammunition designed exclusively for use with a stud  
13 or rivet driver or other similar industrial ammunition ~~have the~~  
14 ~~meanings ascribed to them in Section 1.1 of the Firearm Owners~~  
15 ~~Identification Card Act.~~

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

17 (720 ILCS 5/2-7.5)

18 Sec. 2-7.5. "Firearm". Except as otherwise provided in a  
19 specific Section, "firearm" means any device, by whatever name  
20 known, which is designed to expel a projectile or projectiles  
21 by the action of an explosion, expansion of gas or escape of  
22 gas; excluding, however:

23 (1) any pneumatic gun, spring gun, paint ball gun, or B-B  
24 gun which expels a single globular projectile not exceeding .18

1 inch in diameter or which has a maximum muzzle velocity of less  
2 than 700 feet per second;

3 (1.1) any pneumatic gun, spring gun, paint ball gun, or B-B  
4 gun which expels breakable paint balls containing washable  
5 marking colors;

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

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

12 (4) an antique firearm (other than a machine-gun) which,  
13 although designed as a weapon, the Department of State Police  
14 finds by reason of the date of its manufacture, value, design,  
15 and other characteristics is primarily a collector's item and  
16 is not likely to be used as a weapon ~~has the meaning ascribed~~  
17 ~~to it in Section 1.1 of the Firearm Owners Identification Card~~  
18 ~~Act.~~

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

20 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

21 Sec. 12-3.05. Aggravated battery.

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

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

3           (2) Causes severe and permanent disability, great  
4           bodily harm, or disfigurement by means of a caustic or  
5           flammable substance, a poisonous gas, a deadly biological  
6           or chemical contaminant or agent, a radioactive substance,  
7           or a bomb or explosive compound.

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

15                 (i) performing his or her official duties;

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

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

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

22          (5) Strangles another individual.

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

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

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

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

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

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

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

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

23                (4) A peace officer, community policing volunteer,  
24          fireman, private security officer, correctional  
25          institution employee, or Department of Human Services  
26          employee supervising or controlling sexually dangerous

1 persons or sexually violent persons:

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

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

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

19 (8) A taxi driver on duty.

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

24 (10) A person authorized to serve process under Section  
25 2-202 of the Code of Civil Procedure or a special process  
26 server appointed by the circuit court while that individual

1 is in the performance of his or her duties as a process  
2 server.

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

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

8 (1) Discharges a firearm, other than a machine gun or a  
9 firearm equipped with a silencer, and causes any injury to  
10 another person.

11 (2) Discharges a firearm, other than a machine gun or a  
12 firearm equipped with a silencer, and causes any injury to  
13 a person he or she knows to be a peace officer, community  
14 policing volunteer, person summoned by a police officer,  
15 fireman, private security officer, correctional  
16 institution employee, or emergency management 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 (3) Discharges a firearm, other than a machine gun or a  
23 firearm equipped with a silencer, and causes any injury to  
24 a person he or she knows to be an emergency medical  
25 technician employed by a municipality or other  
26 governmental unit:

- 1 (i) performing his or her official duties;  
2 (ii) battered to prevent performance of his or her  
3 official duties; or  
4 (iii) battered in retaliation for performing his  
5 or her official duties.

6 (4) Discharges a firearm and causes any injury to a  
7 person he or she knows to be a teacher, a student in a  
8 school, or a school employee, and the teacher, student, or  
9 employee is upon school grounds or grounds adjacent to a  
10 school or in any part of a building used for school  
11 purposes.

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

14 (6) Discharges a machine gun or a firearm equipped with  
15 a silencer, and causes any injury to a person he or she  
16 knows to be a peace officer, community policing volunteer,  
17 person summoned by a police officer, fireman, private  
18 security officer, correctional institution employee or  
19 emergency management worker:

- 20 (i) performing his or her official duties;  
21 (ii) battered to prevent performance of his or her  
22 official duties; or  
23 (iii) battered in retaliation for performing his  
24 or her official duties.

25 (7) Discharges a machine gun or a firearm equipped with  
26 a silencer, and causes any injury to a person he or she



1 knows to be an emergency medical technician employed by a  
2 municipality or other governmental unit:

3 (i) performing his or her official duties;

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

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

8 (8) Discharges a machine gun or a firearm equipped with  
9 a silencer, and causes any injury to a person he or she  
10 knows to be a teacher, or a student in a school, or a  
11 school employee, and the teacher, student, or employee is  
12 upon school grounds or grounds adjacent to a school or in  
13 any part of a building used for school purposes.

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

17 (1) Uses a deadly weapon other than by discharge of a  
18 firearm, or uses an air rifle as defined in Section  
19 24.8-0.1 of this Code.

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

22 (3) Knowingly and without lawful justification shines  
23 or flashes a laser gunsight or other laser device attached  
24 to a firearm, or used in concert with a firearm, so that  
25 the laser beam strikes upon or against the person of  
26 another.

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

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

6           (1) Violates Section 401 of the Illinois Controlled  
7           Substances Act by unlawfully delivering a controlled  
8           substance to another and any user experiences great bodily  
9           harm or permanent disability as a result of the injection,  
10          inhalation, or ingestion of any amount of the controlled  
11          substance.

12          (2) Knowingly administers to an individual or causes  
13          him or her to take, without his or her consent or by threat  
14          or deception, and for other than medical purposes, any  
15          intoxicating, poisonous, stupefying, narcotic, anesthetic,  
16          or controlled substance, or gives to another person any  
17          food containing any substance or object intended to cause  
18          physical injury if eaten.

19          (3) Knowingly causes or attempts to cause a  
20          correctional institution employee or Department of Human  
21          Services employee to come into contact with blood, seminal  
22          fluid, urine, or feces by throwing, tossing, or expelling  
23          the fluid or material, and the person is an inmate of a  
24          penal institution or is a sexually dangerous person or  
25          sexually violent person in the custody of the Department of  
26          Human Services.

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

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

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

7 Aggravated battery as defined in subdivision (a)(1) is a  
8 Class 1 felony when the aggravated battery was intentional and  
9 involved the infliction of torture, as defined in paragraph  
10 (14) of subsection (b) of Section 9-1 of this Code, as the  
11 infliction of or subjection to extreme physical pain, motivated  
12 by an intent to increase or prolong the pain, suffering, or  
13 agony of the victim.

14 Aggravated battery under subdivision (a)(5) is a Class 1  
15 felony if:

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

18 (B) the person caused great bodily harm or permanent  
19 disability or disfigurement to the other person while  
20 committing the offense; or

21 (C) the person has been previously convicted of a  
22 violation of subdivision (a)(5) under the laws of this  
23 State or laws similar to subdivision (a)(5) of any other  
24 state.

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

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

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

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

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

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

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

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

25           (3) if, during the commission of the offense, the  
26 person personally discharged a firearm that proximately

1           caused great bodily harm, permanent disability, permanent  
2           disfigurement, or death to another person, 25 years or up  
3           to a term of natural life shall be added to the term of  
4           imprisonment imposed by the court.

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

6           "Building or other structure used to provide shelter" has  
7           the meaning ascribed to "shelter" in Section 1 of the Domestic  
8           Violence Shelters Act.

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

11          "Domestic violence shelter" means any building or other  
12          structure used to provide shelter or other services to victims  
13          or to the dependent children of victims of domestic violence  
14          pursuant to the Illinois Domestic Violence Act of 1986 or the  
15          Domestic Violence Shelters Act, or any place within 500 feet of  
16          such a building or other structure in the case of a person who  
17          is going to or from such a building or other structure.

18          "Firearm" has the meaning provided under Section 2-7.5 of  
19          this Code ~~1.1 of the Firearm Owners Identification Card Act,~~  
20          and does not include an air rifle as defined by Section  
21          24.8-0.1 of this Code.

22          "Machine gun" has the meaning ascribed to it in Section  
23          24-1 of this Code.

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

26          "Strangle" means intentionally impeding the normal

1 breathing or circulation of the blood of an individual by  
2 applying pressure on the throat or neck of that individual or  
3 by blocking the nose or mouth of that individual.

4 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-227, eff.  
5 1-1-12, 97-313, eff. 1-1-12, and 97-467, eff. 1-1-12; 97-1109,  
6 eff. 1-1-13; 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,  
7 eff. 7-16-14.)

8 (720 ILCS 5/16-0.1)

9 Sec. 16-0.1. Definitions. In this Article, unless the  
10 context clearly requires otherwise, the following terms are  
11 defined as indicated:

12 "Access" means to use, instruct, communicate with, store  
13 data in, retrieve or intercept data from, or otherwise utilize  
14 any services of a computer.

15 "Coin-operated machine" includes any automatic vending  
16 machine or any part thereof, parking meter, coin telephone,  
17 coin-operated transit turnstile, transit fare box, coin  
18 laundry machine, coin dry cleaning machine, amusement machine,  
19 music machine, vending machine dispensing goods or services, or  
20 money changer.

21 "Communication device" means any type of instrument,  
22 device, machine, or equipment which is capable of transmitting,  
23 acquiring, decrypting, or receiving any telephonic,  
24 electronic, data, Internet access, audio, video, microwave, or  
25 radio transmissions, signals, communications, or services,

1 including the receipt, acquisition, transmission, or  
2 decryption of all such communications, transmissions, signals,  
3 or services provided by or through any cable television, fiber  
4 optic, telephone, satellite, microwave, radio, Internet-based,  
5 data transmission, or wireless distribution network, system or  
6 facility; or any part, accessory, or component thereof,  
7 including any computer circuit, security module, smart card,  
8 software, computer chip, electronic mechanism or other  
9 component, accessory or part of any communication device which  
10 is capable of facilitating the transmission, decryption,  
11 acquisition or reception of all such communications,  
12 transmissions, signals, or services.

13 "Communication service" means any service lawfully  
14 provided for a charge or compensation to facilitate the lawful  
15 origination, transmission, emission, or reception of signs,  
16 signals, data, writings, images, and sounds or intelligence of  
17 any nature by telephone, including cellular telephones or a  
18 wire, wireless, radio, electromagnetic, photo-electronic or  
19 photo-optical system; and also any service lawfully provided by  
20 any radio, telephone, cable television, fiber optic,  
21 satellite, microwave, Internet-based or wireless distribution  
22 network, system, facility or technology, including, but not  
23 limited to, any and all electronic, data, video, audio,  
24 Internet access, telephonic, microwave and radio  
25 communications, transmissions, signals and services, and any  
26 such communications, transmissions, signals and services

1 lawfully provided directly or indirectly by or through any of  
2 those networks, systems, facilities or technologies.

3 "Communication service provider" means: (1) any person or  
4 entity providing any communication service, whether directly  
5 or indirectly, as a reseller, including, but not limited to, a  
6 cellular, paging or other wireless communications company or  
7 other person or entity which, for a fee, supplies the facility,  
8 cell site, mobile telephone switching office or other equipment  
9 or communication service; (2) any person or entity owning or  
10 operating any cable television, fiber optic, satellite,  
11 telephone, wireless, microwave, radio, data transmission or  
12 Internet-based distribution network, system or facility; and  
13 (3) any person or entity providing any communication service  
14 directly or indirectly by or through any such distribution  
15 system, network or facility.

16 "Computer" means a device that accepts, processes, stores,  
17 retrieves or outputs data, and includes but is not limited to  
18 auxiliary storage and telecommunications devices connected to  
19 computers.

20 "Continuing course of conduct" means a series of acts, and  
21 the accompanying mental state necessary for the crime in  
22 question, irrespective of whether the series of acts are  
23 continuous or intermittent.

24 "Delivery container" means any bakery basket of wire or  
25 plastic used to transport or store bread or bakery products,  
26 any dairy case of wire or plastic used to transport or store



1 dairy products, and any dolly or cart of 2 or 4 wheels used to  
2 transport or store any bakery or dairy product.

3 "Document-making implement" means any implement,  
4 impression, template, computer file, computer disc, electronic  
5 device, computer hardware, computer software, instrument, or  
6 device that is used to make a real or fictitious or fraudulent  
7 personal identification document.

8 "Financial transaction device" means any of the following:

9 (1) An electronic funds transfer card.

10 (2) A credit card.

11 (3) A debit card.

12 (4) A point-of-sale card.

13 (5) Any instrument, device, card, plate, code, account  
14 number, personal identification number, or a record or copy  
15 of a code, account number, or personal identification  
16 number or other means of access to a credit account or  
17 deposit account, or a driver's license or State  
18 identification card used to access a proprietary account,  
19 other than access originated solely by a paper instrument,  
20 that can be used alone or in conjunction with another  
21 access device, for any of the following purposes:

22 (A) Obtaining money, cash refund or credit  
23 account, credit, goods, services, or any other thing of  
24 value.

25 (B) Certifying or guaranteeing to a person or  
26 business the availability to the device holder of funds

1 on deposit to honor a draft or check payable to the  
2 order of that person or business.

3 (C) Providing the device holder access to a deposit  
4 account for the purpose of making deposits,  
5 withdrawing funds, transferring funds between deposit  
6 accounts, obtaining information pertaining to a  
7 deposit account, or making an electronic funds  
8 transfer.

9 "Full retail value" means the merchant's stated or  
10 advertised price of the merchandise. "Full retail value"  
11 includes the aggregate value of property obtained from retail  
12 thefts committed by the same person as part of a continuing  
13 course of conduct from one or more mercantile establishments in  
14 a single transaction or in separate transactions over a period  
15 of one year.

16 "Internet" means an interactive computer service or system  
17 or an information service, system, or access software provider  
18 that provides or enables computer access by multiple users to a  
19 computer server, and includes, but is not limited to, an  
20 information service, system, or access software provider that  
21 provides access to a network system commonly known as the  
22 Internet, or any comparable system or service and also  
23 includes, but is not limited to, a World Wide Web page,  
24 newsgroup, message board, mailing list, or chat area on any  
25 interactive computer service or system or other online service.

26 "Library card" means a card or plate issued by a library

1 facility for purposes of identifying the person to whom the  
2 library card was issued as authorized to borrow library  
3 material, subject to all limitations and conditions imposed on  
4 the borrowing by the library facility issuing such card.

5 "Library facility" includes any public library or museum,  
6 or any library or museum of an educational, historical or  
7 eleemosynary institution, organization or society.

8 "Library material" includes any book, plate, picture,  
9 photograph, engraving, painting, sculpture, statue, artifact,  
10 drawing, map, newspaper, pamphlet, broadside, magazine,  
11 manuscript, document, letter, microfilm, sound recording,  
12 audiovisual material, magnetic or other tape, electronic data  
13 processing record or other documentary, written or printed  
14 material regardless of physical form or characteristics, or any  
15 part thereof, belonging to, or on loan to or otherwise in the  
16 custody of a library facility.

17 "Manufacture or assembly of an unlawful access device"  
18 means to make, produce or assemble an unlawful access device or  
19 to modify, alter, program or re-program any instrument, device,  
20 machine, equipment or software so that it is capable of  
21 defeating or circumventing any technology, device or software  
22 used by the provider, owner or licensee of a communication  
23 service or of any data, audio or video programs or  
24 transmissions to protect any such communication, data, audio or  
25 video services, programs or transmissions from unauthorized  
26 access, acquisition, disclosure, receipt, decryption,

1 communication, transmission or re-transmission.

2 "Manufacture or assembly of an unlawful communication  
3 device" means to make, produce or assemble an unlawful  
4 communication or wireless device or to modify, alter, program  
5 or reprogram a communication or wireless device to be capable  
6 of acquiring, disrupting, receiving, transmitting, decrypting,  
7 or facilitating the acquisition, disruption, receipt,  
8 transmission or decryption of, a communication service without  
9 the express consent or express authorization of the  
10 communication service provider, or to knowingly assist others  
11 in those activities.

12 "Master sound recording" means the original physical  
13 object on which a given set of sounds were first recorded and  
14 which the original object from which all subsequent sound  
15 recordings embodying the same set of sounds are directly or  
16 indirectly derived.

17 "Merchandise" means any item of tangible personal  
18 property, including motor fuel.

19 "Merchant" means an owner or operator of any retail  
20 mercantile establishment or any agent, employee, lessee,  
21 consignee, officer, director, franchisee, or independent  
22 contractor of the owner or operator. "Merchant" also means a  
23 person who receives from an authorized user of a payment card,  
24 or someone the person believes to be an authorized user, a  
25 payment card or information from a payment card, or what the  
26 person believes to be a payment card or information from a

1 payment card, as the instrument for obtaining, purchasing or  
2 receiving goods, services, money, or anything else of value  
3 from the person.

4 "Motor fuel" means a liquid, regardless of its properties,  
5 used to propel a vehicle, including gasoline and diesel.

6 "Online" means the use of any electronic or wireless device  
7 to access the Internet.

8 "Payment card" means a credit card, charge card, debit  
9 card, or any other card that is issued to an authorized card  
10 user and that allows the user to obtain, purchase, or receive  
11 goods, services, money, or anything else of value from a  
12 merchant.

13 "Person with a disability" means a person who suffers from  
14 a physical or mental impairment resulting from disease, injury,  
15 functional disorder or congenital condition that impairs the  
16 individual's mental or physical ability to independently  
17 manage his or her property or financial resources, or both.

18 "Personal identification document" means a birth  
19 certificate, a driver's license, a State identification card, a  
20 public, government, or private employment identification card,  
21 a social security card, a license issued under the Firearm  
22 Concealed Carry Act ~~firearm owner's identification card~~, a  
23 credit card, a debit card, or a passport issued to or on behalf  
24 of a person other than the offender, or any document made or  
25 issued, or falsely purported to have been made or issued, by or  
26 under the authority of the United States Government, the State

1 of Illinois, or any other state political subdivision of any  
2 state, or any other governmental or quasi-governmental  
3 organization that is of a type intended for the purpose of  
4 identification of an individual, or any such document made or  
5 altered in a manner that it falsely purports to have been made  
6 on behalf of or issued to another person or by the authority of  
7 one who did not give that authority.

8 "Personal identifying information" means any of the  
9 following information:

10 (1) A person's name.

11 (2) A person's address.

12 (3) A person's date of birth.

13 (4) A person's telephone number.

14 (5) A person's driver's license number or State of  
15 Illinois identification card as assigned by the Secretary  
16 of State of the State of Illinois or a similar agency of  
17 another state.

18 (6) A person's social security number.

19 (7) A person's public, private, or government  
20 employer, place of employment, or employment  
21 identification number.

22 (8) The maiden name of a person's mother.

23 (9) The number assigned to a person's depository  
24 account, savings account, or brokerage account.

25 (10) The number assigned to a person's credit or debit  
26 card, commonly known as a "Visa Card", "MasterCard",

1 "American Express Card", "Discover Card", or other similar  
2 cards whether issued by a financial institution,  
3 corporation, or business entity.

4 (11) Personal identification numbers.

5 (12) Electronic identification numbers.

6 (13) Digital signals.

7 (14) User names, passwords, and any other word, number,  
8 character or combination of the same usable in whole or  
9 part to access information relating to a specific  
10 individual, or to the actions taken, communications made or  
11 received, or other activities or transactions of a specific  
12 individual.

13 (15) Any other numbers or information which can be used  
14 to access a person's financial resources, or to identify a  
15 specific individual, or the actions taken, communications  
16 made or received, or other activities or transactions of a  
17 specific individual.

18 "Premises of a retail mercantile establishment" includes,  
19 but is not limited to, the retail mercantile establishment; any  
20 common use areas in shopping centers; and all parking areas set  
21 aside by a merchant or on behalf of a merchant for the parking  
22 of vehicles for the convenience of the patrons of such retail  
23 mercantile establishment.

24 "Public water, gas, or power supply, or other public  
25 services" mean any service subject to regulation by the  
26 Illinois Commerce Commission; any service furnished by a public

1 utility that is owned and operated by any political  
2 subdivision, public institution of higher education or  
3 municipal corporation of this State; any service furnished by  
4 any public utility that is owned by such political subdivision,  
5 public institution of higher education, or municipal  
6 corporation and operated by any of its lessees or operating  
7 agents; any service furnished by an electric cooperative as  
8 defined in Section 3.4 of the Electric Supplier Act; or  
9 wireless service or other service regulated by the Federal  
10 Communications Commission.

11 "Publish" means to communicate or disseminate information  
12 to any one or more persons, either orally, in person, or by  
13 telephone, radio or television or in writing of any kind,  
14 including, without limitation, a letter or memorandum,  
15 circular or handbill, newspaper or magazine article or book.

16 "Radio frequency identification device" means any  
17 implement, computer file, computer disc, electronic device,  
18 computer hardware, computer software, or instrument that is  
19 used to activate, read, receive, or decode information stored  
20 on a RFID tag or transponder attached to a personal  
21 identification document.

22 "RFID tag or transponder" means a chip or device that  
23 contains personal identifying information from which the  
24 personal identifying information can be read or decoded by  
25 another device emitting a radio frequency that activates or  
26 powers a radio frequency emission response from the chip or



1 transponder.

2 "Reencoder" means an electronic device that places encoded  
3 information from the magnetic strip or stripe of a payment card  
4 onto the magnetic strip or stripe of a different payment card.

5 "Retail mercantile establishment" means any place where  
6 merchandise is displayed, held, stored or offered for sale to  
7 the public.

8 "Scanning device" means a scanner, reader, or any other  
9 electronic device that is used to access, read, scan, obtain,  
10 memorize, or store, temporarily or permanently, information  
11 encoded on the magnetic strip or stripe of a payment card.

12 "Shopping cart" means those push carts of the type or types  
13 which are commonly provided by grocery stores, drug stores or  
14 other retail mercantile establishments for the use of the  
15 public in transporting commodities in stores and markets and,  
16 incidentally, from the stores to a place outside the store.

17 "Sound or audio visual recording" means any sound or audio  
18 visual phonograph record, disc, pre-recorded tape, film, wire,  
19 magnetic tape or other object, device or medium, now known or  
20 hereafter invented, by which sounds or images may be reproduced  
21 with or without the use of any additional machine, equipment or  
22 device.

23 "Theft detection device remover" means any tool or device  
24 specifically designed and intended to be used to remove any  
25 theft detection device from any merchandise.

26 "Under-ring" means to cause the cash register or other

1 sales recording device to reflect less than the full retail  
2 value of the merchandise.

3 "Unidentified sound or audio visual recording" means a  
4 sound or audio visual recording without the actual name and  
5 full and correct street address of the manufacturer, and the  
6 name of the actual performers or groups prominently and legibly  
7 printed on the outside cover or jacket and on the label of such  
8 sound or audio visual recording.

9 "Unlawful access device" means any type of instrument,  
10 device, machine, equipment, technology, or software which is  
11 primarily possessed, used, designed, assembled, manufactured,  
12 sold, distributed or offered, promoted or advertised for the  
13 purpose of defeating or circumventing any technology, device or  
14 software, or any component or part thereof, used by the  
15 provider, owner or licensee of any communication service or of  
16 any data, audio or video programs or transmissions to protect  
17 any such communication, audio or video services, programs or  
18 transmissions from unauthorized access, acquisition, receipt,  
19 decryption, disclosure, communication, transmission or  
20 re-transmission.

21 "Unlawful communication device" means any electronic  
22 serial number, mobile identification number, personal  
23 identification number or any communication or wireless device  
24 that is capable of acquiring or facilitating the acquisition of  
25 a communication service without the express consent or express  
26 authorization of the communication service provider, or that

1 has been altered, modified, programmed or reprogrammed, alone  
2 or in conjunction with another communication or wireless device  
3 or other equipment, to so acquire or facilitate the  
4 unauthorized acquisition of a communication service. "Unlawful  
5 communication device" also means:

6 (1) any phone altered to obtain service without the  
7 express consent or express authorization of the  
8 communication service provider, tumbler phone, counterfeit  
9 or clone phone, tumbler microchip, counterfeit or clone  
10 microchip, scanning receiver of wireless communication  
11 service or other instrument capable of disguising its  
12 identity or location or of gaining unauthorized access to a  
13 communications or wireless system operated by a  
14 communication service provider; and

15 (2) any communication or wireless device which is  
16 capable of, or has been altered, designed, modified,  
17 programmed or reprogrammed, alone or in conjunction with  
18 another communication or wireless device or devices, so as  
19 to be capable of, facilitating the disruption,  
20 acquisition, receipt, transmission or decryption of a  
21 communication service without the express consent or  
22 express authorization of the communication service  
23 provider, including, but not limited to, any device,  
24 technology, product, service, equipment, computer software  
25 or component or part thereof, primarily distributed, sold,  
26 designed, assembled, manufactured, modified, programmed,

1 reprogrammed or used for the purpose of providing the  
2 unauthorized receipt of, transmission of, disruption of,  
3 decryption of, access to or acquisition of any  
4 communication service provided by any communication  
5 service provider.

6 "Vehicle" means a motor vehicle, motorcycle, or farm  
7 implement that is self-propelled and that uses motor fuel for  
8 propulsion.

9 "Wireless device" includes any type of instrument, device,  
10 machine, or equipment that is capable of transmitting or  
11 receiving telephonic, electronic or radio communications, or  
12 any part of such instrument, device, machine, or equipment, or  
13 any computer circuit, computer chip, electronic mechanism, or  
14 other component that is capable of facilitating the  
15 transmission or reception of telephonic, electronic, or radio  
16 communications.

17 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.  
18 1-1-12; 97-1109, eff. 1-1-13.)

19 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

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

22 (a) Unlawful sale of household appliances. A person commits  
23 unlawful sale of household appliances when he or she knowingly,  
24 with the intent to defraud or deceive another, keeps for sale,  
25 within any commercial context, any household appliance with a

1 missing, defaced, obliterated, or otherwise altered  
2 manufacturer's identification number.

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

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

1 projects upon which any such serial number, product  
2 identification number, part number, component identification  
3 number, owner-applied identification number, or other mark of  
4 identification has been changed, altered, removed, or  
5 obliterated.

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

17 (d) Sentence.

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

22 (2) A violation of subsection (b) of this Section is a  
23 Class A misdemeanor.

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

26 (e) No liability shall be imposed upon any person for the

1 unintentional failure to comply with subsection (a).

2 (f) Definitions. In this Section:

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

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

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

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

22 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

23 Sec. 24-1. Unlawful Use of Weapons.

24 (a) A person commits the offense of unlawful use of weapons  
25 when he knowingly:

1           (1) Sells, manufactures, purchases, possesses or  
2 carries any bludgeon, black-jack, slung-shot, sand-club,  
3 sand-bag, metal knuckles or other knuckle weapon  
4 regardless of its composition, throwing star, or any knife,  
5 commonly referred to as a switchblade knife, which has a  
6 blade that opens automatically by hand pressure applied to  
7 a button, spring or other device in the handle of the  
8 knife, or a ballistic knife, which is a device that propels  
9 a knifelike blade as a projectile by means of a coil  
10 spring, elastic material or compressed gas; or

11           (2) Carries or possesses with intent to use the same  
12 unlawfully against another, a dagger, dirk, billy,  
13 dangerous knife, razor, stiletto, broken bottle or other  
14 piece of glass, stun gun or taser or any other dangerous or  
15 deadly weapon or instrument of like character; or

16           (3) Carries on or about his person or in any vehicle, a  
17 tear gas gun projector or bomb or any object containing  
18 noxious liquid gas or substance, other than an object  
19 containing a non-lethal noxious liquid gas or substance  
20 designed solely for personal defense carried by a person 18  
21 years of age or older; or

22           (4) Carries or possesses in any vehicle or concealed on  
23 or about his person except when on his land or in his own  
24 abode, legal dwelling, or fixed place of business, or on  
25 the land or in the legal dwelling of another person as an  
26 invitee with that person's permission, any pistol,



1 revolver, stun gun or taser or other firearm, except that  
2 this subsection (a) (4) does not apply to or affect  
3 transportation of weapons that meet one of the following  
4 conditions:

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

6 (ii) are not immediately accessible; or

7 (iii) are unloaded and enclosed in a case, firearm  
8 carrying box, shipping box, or other container by a  
9 person eligible under State and federal law to possess  
10 a firearm ~~who has been issued a currently valid Firearm~~  
11 ~~Owner's Identification Card~~; or

12 (5) Sets a spring gun; or

13 (6) Possesses any device or attachment of any kind  
14 designed, used or intended for use in silencing the report  
15 of any firearm; or

16 (7) Sells, manufactures, purchases, possesses or  
17 carries:

18 (i) a machine gun, which shall be defined for the  
19 purposes of this subsection as any weapon, which  
20 shoots, is designed to shoot, or can be readily  
21 restored to shoot, automatically more than one shot  
22 without manually reloading by a single function of the  
23 trigger, including the frame or receiver of any such  
24 weapon, or sells, manufactures, purchases, possesses,  
25 or carries any combination of parts designed or  
26 intended for use in converting any weapon into a

1 machine gun, or any combination or parts from which a  
2 machine gun can be assembled if such parts are in the  
3 possession or under the control of a person;

4 (ii) any rifle having one or more barrels less than  
5 16 inches in length or a shotgun having one or more  
6 barrels less than 18 inches in length or any weapon  
7 made from a rifle or shotgun, whether by alteration,  
8 modification, or otherwise, if such a weapon as  
9 modified has an overall length of less than 26 inches;

10 or

11 (iii) any bomb, bomb-shell, grenade, bottle or  
12 other container containing an explosive substance of  
13 over one-quarter ounce for like purposes, such as, but  
14 not limited to, black powder bombs and Molotov  
15 cocktails or artillery projectiles; or

16 (8) Carries or possesses any firearm, stun gun or taser  
17 or other deadly weapon in any place which is licensed to  
18 sell intoxicating beverages, or at any public gathering  
19 held pursuant to a license issued by any governmental body  
20 or any public gathering at which an admission is charged,  
21 excluding a place where a showing, demonstration or lecture  
22 involving the exhibition of unloaded firearms is  
23 conducted.

24 This subsection (a) (8) does not apply to any auction or  
25 raffle of a firearm held pursuant to a license or permit  
26 issued by a governmental body, nor does it apply to persons

1 engaged in firearm safety training courses; or

2 (9) Carries or possesses in a vehicle or on or about  
3 his person any pistol, revolver, stun gun or taser or  
4 firearm or ballistic knife, when he is hooded, robed or  
5 masked in such manner as to conceal his identity; or

6 (10) Carries or possesses on or about his person, upon  
7 any public street, alley, or other public lands within the  
8 corporate limits of a city, village or incorporated town,  
9 except when an invitee thereon or therein, for the purpose  
10 of the display of such weapon or the lawful commerce in  
11 weapons, or except when on his land or in his own abode,  
12 legal dwelling, or fixed place of business, or on the land  
13 or in the legal dwelling of another person as an invitee  
14 with that person's permission, any pistol, revolver, stun  
15 gun or taser or other firearm, except that this subsection  
16 (a) (10) does not apply to or affect transportation of  
17 weapons that meet one of the following conditions:

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

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm  
21 carrying box, shipping box, or other container by a  
22 person eligible under State or federal law to possess a  
23 firearm ~~who has been issued a currently valid Firearm~~  
24 ~~Owner's Identification Card.~~

25 A "stun gun or taser", as used in this paragraph (a)  
26 means (i) any device which is powered by electrical

1 charging units, such as, batteries, and which fires one or  
2 several barbs attached to a length of wire and which, upon  
3 hitting a human, can send out a current capable of  
4 disrupting the person's nervous system in such a manner as  
5 to render him incapable of normal functioning or (ii) any  
6 device which is powered by electrical charging units, such  
7 as batteries, and which, upon contact with a human or  
8 clothing worn by a human, can send out current capable of  
9 disrupting the person's nervous system in such a manner as  
10 to render him incapable of normal functioning; or

11 (11) Sells, manufactures or purchases any explosive  
12 bullet. For purposes of this paragraph (a) "explosive  
13 bullet" means the projectile portion of an ammunition  
14 cartridge which contains or carries an explosive charge  
15 which will explode upon contact with the flesh of a human  
16 or an animal. "Cartridge" means a tubular metal case having  
17 a projectile affixed at the front thereof and a cap or  
18 primer at the rear end thereof, with the propellant  
19 contained in such tube between the projectile and the cap;  
20 or

21 (12) (Blank); or

22 (13) Carries or possesses on or about his or her person  
23 while in a building occupied by a unit of government, a  
24 billy club, other weapon of like character, or other  
25 instrument of like character intended for use as a weapon.  
26 For the purposes of this Section, "billy club" means a

1 short stick or club commonly carried by police officers  
2 which is either telescopic or constructed of a solid piece  
3 of wood or other man-made material.

4 (b) Sentence. A person convicted of a violation of  
5 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
6 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
7 Class A misdemeanor. A person convicted of a violation of  
8 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
9 person convicted of a violation of subsection 24-1(a)(6) or  
10 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
11 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
12 Class 2 felony and shall be sentenced to a term of imprisonment  
13 of not less than 3 years and not more than 7 years, unless the  
14 weapon is possessed in the passenger compartment of a motor  
15 vehicle as defined in Section 1-146 of the Illinois Vehicle  
16 Code, or on the person, while the weapon is loaded, in which  
17 case it shall be a Class X felony. A person convicted of a  
18 second or subsequent violation of subsection 24-1(a)(4),  
19 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
20 felony. The possession of each weapon in violation of this  
21 Section constitutes a single and separate violation.

22 (c) Violations in specific places.

23 (1) A person who violates subsection 24-1(a)(6) or  
24 24-1(a)(7) in any school, regardless of the time of day or  
25 the time of year, in residential property owned, operated  
26 or managed by a public housing agency or leased by a public

1 housing agency as part of a scattered site or mixed-income  
2 development, in a public park, in a courthouse, on the real  
3 property comprising any school, regardless of the time of  
4 day or the time of year, on residential property owned,  
5 operated or managed by a public housing agency or leased by  
6 a public housing agency as part of a scattered site or  
7 mixed-income development, on the real property comprising  
8 any public park, on the real property comprising any  
9 courthouse, in any conveyance owned, leased or contracted  
10 by a school to transport students to or from school or a  
11 school related activity, in any conveyance owned, leased,  
12 or contracted by a public transportation agency, or on any  
13 public way within 1,000 feet of the real property  
14 comprising any school, public park, courthouse, public  
15 transportation facility, or residential property owned,  
16 operated, or managed by a public housing agency or leased  
17 by a public housing agency as part of a scattered site or  
18 mixed-income development commits a Class 2 felony and shall  
19 be sentenced to a term of imprisonment of not less than 3  
20 years and not more than 7 years.

21 (1.5) A person who violates subsection 24-1(a)(4),  
22 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
23 time of day or the time of year, in residential property  
24 owned, operated, or managed by a public housing agency or  
25 leased by a public housing agency as part of a scattered  
26 site or mixed-income development, in a public park, in a

1 courthouse, on the real property comprising any school,  
2 regardless of the time of day or the time of year, on  
3 residential property owned, operated, or managed by a  
4 public housing agency or leased by a public housing agency  
5 as part of a scattered site or mixed-income development, on  
6 the real property comprising any public park, on the real  
7 property comprising any courthouse, in any conveyance  
8 owned, leased, or contracted by a school to transport  
9 students to or from school or a school related activity, in  
10 any conveyance owned, leased, or contracted by a public  
11 transportation agency, or on any public way within 1,000  
12 feet of the real property comprising any school, public  
13 park, courthouse, public transportation facility, or  
14 residential property owned, operated, or managed by a  
15 public housing agency or leased by a public housing agency  
16 as part of a scattered site or mixed-income development  
17 commits a Class 3 felony.

18 (2) A person who violates subsection 24-1(a)(1),  
19 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
20 time of day or the time of year, in residential property  
21 owned, operated or managed by a public housing agency or  
22 leased by a public housing agency as part of a scattered  
23 site or mixed-income development, in a public park, in a  
24 courthouse, on the real property comprising any school,  
25 regardless of the time of day or the time of year, on  
26 residential property owned, operated or managed by a public

1 housing agency or leased by a public housing agency as part  
2 of a scattered site or mixed-income development, on the  
3 real property comprising any public park, on the real  
4 property comprising any courthouse, in any conveyance  
5 owned, leased or contracted by a school to transport  
6 students to or from school or a school related activity, in  
7 any conveyance owned, leased, or contracted by a public  
8 transportation agency, or on any public way within 1,000  
9 feet of the real property comprising any school, public  
10 park, courthouse, public transportation facility, or  
11 residential property owned, operated, or managed by a  
12 public housing agency or leased by a public housing agency  
13 as part of a scattered site or mixed-income development  
14 commits a Class 4 felony. "Courthouse" means any building  
15 that is used by the Circuit, Appellate, or Supreme Court of  
16 this State for the conduct of official business.

17 (3) Paragraphs (1), (1.5), and (2) of this subsection  
18 (c) shall not apply to law enforcement officers or security  
19 officers of such school, college, or university or to  
20 students carrying or possessing firearms for use in  
21 training courses, parades, hunting, target shooting on  
22 school ranges, or otherwise with the consent of school  
23 authorities and which firearms are transported unloaded  
24 enclosed in a suitable case, box, or transportation  
25 package.

26 (4) For the purposes of this subsection (c), "school"



1 means any public or private elementary or secondary school,  
2 community college, college, or university.

3 (5) For the purposes of this subsection (c), "public  
4 transportation agency" means a public or private agency  
5 that provides for the transportation or conveyance of  
6 persons by means available to the general public, except  
7 for transportation by automobiles not used for conveyance  
8 of the general public as passengers; and "public  
9 transportation facility" means a terminal or other place  
10 where one may obtain public transportation.

11 (d) The presence in an automobile other than a public  
12 omnibus of any weapon, instrument or substance referred to in  
13 subsection (a) (7) is prima facie evidence that it is in the  
14 possession of, and is being carried by, all persons occupying  
15 such automobile at the time such weapon, instrument or  
16 substance is found, except under the following circumstances:  
17 (i) if such weapon, instrument or instrumentality is found upon  
18 the person of one of the occupants therein; or (ii) if such  
19 weapon, instrument or substance is found in an automobile  
20 operated for hire by a duly licensed driver in the due, lawful  
21 and proper pursuit of his trade, then such presumption shall  
22 not apply to the driver.

23 (e) Exemptions. Crossbows, Common or Compound bows and  
24 Underwater Spearguns are exempted from the definition of  
25 ballistic knife as defined in paragraph (1) of subsection (a)  
26 of this Section.

1 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
2 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
3 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

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

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

8 (a) It is unlawful for a person to knowingly possess on or  
9 about his person or on his land or in his own abode or fixed  
10 place of business any weapon prohibited under Section 24-1 of  
11 this Act or any firearm or any firearm ammunition if the person  
12 has been convicted of a felony under the laws of this State or  
13 any other jurisdiction. This Section shall not apply if the  
14 person has been granted relief under this subsection ~~by the~~  
15 ~~Director of the Department of State Police under Section 10 of~~  
16 ~~the Firearm Owners Identification Card Act.~~ A person prohibited  
17 from possessing a firearm under this subsection (a) may  
18 petition the Director of State Police for a hearing and relief  
19 from the prohibition, unless the prohibition was based upon a  
20 forcible felony, stalking, aggravated stalking, domestic  
21 battery, any violation of the Illinois Controlled Substances  
22 Act, the Methamphetamine Control and Community Protection Act,  
23 or the Cannabis Control Act that is classified as a Class 2 or  
24 greater felony, any felony violation of Article 24 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012, or any

1 adjudication as a delinquent minor for the commission of an  
2 offense that if committed by an adult would be a felony, in  
3 which case the person may petition the circuit court in writing  
4 in the county of his or her residence for a hearing and relief  
5 from the prohibition. The Director or court may grant the  
6 relief if it is established by the petitioner to the court's or  
7 Director's satisfaction that:

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

13 (2) the petitioner has not been convicted of a forcible  
14 felony under the laws of this State or any other  
15 jurisdiction within 20 years of the filing of the petition,  
16 or at least 20 years have passed since the end of any  
17 period of imprisonment imposed in relation to that  
18 conviction;

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

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

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

1 (b) It is unlawful for any person confined in a penal  
2 institution, which is a facility of the Illinois Department of  
3 Corrections, to possess any weapon prohibited under Section  
4 24-1 of this Code or any firearm or firearm ammunition,  
5 regardless of the intent with which he possesses it.

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

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

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

1 person shall be sentenced to not less than 3 years and not more  
2 than 14 years. Violation of this Section by a person who is on  
3 parole or mandatory supervised release is a Class 2 felony for  
4 which the person shall be sentenced to not less than 3 years  
5 and not more than 14 years. Violation of this Section by a  
6 person not confined in a penal institution is a Class X felony  
7 when the firearm possessed is a machine gun. Any person who  
8 violates this Section while confined in a penal institution,  
9 which is a facility of the Illinois Department of Corrections,  
10 is guilty of a Class 1 felony, if he possesses any weapon  
11 prohibited under Section 24-1 of this Code regardless of the  
12 intent with which he possesses it, a Class X felony if he  
13 possesses any firearm, firearm ammunition or explosive, and a  
14 Class X felony for which the offender shall be sentenced to not  
15 less than 12 years and not more than 50 years when the firearm  
16 possessed is a machine gun. A violation of this Section while  
17 wearing or in possession of body armor as defined in Section  
18 33F-1 is a Class X felony punishable by a term of imprisonment  
19 of not less than 10 years and not more than 40 years. The  
20 possession of each firearm or firearm ammunition in violation  
21 of this Section constitutes a single and separate violation.  
22 (Source: P.A. 97-237, eff. 1-1-12.)

23 (720 ILCS 5/24-1.6)

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

25 (a) A person commits the offense of aggravated unlawful use

1 of a weapon when he or she knowingly:

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

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

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

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

24 (A-5) the pistol, revolver, or handgun possessed  
25 was uncased, loaded, and immediately accessible at the  
26 time of the offense and the person possessing the

1 pistol, revolver, or handgun has not been issued a  
2 currently valid license under the Firearm Concealed  
3 Carry Act; or

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

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

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

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

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

1 (F) (blank); or

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

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

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

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

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

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

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

21 (ii) are not immediately accessible; or

22 (iii) are unloaded and enclosed in a case, firearm  
23 carrying box, shipping box, or other container by a person  
24 who is eligible under State and federal law to possess a  
25 firearm ~~has been issued a currently valid Firearm Owner's~~  
26 ~~Identification Card.~~



1 (d) Sentence.

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

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

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

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

1 a Class X felony.

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

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

5 (720 ILCS 5/24-1.8)

6 Sec. 24-1.8. Unlawful possession of a firearm by a street  
7 gang member.

8 (a) A person commits unlawful possession of a firearm by a  
9 street gang member when he or she knowingly:

10 (1) possesses, carries, or conceals on or about his or  
11 her person a firearm and firearm ammunition while on any  
12 street, road, alley, gangway, sidewalk, or any other lands,  
13 except when inside his or her own abode or inside his or  
14 her fixed place of business, ~~and has not been issued a~~  
15 ~~currently valid Firearm Owner's Identification Card~~ and is  
16 a member of a street gang; or

17 (2) possesses or carries in any vehicle a firearm and  
18 firearm ammunition which are both immediately accessible  
19 at the time of the offense while on any street, road,  
20 alley, or any other lands, except when inside his or her  
21 own abode or garage, ~~and has not been issued a currently~~  
22 ~~valid Firearm Owner's Identification Card~~ and is a member  
23 of a street gang.

24 (b) Unlawful possession of a firearm by a street gang  
25 member is a Class 2 felony for which the person, if sentenced

1 to a term of imprisonment, shall be sentenced to no less than 3  
2 years and no more than 10 years. A period of probation, a term  
3 of periodic imprisonment or conditional discharge shall not be  
4 imposed for the offense of unlawful possession of a firearm by  
5 a street gang member when the firearm was loaded or contained  
6 firearm ammunition and the court shall sentence the offender to  
7 not less than the minimum term of imprisonment authorized for  
8 the Class 2 felony.

9 (c) For purposes of this Section:

10 "Street gang" or "gang" has the meaning ascribed to it  
11 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
12 Prevention Act.

13 "Street gang member" or "gang member" has the meaning  
14 ascribed to it in Section 10 of the Illinois Streetgang  
15 Terrorism Omnibus Prevention Act.

16 (Source: P.A. 96-829, eff. 12-3-09.)

17 (720 ILCS 5/24-2)

18 Sec. 24-2. Exemptions.

19 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
20 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
21 the following:

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

25 (2) Wardens, superintendents and keepers of prisons,

1 penitentiaries, jails and other institutions for the  
2 detention of persons accused or convicted of an offense,  
3 while in the performance of their official duty, or while  
4 commuting between their homes and places of employment.

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

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

16 (5) Persons licensed as private security contractors,  
17 private detectives, or private alarm contractors, or  
18 employed by an agency certified by the Department of  
19 Financial and Professional Regulation, if their duties  
20 include the carrying of a weapon under the provisions of  
21 the Private Detective, Private Alarm, Private Security,  
22 Fingerprint Vendor, and Locksmith Act of 2004, while  
23 actually engaged in the performance of the duties of their  
24 employment or commuting between their homes and places of  
25 employment, provided that such commuting is accomplished  
26 within one hour from departure from home or place of

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

18 (6) Any person regularly employed in a commercial or  
19 industrial operation as a security guard for the protection  
20 of persons employed and private property related to such  
21 commercial or industrial operation, while actually engaged  
22 in the performance of his or her duty or traveling between  
23 sites or properties belonging to the employer, and who, as  
24 a security guard, is a member of a security force of at  
25 least 5 persons registered with the Department of Financial  
26 and Professional Regulation; provided that such security

1 guard has successfully completed a course of study,  
2 approved by and supervised by the Department of Financial  
3 and Professional Regulation, consisting of not less than 40  
4 hours of training that includes the theory of law  
5 enforcement, liability for acts, and the handling of  
6 weapons. A person shall be considered eligible for this  
7 exemption if he or she has completed the required 20 hours  
8 of training for a security officer and 20 hours of required  
9 firearm training, and has been issued a firearm control  
10 card by the Department of Financial and Professional  
11 Regulation. Conditions for the renewal of firearm control  
12 cards issued under the provisions of this Section shall be  
13 the same as for those cards issued under the provisions of  
14 the Private Detective, Private Alarm, Private Security,  
15 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
16 control card shall be carried by the security guard at all  
17 times when he or she is in possession of a concealable  
18 weapon.

19 (7) Agents and investigators of the Illinois  
20 Legislative Investigating Commission authorized by the  
21 Commission to carry the weapons specified in subsections  
22 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
23 any investigation for the Commission.

24 (8) Persons employed by a financial institution for the  
25 protection of other employees and property related to such  
26 financial institution, while actually engaged in the

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

25 (9) Any person employed by an armored car company to  
26 drive an armored car, while actually engaged in the

1 performance of his duties.

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

4 (11) Investigators of the Office of the State's  
5 Attorneys Appellate Prosecutor authorized by the board of  
6 governors of the Office of the State's Attorneys Appellate  
7 Prosecutor to carry weapons pursuant to Section 7.06 of the  
8 State's Attorneys Appellate Prosecutor's Act.

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

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

18 (13) Court Security Officers while in the performance  
19 of their official duties, or while commuting between their  
20 homes and places of employment, with the consent of the  
21 Sheriff.

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



1 Regulatory Commission.

2 (14) Manufacture, transportation, or sale of weapons  
3 to persons authorized under subdivisions (1) through  
4 (13.5) of this subsection to possess those weapons.

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

10 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
11 24-1.6 do not apply to or affect any of the following:

12 (1) Members of any club or organization organized for  
13 the purpose of practicing shooting at targets upon  
14 established target ranges, whether public or private, and  
15 patrons of such ranges, while such members or patrons are  
16 using their firearms on those target ranges.

17 (2) Duly authorized military or civil organizations  
18 while parading, with the special permission of the  
19 Governor.

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

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

24 (5) Carrying or possessing any pistol, revolver, stun  
25 gun or taser or other firearm on the land or in the legal  
26 dwelling of another person as an invitee with that person's

1 permission.

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

4 (1) Peace officers while in performance of their  
5 official duties.

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

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

12 (4) Manufacture, transportation, or sale of machine  
13 guns to persons authorized under subdivisions (1) through  
14 (3) of this subsection to possess machine guns, if the  
15 machine guns are broken down in a non-functioning state or  
16 are not immediately accessible.

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

1 bullets can be discharged by a single function of the  
2 firing device, but only such possession and activities as  
3 are within the lawful scope of a licensed manufacturing  
4 business described in this paragraph.

5 During transportation, such weapons shall be broken  
6 down in a non-functioning state or not immediately  
7 accessible.

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

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

25 (7) A person possessing a rifle with a barrel or  
26 barrels less than 16 inches in length if: (A) the person

1 has been issued a Curios and Relics license from the U.S.  
2 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
3 the person is an active member of a bona fide, nationally  
4 recognized military re-enacting group and the modification  
5 is required and necessary to accurately portray the weapon  
6 for historical re-enactment purposes; the re-enactor is in  
7 possession of a valid and current re-enacting group  
8 membership credential; and the overall length of the weapon  
9 as modified is not less than 26 inches.

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

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

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

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

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

26 (2) Bonafide collectors of antique or surplus military

1 ordinance.

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

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

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

1 as are within the lawful scope of a licensed manufacturing  
2 business described in this subsection (g-5). During  
3 transportation, these devices shall be detached from any weapon  
4 or not immediately accessible.

5 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
6 24-1.6 do not apply to or affect any parole agent or parole  
7 supervisor who meets the qualifications and conditions  
8 prescribed in Section 3-14-1.5 of the Unified Code of  
9 Corrections.

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

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

1 Games and sanctioned test events leading up to the 2016 Olympic  
2 and Paralympic Games.

3 (h) An information or indictment based upon a violation of  
4 any subsection of this Article need not negative any exemptions  
5 contained in this Article. The defendant shall have the burden  
6 of proving such an exemption.

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

22 (Source: P.A. 97-465, eff. 8-22-11; 97-676, eff. 6-1-12;  
23 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13; 98-63, eff. 7-9-13;  
24 98-463, eff. 8-16-13; 98-725, eff. 1-1-15.)

25 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

2           (A) A person commits the offense of unlawful sale or  
3 delivery of firearms when he or she knowingly does any of the  
4 following:

5           (a) Sells or gives any firearm of a size which may be  
6 concealed upon the person to any person under 18 years of  
7 age.

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

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

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

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

18           "Mental institution" means any hospital,  
19 institution, clinic, evaluation facility, mental  
20 health center, or part thereof, which is used primarily  
21 for the care or treatment of persons with mental  
22 illness.

23           "Patient in a mental institution" means the person  
24 was admitted, either voluntarily or involuntarily, to  
25 a mental institution for mental health treatment,  
26 unless the treatment was voluntary and solely for an



1 alcohol abuse disorder and no other secondary  
2 substance abuse disorder or mental illness.

3 (f) Sells or gives any firearms to any person who is  
4 intellectually disabled.

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

1 a dealer licensed as a federal firearms dealer under  
2 Section 923 of the federal Gun Control Act of 1968 (18  
3 U.S.C. 923). For purposes of this paragraph (g),  
4 "application" means when the buyer and seller reach an  
5 agreement to purchase a firearm.

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

19 (i) Sells or gives a firearm of any size to any person  
20 under 18 years of age who is not eligible under State or  
21 federal law to possess a firearm ~~does not possess a valid~~  
22 ~~Firearm Owner's Identification Card.~~

23 (j) Sells or gives a firearm while engaged in the  
24 business of selling firearms at wholesale or retail without  
25 being licensed as a federal firearms dealer under Section  
26 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

1 In this paragraph (j):

2 A person "engaged in the business" means a person who  
3 devotes time, attention, and labor to engaging in the  
4 activity as a regular course of trade or business with the  
5 principal objective of livelihood and profit, but does not  
6 include a person who makes occasional repairs of firearms  
7 or who occasionally fits special barrels, stocks, or  
8 trigger mechanisms to firearms.

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

18 (k) (Blank). ~~Sells or transfers ownership of a firearm~~  
19 ~~to a person who does not display to the seller or~~  
20 ~~transferor of the firearm a currently valid Firearm Owner's~~  
21 ~~Identification Card that has previously been issued in the~~  
22 ~~transferee's name by the Department of State Police under~~  
23 ~~the provisions of the Firearm Owners Identification Card~~  
24 ~~Act. This paragraph (k) does not apply to the transfer of a~~  
25 ~~firearm to a person who is exempt from the requirement of~~  
26 ~~possessing a Firearm Owner's Identification Card under~~

1 ~~Section 2 of the Firearm Owners Identification Card Act.~~  
2 ~~For the purposes of this Section, a currently valid Firearm~~  
3 ~~Owner's Identification Card means (i) a Firearm Owner's~~  
4 ~~Identification Card that has not expired or (ii) an~~  
5 ~~approval number issued in accordance with subsection~~  
6 ~~(a 10) of subsection 3 or Section 3.1 of the Firearm Owners~~  
7 ~~Identification Card Act shall be proof that the Firearm~~  
8 ~~Owner's Identification Card was valid.~~

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

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

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

1 removed or altered has knowledge that the firearm is stolen  
2 or converted.

3 (B) Paragraph (h) of subsection (A) does not include  
4 firearms sold within 6 months after enactment of Public Act  
5 78-355 (approved August 21, 1973, effective October 1, 1973),  
6 nor is any firearm legally owned or possessed by any citizen or  
7 purchased by any citizen within 6 months after the enactment of  
8 Public Act 78-355 subject to confiscation or seizure under the  
9 provisions of that Public Act. Nothing in Public Act 78-355  
10 shall be construed to prohibit the gift or trade of any firearm  
11 if that firearm was legally held or acquired within 6 months  
12 after the enactment of that Public Act.

13 (C) Sentence.

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

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

20 (3) Any person convicted of unlawful sale or delivery  
21 of firearms in violation of paragraph (a) of subsection (A)  
22 commits a Class 2 felony.

23 (4) Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (a) or ~~(b) or (i)~~  
25 of subsection (A) in any school, on the real property  
26 comprising a school, within 1,000 feet of the real property

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

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

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

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

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

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

1 forcible felony so committed or attempted by the person  
2 under 18 years of age who was sold or given the firearm.

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

6 (10) Any person convicted of unlawful sale or delivery  
7 of firearms in violation of paragraph (l) of subsection (A)  
8 commits a Class 2 felony if the delivery is of one firearm.

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



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

13 (D) For purposes of this Section:

14 "School" means a public or private elementary or secondary  
15 school, community college, college, or university.

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

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

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

3 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

4 Sec. 24-3.1. Unlawful possession of firearms and firearm  
5 ammunition.

6 (a) A person commits the offense of unlawful possession of  
7 firearms or firearm ammunition when:

8 (1) He is under 18 years of age and has in his  
9 possession any firearm of a size which may be concealed  
10 upon the person; or

11 (2) He is under 21 years of age, has been convicted of  
12 a misdemeanor other than a traffic offense or adjudged  
13 delinquent and has any firearms or firearm ammunition in  
14 his possession; or

15 (3) He is a narcotic addict and has any firearms or  
16 firearm ammunition in his possession; or

17 (4) He has been a patient in a mental institution  
18 within the past 5 years and has any firearms or firearm  
19 ammunition in his possession. For purposes of this  
20 paragraph (4):

21 "Mental institution" means any hospital,  
22 institution, clinic, evaluation facility, mental  
23 health center, or part thereof, which is used primarily  
24 for the care or treatment of persons with mental  
25 illness.

1 "Patient in a mental institution" means the person  
2 was admitted, either voluntarily or involuntarily, to  
3 a mental institution for mental health treatment,  
4 unless the treatment was voluntary and solely for an  
5 alcohol abuse disorder and no other secondary  
6 substance abuse disorder or mental illness; or

7 (5) He is intellectually disabled and has any firearms  
8 or firearm ammunition in his possession; or

9 (6) He has in his possession any explosive bullet.

10 For purposes of this paragraph "explosive bullet" means the  
11 projectile portion of an ammunition cartridge which contains or  
12 carries an explosive charge which will explode upon contact  
13 with the flesh of a human or an animal. "Cartridge" means a  
14 tubular metal case having a projectile affixed at the front  
15 thereof and a cap or primer at the rear end thereof, with the  
16 propellant contained in such tube between the projectile and  
17 the cap.

18 (a-5) A person prohibited from possessing a firearm under  
19 this Section may petition the Director of State Police for a  
20 hearing and relief from the prohibition, unless the prohibition  
21 was based upon a forcible felony, stalking, aggravated  
22 stalking, domestic battery, any violation of the Illinois  
23 Controlled Substances Act, the Methamphetamine Control and  
24 Community Protection Act, or the Cannabis Control Act that is  
25 classified as a Class 2 or greater felony, any felony violation  
26 of Article 24 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, or any adjudication as a delinquent minor for the  
2 commission of an offense that if committed by an adult would be  
3 a felony, in which case the person may petition the circuit  
4 court in writing in the county of his or her residence for a  
5 hearing and relief from the prohibition. The Director or court  
6 may grant the relief if it is established by the petitioner to  
7 the court's or Director's satisfaction that:

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

13 (2) the petitioner has not been convicted of a forcible  
14 felony under the laws of this State or any other  
15 jurisdiction within 20 years of the filing of the petition,  
16 or at least 20 years have passed since the end of any  
17 period of imprisonment imposed in relation to that  
18 conviction;

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

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

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

1 (b) Sentence.

2 Unlawful possession of firearms, other than handguns, and  
3 firearm ammunition is a Class A misdemeanor. Unlawful  
4 possession of handguns is a Class 4 felony. The possession of  
5 each firearm or firearm ammunition in violation of this Section  
6 constitutes a single and separate violation.

7 (c) Nothing in paragraph (1) of subsection (a) of this  
8 Section prohibits a person under 18 years of age from  
9 participating in any lawful recreational activity with a  
10 firearm such as, but not limited to, practice shooting at  
11 targets upon established public or private target ranges or  
12 hunting, trapping, or fishing in accordance with the Wildlife  
13 Code or the Fish and Aquatic Life Code.

14 (Source: P.A. 97-227, eff. 1-1-12; 97-1167, eff. 6-1-13.)

15 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

21 For purposes of this Section:

22 "Armor piercing bullet" means any handgun bullet or handgun  
23 ammunition with projectiles or projectile cores constructed  
24 entirely (excluding the presence of traces of other substances)  
25 from tungsten alloys, steel, iron, brass, bronze, beryllium

1 copper or depleted uranium, or fully jacketed bullets larger  
2 than 22 caliber whose jacket has a weight of more than 25% of  
3 the total weight of the projectile, and excluding those handgun  
4 projectiles whose cores are composed of soft materials such as  
5 lead or lead alloys, zinc or zinc alloys, frangible projectiles  
6 designed primarily for sporting purposes, and any other  
7 projectiles or projectile cores that the U. S. Secretary of the  
8 Treasury finds to be primarily intended to be used for sporting  
9 purposes or industrial purposes or that otherwise does not  
10 constitute "armor piercing ammunition" as that term is defined  
11 by federal law.

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

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

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

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

1 firearm and such bullet or shell strikes any other person.

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

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

8 (1) Peace officers;

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

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

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

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

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

20 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

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

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

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

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

9 (720 ILCS 5/24-3.5)

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

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

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

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



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

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

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

18 (e) Sentence.

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

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

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

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

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

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

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

14 (720 ILCS 5/24-4.1)

15 Sec. 24-4.1. Report of lost or stolen firearms.

16 (a) If a person ~~who possesses a valid Firearm Owner's~~  
17 ~~Identification Card and~~ who possesses or acquires a firearm  
18 thereafter loses the firearm, or if the firearm is stolen from  
19 the person, the person must report the loss or theft to the  
20 local law enforcement agency within 72 hours after obtaining  
21 knowledge of the loss or theft.

22 (b) A law enforcement agency having jurisdiction shall take  
23 a written report and shall, as soon as practical, enter the  
24 firearm's serial number as stolen into the Law Enforcement  
25 Agencies Data System (LEADS).

1 (c) A person shall not be in violation of this Section if:

2 (1) the failure to report is due to an act of God, act  
3 of war, or inability of a law enforcement agency to receive  
4 the report;

5 (2) the person is hospitalized, in a coma, or is  
6 otherwise seriously physically or mentally impaired as to  
7 prevent the person from reporting; or

8 (3) the person's designee makes a report if the person  
9 is unable to make the report.

10 (d) Sentence. A person who violates this Section is guilty  
11 of a petty offense for a first violation. A second or  
12 subsequent violation of this Section is a Class A misdemeanor.

13 (Source: P.A. 98-508, eff. 8-19-13.)

14 (720 ILCS 5/24-4.5 new)

15 Sec. 24-4.5. Dial up system.

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

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

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

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

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

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

1 of issue.

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

5 (2) The Department of State Police and the Department of  
6 Human Services shall, in accordance with State and federal law  
7 regarding confidentiality, enter into a memorandum of  
8 understanding with the Federal Bureau of Investigation for the  
9 purpose of implementing the National Instant Criminal  
10 Background Check System in the State. The Department of State  
11 Police shall report the name, date of birth, and physical  
12 description of any person prohibited from possessing a firearm  
13 under this Code or 18 U.S.C. 922(g) and (n) to the National  
14 Instant Criminal Background Check System Index, Denied Persons  
15 Files.

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

18 (720 ILCS 5/24-9)

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

20 (a) Except as provided in subsection (c), it is unlawful  
21 for any person to store or leave, within premises under his or  
22 her control, a firearm if the person knows or has reason to  
23 believe that a minor under the age of 14 years ~~who does not~~  
24 ~~have a Firearm Owners Identification Card~~ is likely to gain  
25 access to the firearm without the lawful permission of the

1 person possessing the firearm, minor's parent, guardian, or  
2 person having charge of the minor, and the minor causes death  
3 or great bodily harm with the firearm, unless the firearm is:

4 (1) secured by a device or mechanism, other than the  
5 firearm safety, designed to render a firearm temporarily  
6 inoperable; or

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

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

11 (b) Sentence. A person who violates this Section is guilty  
12 of a Class C misdemeanor and shall be fined not less than  
13 \$1,000. A second or subsequent violation of this Section is a  
14 Class A misdemeanor.

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

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

19 (2) to any firearm obtained by a minor under the age of  
20 14 because of an unlawful entry of the premises by the  
21 minor or another person.

22 (d) (Blank). ~~For the purposes of this Section, "firearm"~~  
23 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~  
24 ~~Owners Identification Card Act.~~

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

1 Section 85. The Methamphetamine Control and Community  
2 Protection Act is amended by changing Section 10 as follows:

3 (720 ILCS 646/10)

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

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

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

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

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

18 "Director" means the Director of State Police or the  
19 Director's designated agents.

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

1 "Emergency response" means the act of collecting evidence  
2 from or securing a methamphetamine laboratory site,  
3 methamphetamine waste site or other methamphetamine-related  
4 site and cleaning up the site, whether these actions are  
5 performed by public entities or private contractors paid by  
6 public entities.

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

14 "Finished methamphetamine" means methamphetamine in a form  
15 commonly used for personal consumption.

16 "Firearm" has the meaning provided in Section 2-7.5 of the  
17 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
18 ~~Card Act.~~

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

26 "Methamphetamine" means the chemical methamphetamine (a



1 Schedule II controlled substance under the Illinois Controlled  
2 Substances Act) or any salt, optical isomer, salt of optical  
3 isomer, or analog thereof, with the exception of  
4 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
5 scheduled substance with a separate listing under the Illinois  
6 Controlled Substances Act.

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

11 "Methamphetamine manufacturing environment" means a  
12 structure or vehicle in which:

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

20 "Methamphetamine manufacturing material" means any  
21 methamphetamine precursor, substance containing any  
22 methamphetamine precursor, methamphetamine manufacturing  
23 catalyst, substance containing any methamphetamine  
24 manufacturing catalyst, methamphetamine manufacturing reagent,  
25 substance containing any methamphetamine manufacturing  
26 reagent, methamphetamine manufacturing solvent, substance

1 containing any methamphetamine manufacturing solvent, or any  
2 other chemical, substance, ingredient, equipment, apparatus,  
3 or item that is being used, has been used, or is intended to be  
4 used in the manufacture of methamphetamine.

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

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

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

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

25 "Multi-unit dwelling" means a unified structure used or  
26 intended for use as a habitation, home, or residence that

1 contains 2 or more condominiums, apartments, hotel rooms, motel  
2 rooms, or other living units.

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

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

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

21 "Procure" means to purchase, steal, gather, or otherwise  
22 obtain, by legal or illegal means, or to cause another to take  
23 such action.

24 "Second or subsequent offense" means an offense under this  
25 Act committed by an offender who previously committed an  
26 offense under this Act, the Illinois Controlled Substances Act,

1 the Cannabis Control Act, or another Act of this State, another  
2 state, or the United States relating to methamphetamine,  
3 cannabis, or any other controlled substance.

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

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

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

23 Section 90. The Code of Criminal Procedure of 1963 is  
24 amended by changing Sections 110-10, 112A-11.1, 112A-11.2, and  
25 112A-14 as follows:

1 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

2 Sec. 110-10. Conditions of bail bond.

3 (a) If a person is released prior to conviction, either  
4 upon payment of bail security or on his or her own  
5 recognizance, the conditions of the bail bond shall be that he  
6 or she will:

7 (1) Appear to answer the charge in the court having  
8 jurisdiction on a day certain and thereafter as ordered by  
9 the court until discharged or final order of the court;

10 (2) Submit himself or herself to the orders and process  
11 of the court;

12 (3) Not depart this State without leave of the court;

13 (4) Not violate any criminal statute of any  
14 jurisdiction;

15 (5) At a time and place designated by the court,  
16 surrender all firearms in his or her possession to a law  
17 enforcement officer designated by the court to take custody  
18 of and impound the firearms ~~and physically surrender his or~~  
19 ~~her Firearm Owner's Identification Card to the clerk of the~~  
20 ~~circuit court~~ when the offense the person has been charged  
21 with is a forcible felony, stalking, aggravated stalking,  
22 domestic battery, any violation of the Illinois Controlled  
23 Substances Act, the Methamphetamine Control and Community  
24 Protection Act, or the Cannabis Control Act that is  
25 classified as a Class 2 or greater felony, or any felony

1 violation of Article 24 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012; the court may, however, forgo the  
3 imposition of this condition when the circumstances of the  
4 case clearly do not warrant it or when its imposition would  
5 be impractical; ~~if the Firearm Owner's Identification Card~~  
6 ~~is confiscated, the clerk of the circuit court shall mail~~  
7 ~~the confiscated card to the Illinois State Police;~~ all  
8 legally possessed firearms shall be returned to the person  
9 upon the charges being dismissed, or if the person is found  
10 not guilty, unless the finding of not guilty is by reason  
11 of insanity; and

12 (6) At a time and place designated by the court, submit  
13 to a psychological evaluation when the person has been  
14 charged with a violation of item (4) of subsection (a) of  
15 Section 24-1 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012 and that violation occurred in a school or in  
17 any conveyance owned, leased, or contracted by a school to  
18 transport students to or from school or a school-related  
19 activity, or on any public way within 1,000 feet of real  
20 property comprising any school.

21 Psychological evaluations ordered pursuant to this Section  
22 shall be completed promptly and made available to the State,  
23 the defendant, and the court. As a further condition of bail  
24 under these circumstances, the court shall order the defendant  
25 to refrain from entering upon the property of the school,  
26 including any conveyance owned, leased, or contracted by a

1 school to transport students to or from school or a  
2 school-related activity, or on any public way within 1,000 feet  
3 of real property comprising any school. Upon receipt of the  
4 psychological evaluation, either the State or the defendant may  
5 request a change in the conditions of bail, pursuant to Section  
6 110-6 of this Code. The court may change the conditions of bail  
7 to include a requirement that the defendant follow the  
8 recommendations of the psychological evaluation, including  
9 undergoing psychiatric treatment. The conclusions of the  
10 psychological evaluation and any statements elicited from the  
11 defendant during its administration are not admissible as  
12 evidence of guilt during the course of any trial on the charged  
13 offense, unless the defendant places his or her mental  
14 competency in issue.

15 (b) The court may impose other conditions, such as the  
16 following, if the court finds that such conditions are  
17 reasonably necessary to assure the defendant's appearance in  
18 court, protect the public from the defendant, or prevent the  
19 defendant's unlawful interference with the orderly  
20 administration of justice:

21 (1) Report to or appear in person before such person or  
22 agency as the court may direct;

23 (2) Refrain from possessing a firearm or other  
24 dangerous weapon;

25 (3) Refrain from approaching or communicating with  
26 particular persons or classes of persons;

1           (4) Refrain from going to certain described  
2 geographical areas or premises;

3           (5) Refrain from engaging in certain activities or  
4 indulging in intoxicating liquors or in certain drugs;

5           (6) Undergo treatment for drug addiction or  
6 alcoholism;

7           (7) Undergo medical or psychiatric treatment;

8           (8) Work or pursue a course of study or vocational  
9 training;

10          (9) Attend or reside in a facility designated by the  
11 court;

12          (10) Support his or her dependents;

13          (11) If a minor resides with his or her parents or in a  
14 foster home, attend school, attend a non-residential  
15 program for youths, and contribute to his or her own  
16 support at home or in a foster home;

17          (12) Observe any curfew ordered by the court;

18          (13) Remain in the custody of such designated person or  
19 organization agreeing to supervise his release. Such third  
20 party custodian shall be responsible for notifying the  
21 court if the defendant fails to observe the conditions of  
22 release which the custodian has agreed to monitor, and  
23 shall be subject to contempt of court for failure so to  
24 notify the court;

25          (14) Be placed under direct supervision of the Pretrial  
26 Services Agency, Probation Department or Court Services



1 Department in a pretrial bond home supervision capacity  
2 with or without the use of an approved electronic  
3 monitoring device subject to Article 8A of Chapter V of the  
4 Unified Code of Corrections;

5 (14.1) The court shall impose upon a defendant who is  
6 charged with any alcohol, cannabis, methamphetamine, or  
7 controlled substance violation and is placed under direct  
8 supervision of the Pretrial Services Agency, Probation  
9 Department or Court Services Department in a pretrial bond  
10 home supervision capacity with the use of an approved  
11 monitoring device, as a condition of such bail bond, a fee  
12 that represents costs incidental to the electronic  
13 monitoring for each day of such bail supervision ordered by  
14 the court, unless after determining the inability of the  
15 defendant to pay the fee, the court assesses a lesser fee  
16 or no fee as the case may be. The fee shall be collected by  
17 the clerk of the circuit court. The clerk of the circuit  
18 court shall pay all monies collected from this fee to the  
19 county treasurer for deposit in the substance abuse  
20 services fund under Section 5-1086.1 of the Counties Code;

21 (14.2) The court shall impose upon all defendants,  
22 including those defendants subject to paragraph (14.1)  
23 above, placed under direct supervision of the Pretrial  
24 Services Agency, Probation Department or Court Services  
25 Department in a pretrial bond home supervision capacity  
26 with the use of an approved monitoring device, as a

1 condition of such bail bond, a fee which shall represent  
2 costs incidental to such electronic monitoring for each day  
3 of such bail supervision ordered by the court, unless after  
4 determining the inability of the defendant to pay the fee,  
5 the court assesses a lesser fee or no fee as the case may  
6 be. The fee shall be collected by the clerk of the circuit  
7 court. The clerk of the circuit court shall pay all monies  
8 collected from this fee to the county treasurer who shall  
9 use the monies collected to defray the costs of  
10 corrections. The county treasurer shall deposit the fee  
11 collected in the county working cash fund under Section  
12 6-27001 or Section 6-29002 of the Counties Code, as the  
13 case may be;

14 (14.3) The Chief Judge of the Judicial Circuit may  
15 establish reasonable fees to be paid by a person receiving  
16 pretrial services while under supervision of a pretrial  
17 services agency, probation department, or court services  
18 department. Reasonable fees may be charged for pretrial  
19 services including, but not limited to, pretrial  
20 supervision, diversion programs, electronic monitoring,  
21 victim impact services, drug and alcohol testing, DNA  
22 testing, GPS electronic monitoring, assessments and  
23 evaluations related to domestic violence and other  
24 victims, and victim mediation services. The person  
25 receiving pretrial services may be ordered to pay all costs  
26 incidental to pretrial services in accordance with his or

1 her ability to pay those costs;

2 (14.4) For persons charged with violating Section  
3 11-501 of the Illinois Vehicle Code, refrain from operating  
4 a motor vehicle not equipped with an ignition interlock  
5 device, as defined in Section 1-129.1 of the Illinois  
6 Vehicle Code, pursuant to the rules promulgated by the  
7 Secretary of State for the installation of ignition  
8 interlock devices. Under this condition the court may allow  
9 a defendant who is not self-employed to operate a vehicle  
10 owned by the defendant's employer that is not equipped with  
11 an ignition interlock device in the course and scope of the  
12 defendant's employment;

13 (15) Comply with the terms and conditions of an order  
14 of protection issued by the court under the Illinois  
15 Domestic Violence Act of 1986 or an order of protection  
16 issued by the court of another state, tribe, or United  
17 States territory;

18 (16) Under Section 110-6.5 comply with the conditions  
19 of the drug testing program; and

20 (17) Such other reasonable conditions as the court may  
21 impose.

22 (c) When a person is charged with an offense under Section  
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
24 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, involving a victim who is a minor under  
26 18 years of age living in the same household with the defendant

1 at the time of the offense, in granting bail or releasing the  
2 defendant on his own recognizance, the judge shall impose  
3 conditions to restrict the defendant's access to the victim  
4 which may include, but are not limited to conditions that he  
5 will:

- 6 1. Vacate the Household.
- 7 2. Make payment of temporary support to his dependents.
- 8 3. Refrain from contact or communication with the child  
9 victim, except as ordered by the court.

10 (d) When a person is charged with a criminal offense and  
11 the victim is a family or household member as defined in  
12 Article 112A, conditions shall be imposed at the time of the  
13 defendant's release on bond that restrict the defendant's  
14 access to the victim. Unless provided otherwise by the court,  
15 the restrictions shall include requirements that the defendant  
16 do the following:

17 (1) refrain from contact or communication with the  
18 victim for a minimum period of 72 hours following the  
19 defendant's release; and

20 (2) refrain from entering or remaining at the victim's  
21 residence for a minimum period of 72 hours following the  
22 defendant's release.

23 (e) Local law enforcement agencies shall develop  
24 standardized bond forms for use in cases involving family or  
25 household members as defined in Article 112A, including  
26 specific conditions of bond as provided in subsection (d).

1 Failure of any law enforcement department to develop or use  
2 those forms shall in no way limit the applicability and  
3 enforcement of subsections (d) and (f).

4 (f) If the defendant is admitted to bail after conviction  
5 the conditions of the bail bond shall be that he will, in  
6 addition to the conditions set forth in subsections (a) and (b)  
7 hereof:

8 (1) Duly prosecute his appeal;

9 (2) Appear at such time and place as the court may  
10 direct;

11 (3) Not depart this State without leave of the court;

12 (4) Comply with such other reasonable conditions as the  
13 court may impose; and

14 (5) If the judgment is affirmed or the cause reversed  
15 and remanded for a new trial, forthwith surrender to the  
16 officer from whose custody he was bailed.

17 (g) Upon a finding of guilty for any felony offense, the  
18 defendant shall physically surrender, at a time and place  
19 designated by the court, any and all firearms in his or her  
20 possession ~~and his or her Firearm Owner's Identification Card~~  
21 as a condition of remaining on bond pending sentencing.

22 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;  
23 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.  
24 1-25-13.)

25 (725 ILCS 5/112A-11.1)

1           Sec. 112A-11.1. Procedure for determining whether certain  
2 misdemeanor crimes are crimes of domestic violence for purposes  
3 of federal law.

4           (a) When a defendant has been charged with a violation of  
5 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012, the State  
7 may, at arraignment or no later than 45 days after arraignment,  
8 for the purpose of notification to the Department of State  
9 Police ~~Firearm Owner's Identification Card Office~~, serve on the  
10 defendant and file with the court a notice alleging that  
11 conviction of the offense would subject the defendant to the  
12 prohibitions of 18 U.S.C. 922(g) (9) because of the relationship  
13 between the defendant and the alleged victim and the nature of  
14 the alleged offense.

15           (b) The notice shall include the name of the person alleged  
16 to be the victim of the crime and shall specify the nature of  
17 the alleged relationship as set forth in 18 U.S.C.  
18 921(a) (33) (A) (ii). It shall also specify the element of the  
19 charged offense which requires the use or attempted use of  
20 physical force, or the threatened use of a deadly weapon, as  
21 set forth 18 U.S.C. 921(a) (33) (A) (ii). It shall also include  
22 notice that the defendant is entitled to a hearing on the  
23 allegation contained in the notice and that if the allegation  
24 is sustained, that determination and conviction shall be  
25 reported to the Department of State Police ~~Firearm Owner's~~  
26 ~~Identification Card Office~~.

1 (c) After having been notified as provided in subsection  
2 (b) of this Section, the defendant may stipulate or admit,  
3 orally on the record or in writing, that conviction of the  
4 offense would subject the defendant to the prohibitions of 18  
5 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.  
6 922(g)(9) shall be deemed established for purposes of Section  
7 112A-11.2. If the defendant denies the applicability of 18  
8 U.S.C. 922(g)(9) as alleged in the notice served by the State,  
9 or stands mute with respect to that allegation, then the State  
10 shall bear the burden to prove beyond a reasonable doubt that  
11 the offense is one to which the prohibitions of 18 U.S.C.  
12 922(g)(9) apply. The court may consider reliable hearsay  
13 evidence submitted by either party provided that it is relevant  
14 to the determination of the allegation. Facts previously proven  
15 at trial or elicited at the time of entry of a plea of guilty  
16 shall be deemed established beyond a reasonable doubt and shall  
17 not be relitigated. At the conclusion of the hearing, or upon a  
18 stipulation or admission, as applicable, the court shall make a  
19 specific written determination with respect to the allegation.  
20 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

21 (725 ILCS 5/112A-11.2)

22 Sec. 112A-11.2. Notification to the Department of State  
23 Police ~~Firearm Owner's Identification Card Office~~ of  
24 determinations in certain misdemeanor cases. Upon judgment of  
25 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,

1 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012 when the defendant has been determined, under  
3 Section 112A-11.1, to be subject to the prohibitions of 18  
4 U.S.C. 922(g)(9), the circuit court clerk shall include  
5 notification and a copy of the written determination in a  
6 report of the conviction to the Department of State Police  
7 ~~Firearm Owner's Identification Card Office~~ to enable the office  
8 to report that determination to the Federal Bureau of  
9 Investigation and assist the Bureau in identifying persons  
10 prohibited from purchasing and possessing a firearm pursuant to  
11 the provisions of 18 U.S.C. 922.

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

13 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

14 Sec. 112A-14. Order of protection; remedies.

15 (a) Issuance of order. If the court finds that petitioner  
16 has been abused by a family or household member, as defined in  
17 this Article, an order of protection prohibiting such abuse  
18 shall issue; provided that petitioner must also satisfy the  
19 requirements of one of the following Sections, as appropriate:  
20 Section 112A-17 on emergency orders, Section 112A-18 on interim  
21 orders, or Section 112A-19 on plenary orders. Petitioner shall  
22 not be denied an order of protection because petitioner or  
23 respondent is a minor. The court, when determining whether or  
24 not to issue an order of protection, shall not require physical  
25 manifestations of abuse on the person of the victim.



1 Modification and extension of prior orders of protection shall  
2 be in accordance with this Article.

3 (b) Remedies and standards. The remedies to be included in  
4 an order of protection shall be determined in accordance with  
5 this Section and one of the following Sections, as appropriate:  
6 Section 112A-17 on emergency orders, Section 112A-18 on interim  
7 orders, and Section 112A-19 on plenary orders. The remedies  
8 listed in this subsection shall be in addition to other civil  
9 or criminal remedies available to petitioner.

10 (1) Prohibition of abuse. Prohibit respondent's  
11 harassment, interference with personal liberty,  
12 intimidation of a dependent, physical abuse or willful  
13 deprivation, as defined in this Article, if such abuse has  
14 occurred or otherwise appears likely to occur if not  
15 prohibited.

16 (2) Grant of exclusive possession of residence.  
17 Prohibit respondent from entering or remaining in any  
18 residence, household, or premises of the petitioner,  
19 including one owned or leased by respondent, if petitioner  
20 has a right to occupancy thereof. The grant of exclusive  
21 possession of the residence, household, or premises shall  
22 not affect title to real property, nor shall the court be  
23 limited by the standard set forth in Section 701 of the  
24 Illinois Marriage and Dissolution of Marriage Act.

25 (A) Right to occupancy. A party has a right to  
26 occupancy of a residence or household if it is solely

1 or jointly owned or leased by that party, that party's  
2 spouse, a person with a legal duty to support that  
3 party or a minor child in that party's care, or by any  
4 person or entity other than the opposing party that  
5 authorizes that party's occupancy (e.g., a domestic  
6 violence shelter). Standards set forth in subparagraph  
7 (B) shall not preclude equitable relief.

8 (B) Presumption of hardships. If petitioner and  
9 respondent each has the right to occupancy of a  
10 residence or household, the court shall balance (i) the  
11 hardships to respondent and any minor child or  
12 dependent adult in respondent's care resulting from  
13 entry of this remedy with (ii) the hardships to  
14 petitioner and any minor child or dependent adult in  
15 petitioner's care resulting from continued exposure to  
16 the risk of abuse (should petitioner remain at the  
17 residence or household) or from loss of possession of  
18 the residence or household (should petitioner leave to  
19 avoid the risk of abuse). When determining the balance  
20 of hardships, the court shall also take into account  
21 the accessibility of the residence or household.  
22 Hardships need not be balanced if respondent does not  
23 have a right to occupancy.

24 The balance of hardships is presumed to favor  
25 possession by petitioner unless the presumption is  
26 rebutted by a preponderance of the evidence, showing

1           that the hardships to respondent substantially  
2           outweigh the hardships to petitioner and any minor  
3           child or dependent adult in petitioner's care. The  
4           court, on the request of petitioner or on its own  
5           motion, may order respondent to provide suitable,  
6           accessible, alternate housing for petitioner instead  
7           of excluding respondent from a mutual residence or  
8           household.

9           (3) Stay away order and additional prohibitions. Order  
10          respondent to stay away from petitioner or any other person  
11          protected by the order of protection, or prohibit  
12          respondent from entering or remaining present at  
13          petitioner's school, place of employment, or other  
14          specified places at times when petitioner is present, or  
15          both, if reasonable, given the balance of hardships.  
16          Hardships need not be balanced for the court to enter a  
17          stay away order or prohibit entry if respondent has no  
18          right to enter the premises.

19          If an order of protection grants petitioner exclusive  
20          possession of the residence, or prohibits respondent from  
21          entering the residence, or orders respondent to stay away  
22          from petitioner or other protected persons, then the court  
23          may allow respondent access to the residence to remove  
24          items of clothing and personal adornment used exclusively  
25          by respondent, medications, and other items as the court  
26          directs. The right to access shall be exercised on only one

1 occasion as the court directs and in the presence of an  
2 agreed-upon adult third party or law enforcement officer.

3 (4) Counseling. Require or recommend the respondent to  
4 undergo counseling for a specified duration with a social  
5 worker, psychologist, clinical psychologist, psychiatrist,  
6 family service agency, alcohol or substance abuse program,  
7 mental health center guidance counselor, agency providing  
8 services to elders, program designed for domestic violence  
9 abusers or any other guidance service the court deems  
10 appropriate. The court may order the respondent in any  
11 intimate partner relationship to report to an Illinois  
12 Department of Human Services protocol approved partner  
13 abuse intervention program for an assessment and to follow  
14 all recommended treatment.

15 (5) Physical care and possession of the minor child. In  
16 order to protect the minor child from abuse, neglect, or  
17 unwarranted separation from the person who has been the  
18 minor child's primary caretaker, or to otherwise protect  
19 the well-being of the minor child, the court may do either  
20 or both of the following: (i) grant petitioner physical  
21 care or possession of the minor child, or both, or (ii)  
22 order respondent to return a minor child to, or not remove  
23 a minor child from, the physical care of a parent or person  
24 in loco parentis.

25 If a court finds, after a hearing, that respondent has  
26 committed abuse (as defined in Section 112A-3) of a minor

1 child, there shall be a rebuttable presumption that  
2 awarding physical care to respondent would not be in the  
3 minor child's best interest.

4 (6) Temporary legal custody. Award temporary legal  
5 custody to petitioner in accordance with this Section, the  
6 Illinois Marriage and Dissolution of Marriage Act, the  
7 Illinois Parentage Act of 1984, and this State's Uniform  
8 Child-Custody Jurisdiction and Enforcement Act.

9 If a court finds, after a hearing, that respondent has  
10 committed abuse (as defined in Section 112A-3) of a minor  
11 child, there shall be a rebuttable presumption that  
12 awarding temporary legal custody to respondent would not be  
13 in the child's best interest.

14 (7) Visitation. Determine the visitation rights, if  
15 any, of respondent in any case in which the court awards  
16 physical care or temporary legal custody of a minor child  
17 to petitioner. The court shall restrict or deny  
18 respondent's visitation with a minor child if the court  
19 finds that respondent has done or is likely to do any of  
20 the following: (i) abuse or endanger the minor child during  
21 visitation; (ii) use the visitation as an opportunity to  
22 abuse or harass petitioner or petitioner's family or  
23 household members; (iii) improperly conceal or detain the  
24 minor child; or (iv) otherwise act in a manner that is not  
25 in the best interests of the minor child. The court shall  
26 not be limited by the standards set forth in Section 607.1

1 of the Illinois Marriage and Dissolution of Marriage Act.  
2 If the court grants visitation, the order shall specify  
3 dates and times for the visitation to take place or other  
4 specific parameters or conditions that are appropriate. No  
5 order for visitation shall refer merely to the term  
6 "reasonable visitation".

7 Petitioner may deny respondent access to the minor  
8 child if, when respondent arrives for visitation,  
9 respondent is under the influence of drugs or alcohol and  
10 constitutes a threat to the safety and well-being of  
11 petitioner or petitioner's minor children or is behaving in  
12 a violent or abusive manner.

13 If necessary to protect any member of petitioner's  
14 family or household from future abuse, respondent shall be  
15 prohibited from coming to petitioner's residence to meet  
16 the minor child for visitation, and the parties shall  
17 submit to the court their recommendations for reasonable  
18 alternative arrangements for visitation. A person may be  
19 approved to supervise visitation only after filing an  
20 affidavit accepting that responsibility and acknowledging  
21 accountability to the court.

22 (8) Removal or concealment of minor child. Prohibit  
23 respondent from removing a minor child from the State or  
24 concealing the child within the State.

25 (9) Order to appear. Order the respondent to appear in  
26 court, alone or with a minor child, to prevent abuse,

1 neglect, removal or concealment of the child, to return the  
2 child to the custody or care of the petitioner or to permit  
3 any court-ordered interview or examination of the child or  
4 the respondent.

5 (10) Possession of personal property. Grant petitioner  
6 exclusive possession of personal property and, if  
7 respondent has possession or control, direct respondent to  
8 promptly make it available to petitioner, if:

9 (i) petitioner, but not respondent, owns the  
10 property; or

11 (ii) the parties own the property jointly; sharing  
12 it would risk abuse of petitioner by respondent or is  
13 impracticable; and the balance of hardships favors  
14 temporary possession by petitioner.

15 If petitioner's sole claim to ownership of the property  
16 is that it is marital property, the court may award  
17 petitioner temporary possession thereof under the  
18 standards of subparagraph (ii) of this paragraph only if a  
19 proper proceeding has been filed under the Illinois  
20 Marriage and Dissolution of Marriage Act, as now or  
21 hereafter amended.

22 No order under this provision shall affect title to  
23 property.

24 (11) Protection of property. Forbid the respondent  
25 from taking, transferring, encumbering, concealing,  
26 damaging or otherwise disposing of any real or personal

1 property, except as explicitly authorized by the court, if:

2 (i) petitioner, but not respondent, owns the  
3 property; or

4 (ii) the parties own the property jointly, and the  
5 balance of hardships favors granting this remedy.

6 If petitioner's sole claim to ownership of the property  
7 is that it is marital property, the court may grant  
8 petitioner relief under subparagraph (ii) of this  
9 paragraph only if a proper proceeding has been filed under  
10 the Illinois Marriage and Dissolution of Marriage Act, as  
11 now or hereafter amended.

12 The court may further prohibit respondent from  
13 improperly using the financial or other resources of an  
14 aged member of the family or household for the profit or  
15 advantage of respondent or of any other person.

16 (11.5) Protection of animals. Grant the petitioner the  
17 exclusive care, custody, or control of any animal owned,  
18 possessed, leased, kept, or held by either the petitioner  
19 or the respondent or a minor child residing in the  
20 residence or household of either the petitioner or the  
21 respondent and order the respondent to stay away from the  
22 animal and forbid the respondent from taking,  
23 transferring, encumbering, concealing, harming, or  
24 otherwise disposing of the animal.

25 (12) Order for payment of support. Order respondent to  
26 pay temporary support for the petitioner or any child in



1 the petitioner's care or custody, when the respondent has a  
2 legal obligation to support that person, in accordance with  
3 the Illinois Marriage and Dissolution of Marriage Act,  
4 which shall govern, among other matters, the amount of  
5 support, payment through the clerk and withholding of  
6 income to secure payment. An order for child support may be  
7 granted to a petitioner with lawful physical care or  
8 custody of a child, or an order or agreement for physical  
9 care or custody, prior to entry of an order for legal  
10 custody. Such a support order shall expire upon entry of a  
11 valid order granting legal custody to another, unless  
12 otherwise provided in the custody order.

13 (13) Order for payment of losses. Order respondent to  
14 pay petitioner for losses suffered as a direct result of  
15 the abuse. Such losses shall include, but not be limited  
16 to, medical expenses, lost earnings or other support,  
17 repair or replacement of property damaged or taken,  
18 reasonable attorney's fees, court costs and moving or other  
19 travel expenses, including additional reasonable expenses  
20 for temporary shelter and restaurant meals.

21 (i) Losses affecting family needs. If a party is  
22 entitled to seek maintenance, child support or  
23 property distribution from the other party under the  
24 Illinois Marriage and Dissolution of Marriage Act, as  
25 now or hereafter amended, the court may order  
26 respondent to reimburse petitioner's actual losses, to

1 the extent that such reimbursement would be  
2 "appropriate temporary relief", as authorized by  
3 subsection (a) (3) of Section 501 of that Act.

4 (ii) Recovery of expenses. In the case of an  
5 improper concealment or removal of a minor child, the  
6 court may order respondent to pay the reasonable  
7 expenses incurred or to be incurred in the search for  
8 and recovery of the minor child, including but not  
9 limited to legal fees, court costs, private  
10 investigator fees, and travel costs.

11 (14) Prohibition of entry. Prohibit the respondent  
12 from entering or remaining in the residence or household  
13 while the respondent is under the influence of alcohol or  
14 drugs and constitutes a threat to the safety and well-being  
15 of the petitioner or the petitioner's children.

16 (14.5) Prohibition of firearm possession.

17 (A) A person who is subject to an existing order of  
18 protection, interim order of protection, emergency  
19 order of protection, or plenary order of protection,  
20 issued under this Code may not lawfully possess  
21 firearms, stun guns, or tasers ~~weapons under Section~~  
22 ~~8.2 of the Firearm Owners Identification Card Act.~~

23 (B) Any firearms in the possession of the  
24 respondent, except as provided in subparagraph (C) of  
25 this paragraph (14.5), shall be ordered by the court to  
26 be turned over to a person who is not prohibited under

1 ~~State or federal law from possessing firearms with a~~  
2 ~~valid Firearm Owner's Identification Card for~~  
3 ~~safekeeping. The court shall issue an order that the~~  
4 ~~respondent's Firearm Owner's Identification Card be~~  
5 ~~turned over to the local law enforcement agency, which~~  
6 ~~in turn shall immediately mail the card to the~~  
7 ~~Department of State Police Firearm Owner's~~  
8 ~~Identification Card Office for safekeeping.~~ The period  
9 of safekeeping shall be for the duration of the order  
10 of protection. The firearm or firearms ~~and Firearm~~  
11 ~~Owner's Identification Card, if unexpired,~~ shall at  
12 the respondent's request be returned to the respondent  
13 at expiration of the order of protection.

14 (C) If the respondent is a peace officer as defined  
15 in Section 2-13 of the Criminal Code of 2012, the court  
16 shall order that any firearms used by the respondent in  
17 the performance of his or her duties as a peace officer  
18 be surrendered to the chief law enforcement executive  
19 of the agency in which the respondent is employed, who  
20 shall retain the firearms for safekeeping for the  
21 duration of the order of protection.

22 (D) Upon expiration of the period of safekeeping,  
23 if the firearms ~~or Firearm Owner's Identification Card~~  
24 cannot be returned to respondent because respondent  
25 cannot be located, fails to respond to requests to  
26 retrieve the firearms, or is not lawfully eligible to

1 possess a firearm, upon petition from the local law  
2 enforcement agency, the court may order the local law  
3 enforcement agency to destroy the firearms, use the  
4 firearms for training purposes, or for any other  
5 application as deemed appropriate by the local law  
6 enforcement agency; or that the firearms be turned over  
7 to a third party who is lawfully eligible to possess  
8 firearms, and who does not reside with respondent.

9 (15) Prohibition of access to records. If an order of  
10 protection prohibits respondent from having contact with  
11 the minor child, or if petitioner's address is omitted  
12 under subsection (b) of Section 112A-5, or if necessary to  
13 prevent abuse or wrongful removal or concealment of a minor  
14 child, the order shall deny respondent access to, and  
15 prohibit respondent from inspecting, obtaining, or  
16 attempting to inspect or obtain, school or any other  
17 records of the minor child who is in the care of  
18 petitioner.

19 (16) Order for payment of shelter services. Order  
20 respondent to reimburse a shelter providing temporary  
21 housing and counseling services to the petitioner for the  
22 cost of the services, as certified by the shelter and  
23 deemed reasonable by the court.

24 (17) Order for injunctive relief. Enter injunctive  
25 relief necessary or appropriate to prevent further abuse of  
26 a family or household member or to effectuate one of the

1 granted remedies, if supported by the balance of hardships.  
2 If the harm to be prevented by the injunction is abuse or  
3 any other harm that one of the remedies listed in  
4 paragraphs (1) through (16) of this subsection is designed  
5 to prevent, no further evidence is necessary to establish  
6 that the harm is an irreparable injury.

7 (c) Relevant factors; findings.

8 (1) In determining whether to grant a specific remedy,  
9 other than payment of support, the court shall consider  
10 relevant factors, including but not limited to the  
11 following:

12 (i) the nature, frequency, severity, pattern and  
13 consequences of the respondent's past abuse of the  
14 petitioner or any family or household member,  
15 including the concealment of his or her location in  
16 order to evade service of process or notice, and the  
17 likelihood of danger of future abuse to petitioner or  
18 any member of petitioner's or respondent's family or  
19 household; and

20 (ii) the danger that any minor child will be abused  
21 or neglected or improperly removed from the  
22 jurisdiction, improperly concealed within the State or  
23 improperly separated from the child's primary  
24 caretaker.

25 (2) In comparing relative hardships resulting to the  
26 parties from loss of possession of the family home, the

1 court shall consider relevant factors, including but not  
2 limited to the following:

3 (i) availability, accessibility, cost, safety,  
4 adequacy, location and other characteristics of  
5 alternate housing for each party and any minor child or  
6 dependent adult in the party's care;

7 (ii) the effect on the party's employment; and

8 (iii) the effect on the relationship of the party,  
9 and any minor child or dependent adult in the party's  
10 care, to family, school, church and community.

11 (3) Subject to the exceptions set forth in paragraph  
12 (4) of this subsection, the court shall make its findings  
13 in an official record or in writing, and shall at a minimum  
14 set forth the following:

15 (i) That the court has considered the applicable  
16 relevant factors described in paragraphs (1) and (2) of  
17 this subsection.

18 (ii) Whether the conduct or actions of respondent,  
19 unless prohibited, will likely cause irreparable harm  
20 or continued abuse.

21 (iii) Whether it is necessary to grant the  
22 requested relief in order to protect petitioner or  
23 other alleged abused persons.

24 (4) For purposes of issuing an ex parte emergency order  
25 of protection, the court, as an alternative to or as a  
26 supplement to making the findings described in paragraphs

1 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
2 the following procedure:

3 When a verified petition for an emergency order of  
4 protection in accordance with the requirements of Sections  
5 112A-5 and 112A-17 is presented to the court, the court  
6 shall examine petitioner on oath or affirmation. An  
7 emergency order of protection shall be issued by the court  
8 if it appears from the contents of the petition and the  
9 examination of petitioner that the averments are  
10 sufficient to indicate abuse by respondent and to support  
11 the granting of relief under the issuance of the emergency  
12 order of protection.

13 (5) Never married parties. No rights or  
14 responsibilities for a minor child born outside of marriage  
15 attach to a putative father until a father and child  
16 relationship has been established under the Illinois  
17 Parentage Act of 1984. Absent such an adjudication, no  
18 putative father shall be granted temporary custody of the  
19 minor child, visitation with the minor child, or physical  
20 care and possession of the minor child, nor shall an order  
21 of payment for support of the minor child be entered.

22 (d) Balance of hardships; findings. If the court finds that  
23 the balance of hardships does not support the granting of a  
24 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
25 subsection (b) of this Section, which may require such  
26 balancing, the court's findings shall so indicate and shall

1 include a finding as to whether granting the remedy will result  
2 in hardship to respondent that would substantially outweigh the  
3 hardship to petitioner from denial of the remedy. The findings  
4 shall be an official record or in writing.

5 (e) Denial of remedies. Denial of any remedy shall not be  
6 based, in whole or in part, on evidence that:

7 (1) Respondent has cause for any use of force, unless  
8 that cause satisfies the standards for justifiable use of  
9 force provided by Article 7 of the Criminal Code of 2012;

10 (2) Respondent was voluntarily intoxicated;

11 (3) Petitioner acted in self-defense or defense of  
12 another, provided that, if petitioner utilized force, such  
13 force was justifiable under Article 7 of the Criminal Code  
14 of 2012;

15 (4) Petitioner did not act in self-defense or defense  
16 of another;

17 (5) Petitioner left the residence or household to avoid  
18 further abuse by respondent;

19 (6) Petitioner did not leave the residence or household  
20 to avoid further abuse by respondent;

21 (7) Conduct by any family or household member excused  
22 the abuse by respondent, unless that same conduct would  
23 have excused such abuse if the parties had not been family  
24 or household members.

25 (Source: P.A. 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13;  
26 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)



1           Section 95. The Unified Code of Corrections is amended by  
2 changing Sections 5-5-3, 5-5-3.2, and 5-6-3 as follows:

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

4           Sec. 5-5-3. Disposition.

5           (a) (Blank).

6           (b) (Blank).

7           (c) (1) (Blank).

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

14           (A) First degree murder where the death penalty is not  
15 imposed.

16           (B) Attempted first degree murder.

17           (C) A Class X felony.

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

23           (D-5) A violation of subdivision (c) (1) of Section 401  
24 of the Illinois Controlled Substances Act which relates to

1           3 or more grams of a substance containing heroin or an  
2 analog thereof.

3           (E) A violation of Section 5.1 or 9 of the Cannabis  
4 Control Act.

5           (F) A Class 2 or greater felony if the offender had  
6 been convicted of a Class 2 or greater felony, including  
7 any state or federal conviction for an offense that  
8 contained, at the time it was committed, the same elements  
9 as an offense now (the date of the offense committed after  
10 the prior Class 2 or greater felony) classified as a Class  
11 2 or greater felony, within 10 years of the date on which  
12 the offender committed the offense for which he or she is  
13 being sentenced, except as otherwise provided in Section  
14 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
15 Act.

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

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

22           (H) Criminal sexual assault.

23           (I) Aggravated battery of a senior citizen as described  
24 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05  
25 of the Criminal Code of 1961 or the Criminal Code of 2012.

26           (J) A forcible felony if the offense was related to the

1 activities of an organized gang.

2 Before July 1, 1994, for the purposes of this  
3 paragraph, "organized gang" means an association of 5 or  
4 more persons, with an established hierarchy, that  
5 encourages members of the association to perpetrate crimes  
6 or provides support to the members of the association who  
7 do commit crimes.

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

12 (K) Vehicular hijacking.

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

17 (M) A second or subsequent conviction for the offense  
18 of institutional vandalism if the damage to the property  
19 exceeds \$300.

20 (N) (Blank). ~~A Class 3 felony violation of paragraph~~  
21 ~~(1) of subsection (a) of Section 2 of the Firearm Owners~~  
22 ~~Identification Card Act.~~

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

25 (P) A violation of paragraph (1), (2), (3), (4), (5),  
26 or (7) of subsection (a) of Section 11-20.1 of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 (Q) A violation of subsection (b) or (b-5) of Section  
3 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012.

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

7 (S) (Blank).

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

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

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

1 offenses formerly known as rape, deviate sexual assault,  
2 indecent liberties with a child, or aggravated indecent  
3 liberties with a child where the victim was under the age  
4 of 18 years or an offense that is substantially equivalent  
5 to those offenses.

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

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

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

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

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

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

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

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

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

3 (3) (Blank).

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

8 (4.1) (Blank).

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

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

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

22 (4.5) A minimum term of imprisonment of 30 days shall be  
23 imposed for a third violation of subsection (c) of Section  
24 6-303 of the Illinois Vehicle Code.

25 (4.6) Except as provided in paragraph (4.10) of this  
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of  
2 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

3 (4.7) A minimum term of imprisonment of not less than 30  
4 consecutive days, or 300 hours of community service, shall be  
5 imposed for a violation of subsection (a-5) of Section 6-303 of  
6 the Illinois Vehicle Code, as provided in subsection (b-5) of  
7 that Section.

8 (4.8) A mandatory prison sentence shall be imposed for a  
9 second violation of subsection (a-5) of Section 6-303 of the  
10 Illinois Vehicle Code, as provided in subsection (c-5) of that  
11 Section. The person's driving privileges shall be revoked for a  
12 period of not less than 5 years from the date of his or her  
13 release from prison.

14 (4.9) A mandatory prison sentence of not less than 4 and  
15 not more than 15 years shall be imposed for a third violation  
16 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
17 Code, as provided in subsection (d-2.5) of that Section. The  
18 person's driving privileges shall be revoked for the remainder  
19 of his or her life.

20 (4.10) A mandatory prison sentence for a Class 1 felony  
21 shall be imposed, and the person shall be eligible for an  
22 extended term sentence, for a fourth or subsequent violation of  
23 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
24 as provided in subsection (d-3.5) of that Section. The person's  
25 driving privileges shall be revoked for the remainder of his or  
26 her life.

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

3           (A) a period of conditional discharge;

4           (B) a fine;

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

7           (5.1) In addition to any other penalties imposed, and  
8 except as provided in paragraph (5.2) or (5.3), a person  
9 convicted of violating subsection (c) of Section 11-907 of the  
10 Illinois Vehicle Code shall have his or her driver's license,  
11 permit, or privileges suspended for at least 90 days but not  
12 more than one year, if the violation resulted in damage to the  
13 property of another person.

14           (5.2) In addition to any other penalties imposed, and  
15 except as provided in paragraph (5.3), a person convicted of  
16 violating subsection (c) of Section 11-907 of the Illinois  
17 Vehicle Code shall have his or her driver's license, permit, or  
18 privileges suspended for at least 180 days but not more than 2  
19 years, if the violation resulted in injury to another person.

20           (5.3) In addition to any other penalties imposed, a person  
21 convicted of violating subsection (c) of Section 11-907 of the  
22 Illinois Vehicle Code shall have his or her driver's license,  
23 permit, or privileges suspended for 2 years, if the violation  
24 resulted in the death of another person.

25           (5.4) In addition to any other penalties imposed, a person  
26 convicted of violating Section 3-707 of the Illinois Vehicle



1 Code shall have his or her driver's license, permit, or  
2 privileges suspended for 3 months and until he or she has paid  
3 a reinstatement fee of \$100.

4 (5.5) In addition to any other penalties imposed, a person  
5 convicted of violating Section 3-707 of the Illinois Vehicle  
6 Code during a period in which his or her driver's license,  
7 permit, or privileges were suspended for a previous violation  
8 of that Section shall have his or her driver's license, permit,  
9 or privileges suspended for an additional 6 months after the  
10 expiration of the original 3-month suspension and until he or  
11 she has paid a reinstatement fee of \$100.

12 (6) (Blank).

13 (7) (Blank).

14 (8) (Blank).

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

18 (10) (Blank).

19 (11) The court shall impose a minimum fine of \$1,000 for a  
20 first offense and \$2,000 for a second or subsequent offense  
21 upon a person convicted of or placed on supervision for battery  
22 when the individual harmed was a sports official or coach at  
23 any level of competition and the act causing harm to the sports  
24 official or coach occurred within an athletic facility or  
25 within the immediate vicinity of the athletic facility at which  
26 the sports official or coach was an active participant of the

1 athletic contest held at the athletic facility. For the  
2 purposes of this paragraph (11), "sports official" means a  
3 person at an athletic contest who enforces the rules of the  
4 contest, such as an umpire or referee; "athletic facility"  
5 means an indoor or outdoor playing field or recreational area  
6 where sports activities are conducted; and "coach" means a  
7 person recognized as a coach by the sanctioning authority that  
8 conducted the sporting event.

9 (12) A person may not receive a disposition of court  
10 supervision for a violation of Section 5-16 of the Boat  
11 Registration and Safety Act if that person has previously  
12 received a disposition of court supervision for a violation of  
13 that Section.

14 (13) A person convicted of or placed on court supervision  
15 for an assault or aggravated assault when the victim and the  
16 offender are family or household members as defined in Section  
17 103 of the Illinois Domestic Violence Act of 1986 or convicted  
18 of domestic battery or aggravated domestic battery may be  
19 required to attend a Partner Abuse Intervention Program under  
20 protocols set forth by the Illinois Department of Human  
21 Services under such terms and conditions imposed by the court.  
22 The costs of such classes shall be paid by the offender.

23 (d) In any case in which a sentence originally imposed is  
24 vacated, the case shall be remanded to the trial court. The  
25 trial court shall hold a hearing under Section 5-4-1 of the  
26 Unified Code of Corrections which may include evidence of the

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

15 (e) In cases where prosecution for aggravated criminal  
16 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
17 Code of 1961 or the Criminal Code of 2012 results in conviction  
18 of a defendant who was a family member of the victim at the  
19 time of the commission of the offense, the court shall consider  
20 the safety and welfare of the victim and may impose a sentence  
21 of probation only where:

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

23 (A) the defendant is willing to undergo a court  
24 approved counseling program for a minimum duration of 2  
25 years; or

26 (B) the defendant is willing to participate in a

1 court approved plan including but not limited to the  
2 defendant's:

3 (i) removal from the household;  
4 (ii) restricted contact with the victim;  
5 (iii) continued financial support of the  
6 family;

7 (iv) restitution for harm done to the victim;  
8 and

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

11 (2) the court orders the defendant to pay for the  
12 victim's counseling services, to the extent that the court  
13 finds, after considering the defendant's income and  
14 assets, that the defendant is financially capable of paying  
15 for such services, if the victim was under 18 years of age  
16 at the time the offense was committed and requires  
17 counseling as a result of the offense.

18 Probation may be revoked or modified pursuant to Section  
19 5-6-4; except where the court determines at the hearing that  
20 the defendant violated a condition of his or her probation  
21 restricting contact with the victim or other family members or  
22 commits another offense with the victim or other family  
23 members, the court shall revoke the defendant's probation and  
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and  
26 "victim" shall have the meanings ascribed to them in Section

1 11-0.1 of the Criminal Code of 2012.

2 (f) (Blank).

3 (g) Whenever a defendant is convicted of an offense under  
4 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
5 11-14.3, 11-14.4 except for an offense that involves keeping a  
6 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
7 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, the defendant shall undergo medical  
10 testing to determine whether the defendant has any sexually  
11 transmissible disease, including a test for infection with  
12 human immunodeficiency virus (HIV) or any other identified  
13 causative agent of acquired immunodeficiency syndrome (AIDS).  
14 Any such medical test shall be performed only by appropriately  
15 licensed medical practitioners and may include an analysis of  
16 any bodily fluids as well as an examination of the defendant's  
17 person. Except as otherwise provided by law, the results of  
18 such test shall be kept strictly confidential by all medical  
19 personnel involved in the testing and must be personally  
20 delivered in a sealed envelope to the judge of the court in  
21 which the conviction was entered for the judge's inspection in  
22 camera. Acting in accordance with the best interests of the  
23 victim and the public, the judge shall have the discretion to  
24 determine to whom, if anyone, the results of the testing may be  
25 revealed. The court shall notify the defendant of the test  
26 results. The court shall also notify the victim if requested by

1 the victim, and if the victim is under the age of 15 and if  
2 requested by the victim's parents or legal guardian, the court  
3 shall notify the victim's parents or legal guardian of the test  
4 results. The court shall provide information on the  
5 availability of HIV testing and counseling at Department of  
6 Public Health facilities to all parties to whom the results of  
7 the testing are revealed and shall direct the State's Attorney  
8 to provide the information to the victim when possible. A  
9 State's Attorney may petition the court to obtain the results  
10 of any HIV test administered under this Section, and the court  
11 shall grant the disclosure if the State's Attorney shows it is  
12 relevant in order to prosecute a charge of criminal  
13 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012 against the  
15 defendant. The court shall order that the cost of any such test  
16 shall be paid by the county and may be taxed as costs against  
17 the convicted defendant.

18 (g-5) When an inmate is tested for an airborne communicable  
19 disease, as determined by the Illinois Department of Public  
20 Health including but not limited to tuberculosis, the results  
21 of the test shall be personally delivered by the warden or his  
22 or her designee in a sealed envelope to the judge of the court  
23 in which the inmate must appear for the judge's inspection in  
24 camera if requested by the judge. Acting in accordance with the  
25 best interests of those in the courtroom, the judge shall have  
26 the discretion to determine what if any precautions need to be

1 taken to prevent transmission of the disease in the courtroom.

2 (h) Whenever a defendant is convicted of an offense under  
3 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
4 defendant shall undergo medical testing to determine whether  
5 the defendant has been exposed to human immunodeficiency virus  
6 (HIV) or any other identified causative agent of acquired  
7 immunodeficiency syndrome (AIDS). Except as otherwise provided  
8 by law, the results of such test shall be kept strictly  
9 confidential by all medical personnel involved in the testing  
10 and must be personally delivered in a sealed envelope to the  
11 judge of the court in which the conviction was entered for the  
12 judge's inspection in camera. Acting in accordance with the  
13 best interests of the public, the judge shall have the  
14 discretion to determine to whom, if anyone, the results of the  
15 testing may be revealed. The court shall notify the defendant  
16 of a positive test showing an infection with the human  
17 immunodeficiency virus (HIV). The court shall provide  
18 information on the availability of HIV testing and counseling  
19 at Department of Public Health facilities to all parties to  
20 whom the results of the testing are revealed and shall direct  
21 the State's Attorney to provide the information to the victim  
22 when possible. A State's Attorney may petition the court to  
23 obtain the results of any HIV test administered under this  
24 Section, and the court shall grant the disclosure if the  
25 State's Attorney shows it is relevant in order to prosecute a  
26 charge of criminal transmission of HIV under Section 12-5.01 or

1 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 against the defendant. The court shall order that the cost  
3 of any such test shall be paid by the county and may be taxed as  
4 costs against the convicted defendant.

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

12 (j) In cases when prosecution for any violation of Section  
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
14 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
16 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
17 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012, any violation of the Illinois Controlled  
19 Substances Act, any violation of the Cannabis Control Act, or  
20 any violation of the Methamphetamine Control and Community  
21 Protection Act results in conviction, a disposition of court  
22 supervision, or an order of probation granted under Section 10  
23 of the Cannabis Control Act, Section 410 of the Illinois  
24 Controlled Substances Act, or Section 70 of the Methamphetamine  
25 Control and Community Protection Act of a defendant, the court  
26 shall determine whether the defendant is employed by a facility



1 or center as defined under the Child Care Act of 1969, a public  
2 or private elementary or secondary school, or otherwise works  
3 with children under 18 years of age on a daily basis. When a  
4 defendant is so employed, the court shall order the Clerk of  
5 the Court to send a copy of the judgment of conviction or order  
6 of supervision or probation to the defendant's employer by  
7 certified mail. If the employer of the defendant is a school,  
8 the Clerk of the Court shall direct the mailing of a copy of  
9 the judgment of conviction or order of supervision or probation  
10 to the appropriate regional superintendent of schools. The  
11 regional superintendent of schools shall notify the State Board  
12 of Education of any notification under this subsection.

13 (j-5) A defendant at least 17 years of age who is convicted  
14 of a felony and who has not been previously convicted of a  
15 misdemeanor or felony and who is sentenced to a term of  
16 imprisonment in the Illinois Department of Corrections shall as  
17 a condition of his or her sentence be required by the court to  
18 attend educational courses designed to prepare the defendant  
19 for a high school diploma and to work toward a high school  
20 diploma or to work toward passing high school equivalency  
21 testing or to work toward completing a vocational training  
22 program offered by the Department of Corrections. If a  
23 defendant fails to complete the educational training required  
24 by his or her sentence during the term of incarceration, the  
25 Prisoner Review Board shall, as a condition of mandatory  
26 supervised release, require the defendant, at his or her own

1 expense, to pursue a course of study toward a high school  
2 diploma or passage of high school equivalency testing. The  
3 Prisoner Review Board shall revoke the mandatory supervised  
4 release of a defendant who wilfully fails to comply with this  
5 subsection (j-5) upon his or her release from confinement in a  
6 penal institution while serving a mandatory supervised release  
7 term; however, the inability of the defendant after making a  
8 good faith effort to obtain financial aid or pay for the  
9 educational training shall not be deemed a wilful failure to  
10 comply. The Prisoner Review Board shall recommit the defendant  
11 whose mandatory supervised release term has been revoked under  
12 this subsection (j-5) as provided in Section 3-3-9. This  
13 subsection (j-5) does not apply to a defendant who has a high  
14 school diploma or has successfully passed high school  
15 equivalency testing. This subsection (j-5) does not apply to a  
16 defendant who is determined by the court to be developmentally  
17 disabled or otherwise mentally incapable of completing the  
18 educational or vocational program.

19 (k) (Blank).

20 (l) (A) Except as provided in paragraph (C) of subsection  
21 (l), whenever a defendant, who is an alien as defined by the  
22 Immigration and Nationality Act, is convicted of any felony or  
23 misdemeanor offense, the court after sentencing the defendant  
24 may, upon motion of the State's Attorney, hold sentence in  
25 abeyance and remand the defendant to the custody of the  
26 Attorney General of the United States or his or her designated

1 agent to be deported when:

2 (1) a final order of deportation has been issued  
3 against the defendant pursuant to proceedings under the  
4 Immigration and Nationality Act, and

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

8 Otherwise, the defendant shall be sentenced as provided in  
9 this Chapter V.

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

19 (1) a final order of deportation has been issued  
20 against the defendant pursuant to proceedings under the  
21 Immigration and Nationality Act, and

22 (2) the deportation of the defendant would not  
23 deprecate the seriousness of the defendant's conduct and  
24 would not be inconsistent with the ends of justice.

25 (C) This subsection (1) does not apply to offenders who are  
26 subject to the provisions of paragraph (2) of subsection (a) of

1 Section 3-6-3.

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

12 (m) A person convicted of criminal defacement of property  
13 under Section 21-1.3 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, in which the property damage exceeds  
15 \$300 and the property damaged is a school building, shall be  
16 ordered to perform community service that may include cleanup,  
17 removal, or painting over the defacement.

18 (n) The court may sentence a person convicted of a  
19 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
20 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
21 of 1961 or the Criminal Code of 2012 (i) to an impact  
22 incarceration program if the person is otherwise eligible for  
23 that program under Section 5-8-1.1, (ii) to community service,  
24 or (iii) if the person is an addict or alcoholic, as defined in  
25 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
26 substance or alcohol abuse program licensed under that Act.

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

6 (Source: P.A. 97-159, eff. 7-21-11; 97-697, eff. 6-22-12;  
7 97-917, eff. 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff.  
8 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-756,  
9 eff. 7-16-14.)

10 (730 ILCS 5/5-5-3.2)

11 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
12 Sentencing.

13 (a) The following factors shall be accorded weight in favor  
14 of imposing a term of imprisonment or may be considered by the  
15 court as reasons to impose a more severe sentence under Section  
16 5-8-1 or Article 4.5 of Chapter V:

17 (1) the defendant's conduct caused or threatened  
18 serious harm;

19 (2) the defendant received compensation for committing  
20 the offense;

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

23 (4) the defendant, by the duties of his office or by  
24 his position, was obliged to prevent the particular offense  
25 committed or to bring the offenders committing it to

1 justice;

2 (5) the defendant held public office at the time of the  
3 offense, and the offense related to the conduct of that  
4 office;

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

8 (7) the sentence is necessary to deter others from  
9 committing the same crime;

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

12 (9) the defendant committed the offense against a  
13 person who is physically handicapped or such person's  
14 property;

15 (10) by reason of another individual's actual or  
16 perceived race, color, creed, religion, ancestry, gender,  
17 sexual orientation, physical or mental disability, or  
18 national origin, the defendant committed the offense  
19 against (i) the person or property of that individual; (ii)  
20 the person or property of a person who has an association  
21 with, is married to, or has a friendship with the other  
22 individual; or (iii) the person or property of a relative  
23 (by blood or marriage) of a person described in clause (i)  
24 or (ii). For the purposes of this Section, "sexual  
25 orientation" means heterosexuality, homosexuality, or  
26 bisexuality;

1           (11) the offense took place in a place of worship or on  
2           the grounds of a place of worship, immediately prior to,  
3           during or immediately following worship services. For  
4           purposes of this subparagraph, "place of worship" shall  
5           mean any church, synagogue or other building, structure or  
6           place used primarily for religious worship;

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

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

19          (14) the defendant held a position of trust or  
20          supervision such as, but not limited to, family member as  
21          defined in Section 11-0.1 of the Criminal Code of 2012,  
22          teacher, scout leader, baby sitter, or day care worker, in  
23          relation to a victim under 18 years of age, and the  
24          defendant committed an offense in violation of Section  
25          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
26          11-14.4 except for an offense that involves keeping a place

1 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
2 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
3 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012 against that victim;

5 (15) the defendant committed an offense related to the  
6 activities of an organized gang. For the purposes of this  
7 factor, "organized gang" has the meaning ascribed to it in  
8 Section 10 of the Streetgang Terrorism Omnibus Prevention  
9 Act;

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

24 (16.5) the defendant committed an offense in violation  
25 of one of the following Sections while in a day care  
26 center, regardless of the time of day or time of year; on



1 the real property of a day care center, regardless of the  
2 time of day or time of year; or on a public way within  
3 1,000 feet of the real property comprising any day care  
4 center, regardless of the time of day or time of year:  
5 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
6 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
7 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
8 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
9 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
10 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
11 Criminal Code of 2012;

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

19 (18) the defendant committed the offense in a nursing  
20 home or on the real property comprising a nursing home. For  
21 the purposes of this paragraph (18), "nursing home" means a  
22 skilled nursing or intermediate long term care facility  
23 that is subject to license by the Illinois Department of  
24 Public Health under the Nursing Home Care Act, the  
25 Specialized Mental Health Rehabilitation Act of 2013, or  
26 the ID/DD Community Care Act;

1           (19) the defendant was a federally licensed firearm  
2 dealer and was previously convicted of a violation of  
3 subsection (a) of Section 3 of the Firearm Owners  
4 Identification Card Act before its repeal by this  
5 amendatory Act of the 99th General Assembly and has now  
6 committed ~~either a felony violation of the Firearm Owners~~  
7 ~~Identification Card Act or~~ an act of armed violence while  
8 armed with a firearm;

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

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

25           (22) the defendant committed the offense against a  
26 person that the defendant knew, or reasonably should have

1 known, was a member of the Armed Forces of the United  
2 States serving on active duty. For purposes of this clause  
3 (22), the term "Armed Forces" means any of the Armed Forces  
4 of the United States, including a member of any reserve  
5 component thereof or National Guard unit called to active  
6 duty;

7 (23) the defendant committed the offense against a  
8 person who was elderly, disabled, or infirm by taking  
9 advantage of a family or fiduciary relationship with the  
10 elderly, disabled, or infirm person;

11 (24) the defendant committed any offense under Section  
12 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
13 of 2012 and possessed 100 or more images;

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

17 (26) the defendant committed the offense of child  
18 pornography or aggravated child pornography, specifically  
19 including paragraph (1), (2), (3), (4), (5), or (7) of  
20 subsection (a) of Section 11-20.1 of the Criminal Code of  
21 1961 or the Criminal Code of 2012 where a child engaged in,  
22 solicited for, depicted in, or posed in any act of sexual  
23 penetration or bound, fettered, or subject to sadistic,  
24 masochistic, or sadomasochistic abuse in a sexual context  
25 and specifically including paragraph (1), (2), (3), (4),  
26 (5), or (7) of subsection (a) of Section 11-20.1B or

1 Section 11-20.3 of the Criminal Code of 1961 where a child  
2 engaged in, solicited for, depicted in, or posed in any act  
3 of sexual penetration or bound, fettered, or subject to  
4 sadistic, masochistic, or sadomasochistic abuse in a  
5 sexual context;

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

23 (28) the defendant committed the offense of assault,  
24 aggravated assault, battery, aggravated battery, robbery,  
25 armed robbery, or aggravated robbery against a person that  
26 the defendant knew or reasonably should have known was a

1 letter carrier or postal worker while that person was  
2 performing his or her duties delivering mail for the United  
3 States Postal Service.

4 For the purposes of this Section:

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

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

11 "Public transportation" means the transportation or  
12 conveyance of persons by means available to the general public,  
13 and includes paratransit services.

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

17 (1) When a defendant is convicted of any felony, after  
18 having been previously convicted in Illinois or any other  
19 jurisdiction of the same or similar class felony or greater  
20 class felony, when such conviction has occurred within 10  
21 years after the previous conviction, excluding time spent  
22 in custody, and such charges are separately brought and  
23 tried and arise out of different series of acts; or

24 (2) When a defendant is convicted of any felony and the  
25 court finds that the offense was accompanied by  
26 exceptionally brutal or heinous behavior indicative of

1           wanton cruelty; or

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

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

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

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

10          (4) When a defendant is convicted of any felony and the  
11 offense involved any of the following types of specific  
12 misconduct committed as part of a ceremony, rite,  
13 initiation, observance, performance, practice or activity  
14 of any actual or ostensible religious, fraternal, or social  
15 group:

16           (i) the brutalizing or torturing of humans or  
17 animals;

18           (ii) the theft of human corpses;

19           (iii) the kidnapping of humans;

20           (iv) the desecration of any cemetery, religious,  
21 fraternal, business, governmental, educational, or  
22 other building or property; or

23           (v) ritualized abuse of a child; or

24          (5) When a defendant is convicted of a felony other  
25 than conspiracy and the court finds that the felony was  
26 committed under an agreement with 2 or more other persons

1 to commit that offense and the defendant, with respect to  
2 the other individuals, occupied a position of organizer,  
3 supervisor, financier, or any other position of management  
4 or leadership, and the court further finds that the felony  
5 committed was related to or in furtherance of the criminal  
6 activities of an organized gang or was motivated by the  
7 defendant's leadership in an organized gang; or

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

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

21 (8) When a defendant commits any felony and the  
22 defendant used, possessed, exercised control over, or  
23 otherwise directed an animal to assault a law enforcement  
24 officer engaged in the execution of his or her official  
25 duties or in furtherance of the criminal activities of an  
26 organized gang in which the defendant is engaged; or

1           (9) When a defendant commits any felony and the  
2 defendant knowingly video or audio records the offense with  
3 the intent to disseminate the recording.

4           (c) The following factors may be considered by the court as  
5 reasons to impose an extended term sentence under Section 5-8-2  
6 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

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

15           (1.5) When a defendant is convicted of first degree  
16 murder, after having been previously convicted of domestic  
17 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
18 (720 ILCS 5/12-3.3) committed on the same victim or after  
19 having been previously convicted of violation of an order  
20 of protection (720 ILCS 5/12-30) in which the same victim  
21 was the protected person.

22           (2) When a defendant is convicted of voluntary  
23 manslaughter, second degree murder, involuntary  
24 manslaughter, or reckless homicide in which the defendant  
25 has been convicted of causing the death of more than one  
26 individual.



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

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

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

23           (6) When a defendant was convicted of unlawful use of  
24 weapons under Section 24-1 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
26 a weapon that is not readily distinguishable as one of the

1 weapons enumerated in Section 24-1 of the Criminal Code of  
2 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

22 (8) When the defendant is convicted of attempted mob  
23 action, solicitation to commit mob action, or conspiracy to  
24 commit mob action under Section 8-1, 8-2, or 8-4 of the  
25 Criminal Code of 2012, where the criminal object is a  
26 violation of Section 25-1 of the Criminal Code of 2012, and

1 an electronic communication is used in the commission of  
2 the offense. For the purposes of this paragraph (8),  
3 "electronic communication" shall have the meaning provided  
4 in Section 26.5-0.1 of the Criminal Code of 2012.

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

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

20 (Source: P.A. 97-38, eff. 6-28-11, 97-227, eff. 1-1-12; 97-333,  
21 eff. 8-12-11; 97-693, eff. 1-1-13; 97-1108, eff. 1-1-13;  
22 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-14, eff.  
23 1-1-14; 98-104, eff. 7-22-13; 98-385, eff. 1-1-14; 98-756, eff.  
24 7-16-14.)

25 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

1           Sec. 5-6-3. Conditions of Probation and of Conditional  
2 Discharge.

3           (a) The conditions of probation and of conditional  
4 discharge shall be that the person:

5                 (1) not violate any criminal statute of any  
6 jurisdiction;

7                 (2) report to or appear in person before such person or  
8 agency as directed by the court;

9                 (3) refrain from possessing a firearm or other  
10 dangerous weapon where the offense is a felony or, if a  
11 misdemeanor, the offense involved the intentional or  
12 knowing infliction of bodily harm or threat of bodily harm;

13                 (4) not leave the State without the consent of the  
14 court or, in circumstances in which the reason for the  
15 absence is of such an emergency nature that prior consent  
16 by the court is not possible, without the prior  
17 notification and approval of the person's probation  
18 officer. Transfer of a person's probation or conditional  
19 discharge supervision to another state is subject to  
20 acceptance by the other state pursuant to the Interstate  
21 Compact for Adult Offender Supervision;

22                 (5) permit the probation officer to visit him at his  
23 home or elsewhere to the extent necessary to discharge his  
24 duties;

25                 (6) perform no less than 30 hours of community service  
26 and not more than 120 hours of community service, if

1 community service is available in the jurisdiction and is  
2 funded and approved by the county board where the offense  
3 was committed, where the offense was related to or in  
4 furtherance of the criminal activities of an organized gang  
5 and was motivated by the offender's membership in or  
6 allegiance to an organized gang. The community service  
7 shall include, but not be limited to, the cleanup and  
8 repair of any damage caused by a violation of Section  
9 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
10 2012 and similar damage to property located within the  
11 municipality or county in which the violation occurred.  
12 When possible and reasonable, the community service should  
13 be performed in the offender's neighborhood. For purposes  
14 of this Section, "organized gang" has the meaning ascribed  
15 to it in Section 10 of the Illinois Streetgang Terrorism  
16 Omnibus Prevention Act;

17 (7) if he or she is at least 17 years of age and has  
18 been sentenced to probation or conditional discharge for a  
19 misdemeanor or felony in a county of 3,000,000 or more  
20 inhabitants and has not been previously convicted of a  
21 misdemeanor or felony, may be required by the sentencing  
22 court to attend educational courses designed to prepare the  
23 defendant for a high school diploma and to work toward a  
24 high school diploma or to work toward passing high school  
25 equivalency testing or to work toward completing a  
26 vocational training program approved by the court. The

1 person on probation or conditional discharge must attend a  
2 public institution of education to obtain the educational  
3 or vocational training required by this clause (7). The  
4 court shall revoke the probation or conditional discharge  
5 of a person who wilfully fails to comply with this clause  
6 (7). The person on probation or conditional discharge shall  
7 be required to pay for the cost of the educational courses  
8 or high school equivalency testing if a fee is charged for  
9 those courses or testing. The court shall resentence the  
10 offender whose probation or conditional discharge has been  
11 revoked as provided in Section 5-6-4. This clause (7) does  
12 not apply to a person who has a high school diploma or has  
13 successfully passed high school equivalency testing. This  
14 clause (7) does not apply to a person who is determined by  
15 the court to be developmentally disabled or otherwise  
16 mentally incapable of completing the educational or  
17 vocational program;

18 (8) if convicted of possession of a substance  
19 prohibited by the Cannabis Control Act, the Illinois  
20 Controlled Substances Act, or the Methamphetamine Control  
21 and Community Protection Act after a previous conviction or  
22 disposition of supervision for possession of a substance  
23 prohibited by the Cannabis Control Act or Illinois  
24 Controlled Substances Act or after a sentence of probation  
25 under Section 10 of the Cannabis Control Act, Section 410  
26 of the Illinois Controlled Substances Act, or Section 70 of

1 the Methamphetamine Control and Community Protection Act  
2 and upon a finding by the court that the person is  
3 addicted, undergo treatment at a substance abuse program  
4 approved by the court;

5 (8.5) if convicted of a felony sex offense as defined  
6 in the Sex Offender Management Board Act, the person shall  
7 undergo and successfully complete sex offender treatment  
8 by a treatment provider approved by the Board and conducted  
9 in conformance with the standards developed under the Sex  
10 Offender Management Board Act;

11 (8.6) if convicted of a sex offense as defined in the  
12 Sex Offender Management Board Act, refrain from residing at  
13 the same address or in the same condominium unit or  
14 apartment unit or in the same condominium complex or  
15 apartment complex with another person he or she knows or  
16 reasonably should know is a convicted sex offender or has  
17 been placed on supervision for a sex offense; the  
18 provisions of this paragraph do not apply to a person  
19 convicted of a sex offense who is placed in a Department of  
20 Corrections licensed transitional housing facility for sex  
21 offenders;

22 (8.7) if convicted for an offense committed on or after  
23 June 1, 2008 (the effective date of Public Act 95-464) that  
24 would qualify the accused as a child sex offender as  
25 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
26 1961 or the Criminal Code of 2012, refrain from

1 communicating with or contacting, by means of the Internet,  
2 a person who is not related to the accused and whom the  
3 accused reasonably believes to be under 18 years of age;  
4 for purposes of this paragraph (8.7), "Internet" has the  
5 meaning ascribed to it in Section 16-0.1 of the Criminal  
6 Code of 2012; and a person is not related to the accused if  
7 the person is not: (i) the spouse, brother, or sister of  
8 the accused; (ii) a descendant of the accused; (iii) a  
9 first or second cousin of the accused; or (iv) a step-child  
10 or adopted child of the accused;

11 (8.8) if convicted for an offense under Section 11-6,  
12 11-9.1, 11-14.4 that involves soliciting for a juvenile  
13 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
14 of the Criminal Code of 1961 or the Criminal Code of 2012,  
15 or any attempt to commit any of these offenses, committed  
16 on or after June 1, 2009 (the effective date of Public Act  
17 95-983):

18 (i) not access or use a computer or any other  
19 device with Internet capability without the prior  
20 written approval of the offender's probation officer,  
21 except in connection with the offender's employment or  
22 search for employment with the prior approval of the  
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations  
25 of the offender's computer or any other device with  
26 Internet capability by the offender's probation



1 officer, a law enforcement officer, or assigned  
2 computer or information technology specialist,  
3 including the retrieval and copying of all data from  
4 the computer or device and any internal or external  
5 peripherals and removal of such information,  
6 equipment, or device to conduct a more thorough  
7 inspection;

8 (iii) submit to the installation on the offender's  
9 computer or device with Internet capability, at the  
10 offender's expense, of one or more hardware or software  
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions  
13 concerning the offender's use of or access to a  
14 computer or any other device with Internet capability  
15 imposed by the offender's probation officer;

16 (8.9) if convicted of a sex offense as defined in the  
17 Sex Offender Registration Act committed on or after January  
18 1, 2010 (the effective date of Public Act 96-262), refrain  
19 from accessing or using a social networking website as  
20 defined in Section 17-0.5 of the Criminal Code of 2012;

21 (9) if convicted of a felony or of any misdemeanor  
22 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
23 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
24 2012 that was determined, pursuant to Section 112A-11.1 of  
25 the Code of Criminal Procedure of 1963, to trigger the  
26 prohibitions of 18 U.S.C. 922(g)(9), physically surrender

1 at a time and place designated by the court, ~~his or her~~  
2 ~~Firearm Owner's Identification Card~~ and any and all  
3 firearms in his or her possession. ~~The Court shall return~~  
4 ~~to the Department of State Police Firearm Owner's~~  
5 ~~Identification Card Office the person's Firearm Owner's~~  
6 ~~Identification Card;~~

7 (10) if convicted of a sex offense as defined in  
8 subsection (a-5) of Section 3-1-2 of this Code, unless the  
9 offender is a parent or guardian of the person under 18  
10 years of age present in the home and no non-familial minors  
11 are present, not participate in a holiday event involving  
12 children under 18 years of age, such as distributing candy  
13 or other items to children on Halloween, wearing a Santa  
14 Claus costume on or preceding Christmas, being employed as  
15 a department store Santa Claus, or wearing an Easter Bunny  
16 costume on or preceding Easter;

17 (11) if convicted of a sex offense as defined in  
18 Section 2 of the Sex Offender Registration Act committed on  
19 or after January 1, 2010 (the effective date of Public Act  
20 96-362) that requires the person to register as a sex  
21 offender under that Act, may not knowingly use any computer  
22 scrub software on any computer that the sex offender uses;  
23 and

24 (12) if convicted of a violation of the Methamphetamine  
25 Control and Community Protection Act, the Methamphetamine  
26 Precursor Control Act, or a methamphetamine related

1 offense:

2 (A) prohibited from purchasing, possessing, or  
3 having under his or her control any product containing  
4 pseudoephedrine unless prescribed by a physician; and

5 (B) prohibited from purchasing, possessing, or  
6 having under his or her control any product containing  
7 ammonium nitrate.

8 (b) The Court may in addition to other reasonable  
9 conditions relating to the nature of the offense or the  
10 rehabilitation of the defendant as determined for each  
11 defendant in the proper discretion of the Court require that  
12 the person:

13 (1) serve a term of periodic imprisonment under Article  
14 7 for a period not to exceed that specified in paragraph  
15 (d) of Section 5-7-1;

16 (2) pay a fine and costs;

17 (3) work or pursue a course of study or vocational  
18 training;

19 (4) undergo medical, psychological or psychiatric  
20 treatment; or treatment for drug addiction or alcoholism;

21 (5) attend or reside in a facility established for the  
22 instruction or residence of defendants on probation;

23 (6) support his dependents;

24 (7) and in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a  
3 foster home;

4 (v) with the consent of the superintendent of the  
5 facility, attend an educational program at a facility  
6 other than the school in which the offense was  
7 committed if he or she is convicted of a crime of  
8 violence as defined in Section 2 of the Crime Victims  
9 Compensation Act committed in a school, on the real  
10 property comprising a school, or within 1,000 feet of  
11 the real property comprising a school;

12 (8) make restitution as provided in Section 5-5-6 of  
13 this Code;

14 (9) perform some reasonable public or community  
15 service;

16 (10) serve a term of home confinement. In addition to  
17 any other applicable condition of probation or conditional  
18 discharge, the conditions of home confinement shall be that  
19 the offender:

20 (i) remain within the interior premises of the  
21 place designated for his confinement during the hours  
22 designated by the court;

23 (ii) admit any person or agent designated by the  
24 court into the offender's place of confinement at any  
25 time for purposes of verifying the offender's  
26 compliance with the conditions of his confinement; and

1 (iii) if further deemed necessary by the court or  
2 the Probation or Court Services Department, be placed  
3 on an approved electronic monitoring device, subject  
4 to Article 8A of Chapter V;

5 (iv) for persons convicted of any alcohol,  
6 cannabis or controlled substance violation who are  
7 placed on an approved monitoring device as a condition  
8 of probation or conditional discharge, the court shall  
9 impose a reasonable fee for each day of the use of the  
10 device, as established by the county board in  
11 subsection (g) of this Section, unless after  
12 determining the inability of the offender to pay the  
13 fee, the court assesses a lesser fee or no fee as the  
14 case may be. This fee shall be imposed in addition to  
15 the fees imposed under subsections (g) and (i) of this  
16 Section. The fee shall be collected by the clerk of the  
17 circuit court. The clerk of the circuit court shall pay  
18 all monies collected from this fee to the county  
19 treasurer for deposit in the substance abuse services  
20 fund under Section 5-1086.1 of the Counties Code; and

21 (v) for persons convicted of offenses other than  
22 those referenced in clause (iv) above and who are  
23 placed on an approved monitoring device as a condition  
24 of probation or conditional discharge, the court shall  
25 impose a reasonable fee for each day of the use of the  
26 device, as established by the county board in

1 subsection (g) of this Section, unless after  
2 determining the inability of the defendant to pay the  
3 fee, the court assesses a lesser fee or no fee as the  
4 case may be. This fee shall be imposed in addition to  
5 the fees imposed under subsections (g) and (i) of this  
6 Section. The fee shall be collected by the clerk of the  
7 circuit court. The clerk of the circuit court shall pay  
8 all monies collected from this fee to the county  
9 treasurer who shall use the monies collected to defray  
10 the costs of corrections. The county treasurer shall  
11 deposit the fee collected in the probation and court  
12 services fund.

13 (11) comply with the terms and conditions of an order  
14 of protection issued by the court pursuant to the Illinois  
15 Domestic Violence Act of 1986, as now or hereafter amended,  
16 or an order of protection issued by the court of another  
17 state, tribe, or United States territory. A copy of the  
18 order of protection shall be transmitted to the probation  
19 officer or agency having responsibility for the case;

20 (12) reimburse any "local anti-crime program" as  
21 defined in Section 7 of the Anti-Crime Advisory Council Act  
22 for any reasonable expenses incurred by the program on the  
23 offender's case, not to exceed the maximum amount of the  
24 fine authorized for the offense for which the defendant was  
25 sentenced;

26 (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the  
2 offense for which the defendant was sentenced, (i) to a  
3 "local anti-crime program", as defined in Section 7 of the  
4 Anti-Crime Advisory Council Act, or (ii) for offenses under  
5 the jurisdiction of the Department of Natural Resources, to  
6 the fund established by the Department of Natural Resources  
7 for the purchase of evidence for investigation purposes and  
8 to conduct investigations as outlined in Section 805-105 of  
9 the Department of Natural Resources (Conservation) Law;

10 (14) refrain from entering into a designated  
11 geographic area except upon such terms as the court finds  
12 appropriate. Such terms may include consideration of the  
13 purpose of the entry, the time of day, other persons  
14 accompanying the defendant, and advance approval by a  
15 probation officer, if the defendant has been placed on  
16 probation or advance approval by the court, if the  
17 defendant was placed on conditional discharge;

18 (15) refrain from having any contact, directly or  
19 indirectly, with certain specified persons or particular  
20 types of persons, including but not limited to members of  
21 street gangs and drug users or dealers;

22 (16) refrain from having in his or her body the  
23 presence of any illicit drug prohibited by the Cannabis  
24 Control Act, the Illinois Controlled Substances Act, or the  
25 Methamphetamine Control and Community Protection Act,  
26 unless prescribed by a physician, and submit samples of his

1 or her blood or urine or both for tests to determine the  
2 presence of any illicit drug;

3 (17) if convicted for an offense committed on or after  
4 June 1, 2008 (the effective date of Public Act 95-464) that  
5 would qualify the accused as a child sex offender as  
6 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
7 1961 or the Criminal Code of 2012, refrain from  
8 communicating with or contacting, by means of the Internet,  
9 a person who is related to the accused and whom the accused  
10 reasonably believes to be under 18 years of age; for  
11 purposes of this paragraph (17), "Internet" has the meaning  
12 ascribed to it in Section 16-0.1 of the Criminal Code of  
13 2012; and a person is related to the accused if the person  
14 is: (i) the spouse, brother, or sister of the accused; (ii)  
15 a descendant of the accused; (iii) a first or second cousin  
16 of the accused; or (iv) a step-child or adopted child of  
17 the accused;

18 (18) if convicted for an offense committed on or after  
19 June 1, 2009 (the effective date of Public Act 95-983) that  
20 would qualify as a sex offense as defined in the Sex  
21 Offender Registration Act:

22 (i) not access or use a computer or any other  
23 device with Internet capability without the prior  
24 written approval of the offender's probation officer,  
25 except in connection with the offender's employment or  
26 search for employment with the prior approval of the



1 offender's probation officer;

2 (ii) submit to periodic unannounced examinations  
3 of the offender's computer or any other device with  
4 Internet capability by the offender's probation  
5 officer, a law enforcement officer, or assigned  
6 computer or information technology specialist,  
7 including the retrieval and copying of all data from  
8 the computer or device and any internal or external  
9 peripherals and removal of such information,  
10 equipment, or device to conduct a more thorough  
11 inspection;

12 (iii) submit to the installation on the offender's  
13 computer or device with Internet capability, at the  
14 subject's expense, of one or more hardware or software  
15 systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions  
17 concerning the offender's use of or access to a  
18 computer or any other device with Internet capability  
19 imposed by the offender's probation officer; and

20 (19) refrain from possessing a firearm or other  
21 dangerous weapon where the offense is a misdemeanor that  
22 did not involve the intentional or knowing infliction of  
23 bodily harm or threat of bodily harm.

24 (c) The court may as a condition of probation or of  
25 conditional discharge require that a person under 18 years of  
26 age found guilty of any alcohol, cannabis or controlled

1 substance violation, refrain from acquiring a driver's license  
2 during the period of probation or conditional discharge. If  
3 such person is in possession of a permit or license, the court  
4 may require that the minor refrain from driving or operating  
5 any motor vehicle during the period of probation or conditional  
6 discharge, except as may be necessary in the course of the  
7 minor's lawful employment.

8 (d) An offender sentenced to probation or to conditional  
9 discharge shall be given a certificate setting forth the  
10 conditions thereof.

11 (e) Except where the offender has committed a fourth or  
12 subsequent violation of subsection (c) of Section 6-303 of the  
13 Illinois Vehicle Code, the court shall not require as a  
14 condition of the sentence of probation or conditional discharge  
15 that the offender be committed to a period of imprisonment in  
16 excess of 6 months. This 6 month limit shall not include  
17 periods of confinement given pursuant to a sentence of county  
18 impact incarceration under Section 5-8-1.2.

19 Persons committed to imprisonment as a condition of  
20 probation or conditional discharge shall not be committed to  
21 the Department of Corrections.

22 (f) The court may combine a sentence of periodic  
23 imprisonment under Article 7 or a sentence to a county impact  
24 incarceration program under Article 8 with a sentence of  
25 probation or conditional discharge.

26 (g) An offender sentenced to probation or to conditional

1 discharge and who during the term of either undergoes mandatory  
2 drug or alcohol testing, or both, or is assigned to be placed  
3 on an approved electronic monitoring device, shall be ordered  
4 to pay all costs incidental to such mandatory drug or alcohol  
5 testing, or both, and all costs incidental to such approved  
6 electronic monitoring in accordance with the defendant's  
7 ability to pay those costs. The county board with the  
8 concurrence of the Chief Judge of the judicial circuit in which  
9 the county is located shall establish reasonable fees for the  
10 cost of maintenance, testing, and incidental expenses related  
11 to the mandatory drug or alcohol testing, or both, and all  
12 costs incidental to approved electronic monitoring, involved  
13 in a successful probation program for the county. The  
14 concurrence of the Chief Judge shall be in the form of an  
15 administrative order. The fees shall be collected by the clerk  
16 of the circuit court. The clerk of the circuit court shall pay  
17 all moneys collected from these fees to the county treasurer  
18 who shall use the moneys collected to defray the costs of drug  
19 testing, alcohol testing, and electronic monitoring. The  
20 county treasurer shall deposit the fees collected in the county  
21 working cash fund under Section 6-27001 or Section 6-29002 of  
22 the Counties Code, as the case may be.

23 (h) Jurisdiction over an offender may be transferred from  
24 the sentencing court to the court of another circuit with the  
25 concurrence of both courts. Further transfers or retransfers of  
26 jurisdiction are also authorized in the same manner. The court

1 to which jurisdiction has been transferred shall have the same  
2 powers as the sentencing court. The probation department within  
3 the circuit to which jurisdiction has been transferred, or  
4 which has agreed to provide supervision, may impose probation  
5 fees upon receiving the transferred offender, as provided in  
6 subsection (i). For all transfer cases, as defined in Section  
7 9b of the Probation and Probation Officers Act, the probation  
8 department from the original sentencing court shall retain all  
9 probation fees collected prior to the transfer. After the  
10 transfer all probation fees shall be paid to the probation  
11 department within the circuit to which jurisdiction has been  
12 transferred.

13 (i) The court shall impose upon an offender sentenced to  
14 probation after January 1, 1989 or to conditional discharge  
15 after January 1, 1992 or to community service under the  
16 supervision of a probation or court services department after  
17 January 1, 2004, as a condition of such probation or  
18 conditional discharge or supervised community service, a fee of  
19 \$50 for each month of probation or conditional discharge  
20 supervision or supervised community service ordered by the  
21 court, unless after determining the inability of the person  
22 sentenced to probation or conditional discharge or supervised  
23 community service to pay the fee, the court assesses a lesser  
24 fee. The court may not impose the fee on a minor who is made a  
25 ward of the State under the Juvenile Court Act of 1987 while  
26 the minor is in placement. The fee shall be imposed only upon

1 an offender who is actively supervised by the probation and  
2 court services department. The fee shall be collected by the  
3 clerk of the circuit court. The clerk of the circuit court  
4 shall pay all monies collected from this fee to the county  
5 treasurer for deposit in the probation and court services fund  
6 under Section 15.1 of the Probation and Probation Officers Act.

7 A circuit court may not impose a probation fee under this  
8 subsection (i) in excess of \$25 per month unless the circuit  
9 court has adopted, by administrative order issued by the chief  
10 judge, a standard probation fee guide determining an offender's  
11 ability to pay. Of the amount collected as a probation fee, up  
12 to \$5 of that fee collected per month may be used to provide  
13 services to crime victims and their families.

14 The Court may only waive probation fees based on an  
15 offender's ability to pay. The probation department may  
16 re-evaluate an offender's ability to pay every 6 months, and,  
17 with the approval of the Director of Court Services or the  
18 Chief Probation Officer, adjust the monthly fee amount. An  
19 offender may elect to pay probation fees due in a lump sum. Any  
20 offender that has been assigned to the supervision of a  
21 probation department, or has been transferred either under  
22 subsection (h) of this Section or under any interstate compact,  
23 shall be required to pay probation fees to the department  
24 supervising the offender, based on the offender's ability to  
25 pay.

26 This amendatory Act of the 93rd General Assembly deletes

1 the \$10 increase in the fee under this subsection that was  
2 imposed by Public Act 93-616. This deletion is intended to  
3 control over any other Act of the 93rd General Assembly that  
4 retains or incorporates that fee increase.

5 (i-5) In addition to the fees imposed under subsection (i)  
6 of this Section, in the case of an offender convicted of a  
7 felony sex offense (as defined in the Sex Offender Management  
8 Board Act) or an offense that the court or probation department  
9 has determined to be sexually motivated (as defined in the Sex  
10 Offender Management Board Act), the court or the probation  
11 department shall assess additional fees to pay for all costs of  
12 treatment, assessment, evaluation for risk and treatment, and  
13 monitoring the offender, based on that offender's ability to  
14 pay those costs either as they occur or under a payment plan.

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

22 (k) Any offender who is sentenced to probation or  
23 conditional discharge for a felony sex offense as defined in  
24 the Sex Offender Management Board Act or any offense that the  
25 court or probation department has determined to be sexually  
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or  
2 indirectly, with any persons specified by the court and shall  
3 be available for all evaluations and treatment programs  
4 required by the court or the probation department.

5 (1) The court may order an offender who is sentenced to  
6 probation or conditional discharge for a violation of an order  
7 of protection be placed under electronic surveillance as  
8 provided in Section 5-8A-7 of this Code.

9 (Source: P.A. 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597,  
10 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13;  
11 97-1150, eff. 1-25-13; 98-575, eff. 1-1-14; 98-718, eff.  
12 1-1-15.)

13 Section 100. The Stalking No Contact Order Act is amended  
14 by changing Section 80 as follows:

15 (740 ILCS 21/80)

16 Sec. 80. Stalking no contact orders; remedies.

17 (a) If the court finds that the petitioner has been a  
18 victim of stalking, a stalking no contact order shall issue;  
19 provided that the petitioner must also satisfy the requirements  
20 of Section 95 on emergency orders or Section 100 on plenary  
21 orders. The petitioner shall not be denied a stalking no  
22 contact order because the petitioner or the respondent is a  
23 minor. The court, when determining whether or not to issue a  
24 stalking no contact order, may not require physical injury on

1 the person of the petitioner. Modification and extension of  
2 prior stalking no contact orders shall be in accordance with  
3 this Act.

4 (b) A stalking no contact order shall order one or more of  
5 the following:

6 (1) prohibit the respondent from threatening to commit  
7 or committing stalking;

8 (2) order the respondent not to have any contact with  
9 the petitioner or a third person specifically named by the  
10 court;

11 (3) prohibit the respondent from knowingly coming  
12 within, or knowingly remaining within a specified distance  
13 of the petitioner or the petitioner's residence, school,  
14 daycare, or place of employment, or any specified place  
15 frequented by the petitioner; however, the court may order  
16 the respondent to stay away from the respondent's own  
17 residence, school, or place of employment only if the  
18 respondent has been provided actual notice of the  
19 opportunity to appear and be heard on the petition;

20 (4) prohibit the respondent from ~~possessing a Firearm~~  
21 ~~Owners Identification Card, or~~ possessing or buying  
22 firearms; and

23 (5) order other injunctive relief the court determines  
24 to be necessary to protect the petitioner or third party  
25 specifically named by the court.

26 (b-5) When the petitioner and the respondent attend the



1 same public, private, or non-public elementary, middle, or high  
2 school, the court when issuing a stalking no contact order and  
3 providing relief shall consider the severity of the act, any  
4 continuing physical danger or emotional distress to the  
5 petitioner, the educational rights guaranteed to the  
6 petitioner and respondent under federal and State law, the  
7 availability of a transfer of the respondent to another school,  
8 a change of placement or a change of program of the respondent,  
9 the expense, difficulty, and educational disruption that would  
10 be caused by a transfer of the respondent to another school,  
11 and any other relevant facts of the case. The court may order  
12 that the respondent not attend the public, private, or  
13 non-public elementary, middle, or high school attended by the  
14 petitioner, order that the respondent accept a change of  
15 placement or program, as determined by the school district or  
16 private or non-public school, or place restrictions on the  
17 respondent's movements within the school attended by the  
18 petitioner. The respondent bears the burden of proving by a  
19 preponderance of the evidence that a transfer, change of  
20 placement, or change of program of the respondent is not  
21 available. The respondent also bears the burden of production  
22 with respect to the expense, difficulty, and educational  
23 disruption that would be caused by a transfer of the respondent  
24 to another school. A transfer, change of placement, or change  
25 of program is not unavailable to the respondent solely on the  
26 ground that the respondent does not agree with the school

1 district's or private or non-public school's transfer, change  
2 of placement, or change of program or solely on the ground that  
3 the respondent fails or refuses to consent to or otherwise does  
4 not take an action required to effectuate a transfer, change of  
5 placement, or change of program. When a court orders a  
6 respondent to stay away from the public, private, or non-public  
7 school attended by the petitioner and the respondent requests a  
8 transfer to another attendance center within the respondent's  
9 school district or private or non-public school, the school  
10 district or private or non-public school shall have sole  
11 discretion to determine the attendance center to which the  
12 respondent is transferred. In the event the court order results  
13 in a transfer of the minor respondent to another attendance  
14 center, a change in the respondent's placement, or a change of  
15 the respondent's program, the parents, guardian, or legal  
16 custodian of the respondent is responsible for transportation  
17 and other costs associated with the transfer or change.

18 (b-6) The court may order the parents, guardian, or legal  
19 custodian of a minor respondent to take certain actions or to  
20 refrain from taking certain actions to ensure that the  
21 respondent complies with the order. In the event the court  
22 orders a transfer of the respondent to another school, the  
23 parents, guardian, or legal custodian of the respondent are  
24 responsible for transportation and other costs associated with  
25 the change of school by the respondent.

26 (b-7) The court shall not hold a school district or private

1 or non-public school or any of its employees in civil or  
2 criminal contempt unless the school district or private or  
3 non-public school has been allowed to intervene.

4 (b-8) The court may hold the parents, guardian, or legal  
5 custodian of a minor respondent in civil or criminal contempt  
6 for a violation of any provision of any order entered under  
7 this Act for conduct of the minor respondent in violation of  
8 this Act if the parents, guardian, or legal custodian directed,  
9 encouraged, or assisted the respondent minor in such conduct.

10 (c) The court may award the petitioner costs and attorneys  
11 fees if a stalking no contact order is granted.

12 (d) Monetary damages are not recoverable as a remedy.

13 (e) If the stalking no contact order prohibits the  
14 respondent from ~~possessing a Firearm Owner's Identification~~  
15 ~~Card, or~~ possessing or buying firearms; the court shall  
16 confiscate the respondent's firearms ~~Firearm Owner's~~  
17 ~~Identification Card and immediately return the card to the~~  
18 ~~Department of State Police Firearm Owner's Identification Card~~  
19 ~~Office.~~

20 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
21 97-1131, eff. 1-1-13.)

22 Section 105. The Mental Health and Developmental  
23 Disabilities Confidentiality Act is amended by changing  
24 Section 12 as follows:

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

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

26 For the purpose of this subsection (a), the term "public

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

11 (b) The Department of Human Services (acting as successor  
12 to the Department of Mental Health and Developmental  
13 Disabilities) and all public or private hospitals and mental  
14 health facilities are required, as hereafter described in this  
15 subsection, to furnish the Department of State Police only such  
16 information as may be required for the sole purpose of  
17 determining whether an individual who may be or may have been a  
18 patient is disqualified because of that status from receiving  
19 or retaining a firearm under paragraph (4) of subsection (a) of  
20 Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~  
21 ~~Identification Card or falls within the federal prohibitors~~  
22 ~~under subsection (c), (f), (g), (r), (s), or (t) of Section 8~~  
23 ~~of the Firearm Owners Identification Card Act~~, or falls within  
24 the federal prohibitors in 18 U.S.C. 922(g) and (n). All  
25 physicians, clinical psychologists, or qualified examiners at  
26 public or private mental health facilities or parts thereof as

1 defined in this subsection shall, in the form and manner  
2 required by the Department, provide notice directly to the  
3 Department of Human Services, or to his or her employer who  
4 shall then report to the Department, within 24 hours after  
5 determining that a patient as described in clause (2) (B) of the  
6 definition of "patient" in this subsection (b) ~~Section 1.1 of~~  
7 ~~the Firearm Owners Identification Card Act~~ poses a clear and  
8 present danger to himself, herself, or others, or is determined  
9 to be developmentally disabled. This information shall be  
10 furnished within 24 hours after the physician, clinical  
11 psychologist, or qualified examiner has made a determination,  
12 or within 7 days after admission to a public or private  
13 hospital or mental health facility or the provision of services  
14 to a patient described in clause (2) (A) ~~(1)~~ of the definition  
15 of "patient" in this subsection (b) ~~Section 1.1 of the Firearm~~  
16 ~~Owners Identification Card Act~~. Any such information disclosed  
17 under this subsection shall remain privileged and  
18 confidential, and shall not be redisclosed, except as required  
19 by clause (e) (2) of Section 24-4.5 of the Criminal Code of 2012  
20 ~~subsection (e) of Section 3.1 of the Firearm Owners~~  
21 ~~Identification Card Act~~, nor utilized for any other purpose.  
22 The method of requiring the providing of such information shall  
23 guarantee that no information is released beyond what is  
24 necessary for this purpose. In addition, the information  
25 disclosed shall be provided by the Department within the time  
26 period established by Section 24-3 of the Criminal Code of 2012

1 regarding the delivery of firearms. The method used shall be  
2 sufficient to provide the necessary information within the  
3 prescribed time period, which may include periodically  
4 providing lists to the Department of Human Services or any  
5 public or private hospital or mental health facility of ~~Firearm~~  
6 ~~Owner's Identification Card~~ applicants for firearm purchases  
7 on which the Department or hospital shall indicate the  
8 identities of those individuals who are to its knowledge  
9 disqualified from having a firearm ~~Firearm Owner's~~  
10 ~~Identification Card~~ for reasons described herein. The  
11 Department may provide for a centralized source of information  
12 for the State on this subject under its jurisdiction. The  
13 identity of the person reporting under this subsection shall  
14 not be disclosed to the subject of the report. For the purposes  
15 of this subsection, the physician, clinical psychologist, or  
16 qualified examiner making the determination and his or her  
17 employer shall not be held criminally, civilly, or  
18 professionally liable for making or not making the notification  
19 required under this subsection, except for willful or wanton  
20 misconduct.

21 Any person, institution, or agency, under this Act,  
22 participating in good faith in the reporting or disclosure of  
23 records and communications otherwise in accordance with this  
24 provision or with rules, regulations or guidelines issued by  
25 the Department shall have immunity from any liability, civil,  
26 criminal or otherwise, that might result by reason of the

1 action. For the purpose of any proceeding, civil or criminal,  
2 arising out of a report or disclosure in accordance with this  
3 provision, the good faith of any person, institution, or agency  
4 so reporting or disclosing shall be presumed. The full extent  
5 of the immunity provided in this subsection (b) shall apply to  
6 any person, institution or agency that fails to make a report  
7 or disclosure in the good faith belief that the report or  
8 disclosure would violate federal regulations governing the  
9 confidentiality of alcohol and drug abuse patient records  
10 implementing 42 U.S.C. 290dd-3 and 290ee-3.

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

13 (1) (Blank).

14 (1.3) "Clear and present danger" has the meaning as  
15 defined in Section 6-103.3 of the Mental Health and  
16 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~  
17 ~~Identification Card Act.~~

18 (1.5) "Developmentally disabled" means a disability  
19 which is attributable to any other condition which results  
20 in impairment similar to that caused by an intellectual  
21 disability and which requires services similar to those  
22 required by intellectually disabled persons. The  
23 disability must originate before the age of 18 years, be  
24 expected to continue indefinitely, and constitute a  
25 substantial handicap ~~has the meaning as defined in Section~~  
26 ~~1.1 of the Firearm Owners Identification Card Act.~~



1           (2) "Patient" means (A) a person who voluntarily  
2 receives mental health treatment as an in-patient or  
3 resident of any public or private mental health facility,  
4 unless the treatment was solely for an alcohol abuse  
5 disorder and no other secondary substance abuse disorder or  
6 mental illness; or (B) a person who voluntarily receives  
7 mental health treatment as an out-patient or is provided  
8 services by a public or private mental health facility, and  
9 who poses a clear and present danger to himself, herself,  
10 or to others. ~~has the meaning as defined in Section 1.1 of~~  
11 ~~the Firearm Owners Identification Card Act.~~

12           (3) "Mental health facility" means any licensed  
13 private hospital or hospital affiliate, institution, or  
14 facility, or part thereof, and any facility, or part  
15 thereof, operated by the State or a political subdivision  
16 thereof which provide treatment of persons with mental  
17 illness and includes all hospitals, institutions, clinics,  
18 evaluation facilities, mental health centers, colleges,  
19 universities, long-term care facilities, and nursing  
20 homes, or parts thereof, which provide treatment of persons  
21 with mental illness whether or not the primary purpose is  
22 to provide treatment of persons with mental illness ~~has the~~  
23 ~~meaning as defined in Section 1.1 of the Firearm Owners~~  
24 ~~Identification Card Act.~~

25           (c) Upon the request of a peace officer who takes a person  
26 into custody and transports such person to a mental health or

1 developmental disability facility pursuant to Section 3-606 or  
2 4-404 of the Mental Health and Developmental Disabilities Code  
3 or who transports a person from such facility, a facility  
4 director shall furnish said peace officer the name, address,  
5 age and name of the nearest relative of the person transported  
6 to or from the mental health or developmental disability  
7 facility. In no case shall the facility director disclose to  
8 the peace officer any information relating to the diagnosis,  
9 treatment or evaluation of the person's mental or physical  
10 health.

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

15 (d) Upon the request of a peace officer or prosecuting  
16 authority who is conducting a bona fide investigation of a  
17 criminal offense, or attempting to apprehend a fugitive from  
18 justice, a facility director may disclose whether a person is  
19 present at the facility. Upon request of a peace officer or  
20 prosecuting authority who has a valid forcible felony warrant  
21 issued, a facility director shall disclose: (1) whether the  
22 person who is the subject of the warrant is present at the  
23 facility and (2) the date of that person's discharge or future  
24 discharge from the facility. The requesting peace officer or  
25 prosecuting authority must furnish a case number and the  
26 purpose of the investigation or an outstanding arrest warrant

1 at the time of the request. Any person, institution, or agency  
2 participating in good faith in disclosing such information in  
3 accordance with this subsection (d) is immune from any  
4 liability, civil, criminal or otherwise, that might result by  
5 reason of the action.

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

7 Section 110. The Illinois Domestic Violence Act of 1986 is  
8 amended by changing Section 214 as follows:

9 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

10 Sec. 214. 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 or that  
13 petitioner is a high-risk adult who has been abused, neglected,  
14 or exploited, as defined in this Act, an order of protection  
15 prohibiting the abuse, neglect, or exploitation shall issue;  
16 provided that petitioner must also satisfy the requirements of  
17 one of the following Sections, as appropriate: Section 217 on  
18 emergency orders, Section 218 on interim orders, or Section 219  
19 on plenary orders. Petitioner shall not be denied an order of  
20 protection because petitioner or respondent is a minor. The  
21 court, when determining whether or not to issue an order of  
22 protection, shall not require physical manifestations of abuse  
23 on the person of the victim. Modification and extension of  
24 prior orders of protection shall be in accordance with this

1 Act.

2 (b) Remedies and standards. The remedies to be included in  
3 an order of protection shall be determined in accordance with  
4 this Section and one of the following Sections, as appropriate:  
5 Section 217 on emergency orders, Section 218 on interim orders,  
6 and Section 219 on plenary orders. The remedies listed in this  
7 subsection shall be in addition to other civil or criminal  
8 remedies available to petitioner.

9 (1) Prohibition of abuse, neglect, or exploitation.  
10 Prohibit respondent's harassment, interference with  
11 personal liberty, intimidation of a dependent, physical  
12 abuse, or willful deprivation, neglect or exploitation, as  
13 defined in this Act, or stalking of the petitioner, as  
14 defined in Section 12-7.3 of the Criminal Code of 2012, if  
15 such abuse, neglect, exploitation, or stalking has  
16 occurred or otherwise appears likely to occur if not  
17 prohibited.

18 (2) Grant of exclusive possession of residence.  
19 Prohibit respondent from entering or remaining in any  
20 residence, household, or premises of the petitioner,  
21 including one owned or leased by respondent, if petitioner  
22 has a right to occupancy thereof. The grant of exclusive  
23 possession of the residence, household, or premises shall  
24 not affect title to real property, nor shall the court be  
25 limited by the standard set forth in Section 701 of the  
26 Illinois Marriage and Dissolution of Marriage Act.

1 (A) Right to occupancy. A party has a right to  
2 occupancy of a residence or household if it is solely  
3 or jointly owned or leased by that party, that party's  
4 spouse, a person with a legal duty to support that  
5 party or a minor child in that party's care, or by any  
6 person or entity other than the opposing party that  
7 authorizes that party's occupancy (e.g., a domestic  
8 violence shelter). Standards set forth in subparagraph  
9 (B) shall not preclude equitable relief.

10 (B) Presumption of hardships. If petitioner and  
11 respondent each has the right to occupancy of a  
12 residence or household, the court shall balance (i) the  
13 hardships to respondent and any minor child or  
14 dependent adult in respondent's care resulting from  
15 entry of this remedy with (ii) the hardships to  
16 petitioner and any minor child or dependent adult in  
17 petitioner's care resulting from continued exposure to  
18 the risk of abuse (should petitioner remain at the  
19 residence or household) or from loss of possession of  
20 the residence or household (should petitioner leave to  
21 avoid the risk of abuse). When determining the balance  
22 of hardships, the court shall also take into account  
23 the accessibility of the residence or household.  
24 Hardships need not be balanced if respondent does not  
25 have a right to occupancy.

26 The balance of hardships is presumed to favor

1 possession by petitioner unless the presumption is  
2 rebutted by a preponderance of the evidence, showing  
3 that the hardships to respondent substantially  
4 outweigh the hardships to petitioner and any minor  
5 child or dependent adult in petitioner's care. The  
6 court, on the request of petitioner or on its own  
7 motion, may order respondent to provide suitable,  
8 accessible, alternate housing for petitioner instead  
9 of excluding respondent from a mutual residence or  
10 household.

11 (3) Stay away order and additional prohibitions. Order  
12 respondent to stay away from petitioner or any other person  
13 protected by the order of protection, or prohibit  
14 respondent from entering or remaining present at  
15 petitioner's school, place of employment, or other  
16 specified places at times when petitioner is present, or  
17 both, if reasonable, given the balance of hardships.  
18 Hardships need not be balanced for the court to enter a  
19 stay away order or prohibit entry if respondent has no  
20 right to enter the premises.

21 (A) If an order of protection grants petitioner  
22 exclusive possession of the residence, or prohibits  
23 respondent from entering the residence, or orders  
24 respondent to stay away from petitioner or other  
25 protected persons, then the court may allow respondent  
26 access to the residence to remove items of clothing and

1 personal adornment used exclusively by respondent,  
2 medications, and other items as the court directs. The  
3 right to access shall be exercised on only one occasion  
4 as the court directs and in the presence of an  
5 agreed-upon adult third party or law enforcement  
6 officer.

7 (B) When the petitioner and the respondent attend  
8 the same public, private, or non-public elementary,  
9 middle, or high school, the court when issuing an order  
10 of protection and providing relief shall consider the  
11 severity of the act, any continuing physical danger or  
12 emotional distress to the petitioner, the educational  
13 rights guaranteed to the petitioner and respondent  
14 under federal and State law, the availability of a  
15 transfer of the respondent to another school, a change  
16 of placement or a change of program of the respondent,  
17 the expense, difficulty, and educational disruption  
18 that would be caused by a transfer of the respondent to  
19 another school, and any other relevant facts of the  
20 case. The court may order that the respondent not  
21 attend the public, private, or non-public elementary,  
22 middle, or high school attended by the petitioner,  
23 order that the respondent accept a change of placement  
24 or change of program, as determined by the school  
25 district or private or non-public school, or place  
26 restrictions on the respondent's movements within the

1 school attended by the petitioner. The respondent  
2 bears the burden of proving by a preponderance of the  
3 evidence that a transfer, change of placement, or  
4 change of program of the respondent is not available.  
5 The respondent also bears the burden of production with  
6 respect to the expense, difficulty, and educational  
7 disruption that would be caused by a transfer of the  
8 respondent to another school. A transfer, change of  
9 placement, or change of program is not unavailable to  
10 the respondent solely on the ground that the respondent  
11 does not agree with the school district's or private or  
12 non-public school's transfer, change of placement, or  
13 change of program or solely on the ground that the  
14 respondent fails or refuses to consent or otherwise  
15 does not take an action required to effectuate a  
16 transfer, change of placement, or change of program.  
17 When a court orders a respondent to stay away from the  
18 public, private, or non-public school attended by the  
19 petitioner and the respondent requests a transfer to  
20 another attendance center within the respondent's  
21 school district or private or non-public school, the  
22 school district or private or non-public school shall  
23 have sole discretion to determine the attendance  
24 center to which the respondent is transferred. In the  
25 event the court order results in a transfer of the  
26 minor respondent to another attendance center, a



1 change in the respondent's placement, or a change of  
2 the respondent's program, the parents, guardian, or  
3 legal custodian of the respondent is responsible for  
4 transportation and other costs associated with the  
5 transfer or change.

6 (C) The court may order the parents, guardian, or  
7 legal custodian of a minor respondent to take certain  
8 actions or to refrain from taking certain actions to  
9 ensure that the respondent complies with the order. In  
10 the event the court orders a transfer of the respondent  
11 to another school, the parents, guardian, or legal  
12 custodian of the respondent is responsible for  
13 transportation and other costs associated with the  
14 change of school by the respondent.

15 (4) Counseling. Require or recommend the respondent to  
16 undergo counseling for a specified duration with a social  
17 worker, psychologist, clinical psychologist, psychiatrist,  
18 family service agency, alcohol or substance abuse program,  
19 mental health center guidance counselor, agency providing  
20 services to elders, program designed for domestic violence  
21 abusers or any other guidance service the court deems  
22 appropriate. The Court may order the respondent in any  
23 intimate partner relationship to report to an Illinois  
24 Department of Human Services protocol approved partner  
25 abuse intervention program for an assessment and to follow  
26 all recommended treatment.

1           (5) Physical care and possession of the minor child. In  
2           order to protect the minor child from abuse, neglect, or  
3           unwarranted separation from the person who has been the  
4           minor child's primary caretaker, or to otherwise protect  
5           the well-being of the minor child, the court may do either  
6           or both of the following: (i) grant petitioner physical  
7           care or possession of the minor child, or both, or (ii)  
8           order respondent to return a minor child to, or not remove  
9           a minor child from, the physical care of a parent or person  
10          in loco parentis.

11          If a court finds, after a hearing, that respondent has  
12          committed abuse (as defined in Section 103) of a minor  
13          child, there shall be a rebuttable presumption that  
14          awarding physical care to respondent would not be in the  
15          minor child's best interest.

16          (6) Temporary legal custody. Award temporary legal  
17          custody to petitioner in accordance with this Section, the  
18          Illinois Marriage and Dissolution of Marriage Act, the  
19          Illinois Parentage Act of 1984, and this State's Uniform  
20          Child-Custody Jurisdiction and Enforcement Act.

21          If a court finds, after a hearing, that respondent has  
22          committed abuse (as defined in Section 103) of a minor  
23          child, there shall be a rebuttable presumption that  
24          awarding temporary legal custody to respondent would not be  
25          in the child's best interest.

26          (7) Visitation. Determine the visitation rights, if

1 any, of respondent in any case in which the court awards  
2 physical care or temporary legal custody of a minor child  
3 to petitioner. The court shall restrict or deny  
4 respondent's visitation with a minor child if the court  
5 finds that respondent has done or is likely to do any of  
6 the following: (i) abuse or endanger the minor child during  
7 visitation; (ii) use the visitation as an opportunity to  
8 abuse or harass petitioner or petitioner's family or  
9 household members; (iii) improperly conceal or detain the  
10 minor child; or (iv) otherwise act in a manner that is not  
11 in the best interests of the minor child. The court shall  
12 not be limited by the standards set forth in Section 607.1  
13 of the Illinois Marriage and Dissolution of Marriage Act.  
14 If the court grants visitation, the order shall specify  
15 dates and times for the visitation to take place or other  
16 specific parameters or conditions that are appropriate. No  
17 order for visitation shall refer merely to the term  
18 "reasonable visitation".

19 Petitioner may deny respondent access to the minor  
20 child if, when respondent arrives for visitation,  
21 respondent is under the influence of drugs or alcohol and  
22 constitutes a threat to the safety and well-being of  
23 petitioner or petitioner's minor children or is behaving in  
24 a violent or abusive manner.

25 If necessary to protect any member of petitioner's  
26 family or household from future abuse, respondent shall be

1 prohibited from coming to petitioner's residence to meet  
2 the minor child for visitation, and the parties shall  
3 submit to the court their recommendations for reasonable  
4 alternative arrangements for visitation. A person may be  
5 approved to supervise visitation only after filing an  
6 affidavit accepting that responsibility and acknowledging  
7 accountability to the court.

8 (8) Removal or concealment of minor child. Prohibit  
9 respondent from removing a minor child from the State or  
10 concealing the child within the State.

11 (9) Order to appear. Order the respondent to appear in  
12 court, alone or with a minor child, to prevent abuse,  
13 neglect, removal or concealment of the child, to return the  
14 child to the custody or care of the petitioner or to permit  
15 any court-ordered interview or examination of the child or  
16 the respondent.

17 (10) Possession of personal property. Grant petitioner  
18 exclusive possession of personal property and, if  
19 respondent has possession or control, direct respondent to  
20 promptly make it available to petitioner, if:

21 (i) petitioner, but not respondent, owns the  
22 property; or

23 (ii) the parties own the property jointly; sharing  
24 it would risk abuse of petitioner by respondent or is  
25 impracticable; and the balance of hardships favors  
26 temporary possession by petitioner.

1           If petitioner's sole claim to ownership of the property  
2           is that it is marital property, the court may award  
3           petitioner temporary possession thereof under the  
4           standards of subparagraph (ii) of this paragraph only if a  
5           proper proceeding has been filed under the Illinois  
6           Marriage and Dissolution of Marriage Act, as now or  
7           hereafter amended.

8           No order under this provision shall affect title to  
9           property.

10          (11) Protection of property. Forbid the respondent  
11          from taking, transferring, encumbering, concealing,  
12          damaging or otherwise disposing of any real or personal  
13          property, except as explicitly authorized by the court, if:

14               (i) petitioner, but not respondent, owns the  
15               property; or

16               (ii) the parties own the property jointly, and the  
17               balance of hardships favors granting this remedy.

18          If petitioner's sole claim to ownership of the property  
19          is that it is marital property, the court may grant  
20          petitioner relief under subparagraph (ii) of this  
21          paragraph only if a proper proceeding has been filed under  
22          the Illinois Marriage and Dissolution of Marriage Act, as  
23          now or hereafter amended.

24          The court may further prohibit respondent from  
25          improperly using the financial or other resources of an  
26          aged member of the family or household for the profit or

1 advantage of respondent or of any other person.

2 (11.5) Protection of animals. Grant the petitioner the  
3 exclusive care, custody, or control of any animal owned,  
4 possessed, leased, kept, or held by either the petitioner  
5 or the respondent or a minor child residing in the  
6 residence or household of either the petitioner or the  
7 respondent and order the respondent to stay away from the  
8 animal and forbid the respondent from taking,  
9 transferring, encumbering, concealing, harming, or  
10 otherwise disposing of the animal.

11 (12) Order for payment of support. Order respondent to  
12 pay temporary support for the petitioner or any child in  
13 the petitioner's care or custody, when the respondent has a  
14 legal obligation to support that person, in accordance with  
15 the Illinois Marriage and Dissolution of Marriage Act,  
16 which shall govern, among other matters, the amount of  
17 support, payment through the clerk and withholding of  
18 income to secure payment. An order for child support may be  
19 granted to a petitioner with lawful physical care or  
20 custody of a child, or an order or agreement for physical  
21 care or custody, prior to entry of an order for legal  
22 custody. Such a support order shall expire upon entry of a  
23 valid order granting legal custody to another, unless  
24 otherwise provided in the custody order.

25 (13) Order for payment of losses. Order respondent to  
26 pay petitioner for losses suffered as a direct result of

1 the abuse, neglect, or exploitation. Such losses shall  
2 include, but not be limited to, medical expenses, lost  
3 earnings or other support, repair or replacement of  
4 property damaged or taken, reasonable attorney's fees,  
5 court costs and moving or other travel expenses, including  
6 additional reasonable expenses for temporary shelter and  
7 restaurant meals.

8 (i) Losses affecting family needs. If a party is  
9 entitled to seek maintenance, child support or  
10 property distribution from the other party under the  
11 Illinois Marriage and Dissolution of Marriage Act, as  
12 now or hereafter amended, the court may order  
13 respondent to reimburse petitioner's actual losses, to  
14 the extent that such reimbursement would be  
15 "appropriate temporary relief", as authorized by  
16 subsection (a) (3) of Section 501 of that Act.

17 (ii) Recovery of expenses. In the case of an  
18 improper concealment or removal of a minor child, the  
19 court may order respondent to pay the reasonable  
20 expenses incurred or to be incurred in the search for  
21 and recovery of the minor child, including but not  
22 limited to legal fees, court costs, private  
23 investigator fees, and travel costs.

24 (14) Prohibition of entry. Prohibit the respondent  
25 from entering or remaining in the residence or household  
26 while the respondent is under the influence of alcohol or

1 drugs and constitutes a threat to the safety and well-being  
2 of the petitioner or the petitioner's children.

3 (14.5) Prohibition of firearm possession.

4 (a) Prohibit a respondent against whom an order of  
5 protection was issued from possessing any firearms  
6 during the duration of the order if the order:

7 (1) was issued after a hearing of which such  
8 person received actual notice, and at which such  
9 person had an opportunity to participate;

10 (2) restrains such person from harassing,  
11 stalking, or threatening an intimate partner of  
12 such person or child of such intimate partner or  
13 person, or engaging in other conduct that would  
14 place an intimate partner in reasonable fear of  
15 bodily injury to the partner or child; and

16 (3) (i) includes a finding that such person  
17 represents a credible threat to the physical  
18 safety of such intimate partner or child; or (ii)  
19 by its terms explicitly prohibits the use,  
20 attempted use, or threatened use of physical force  
21 against such intimate partner or child that would  
22 reasonably be expected to cause bodily injury.

23 ~~Any Firearm Owner's Identification Card in the~~  
24 ~~possession of the respondent, except as provided in~~  
25 ~~subsection (b), shall be ordered by the court to be~~  
26 ~~turned over to the local law enforcement agency. The~~



1 ~~local law enforcement agency shall immediately mail~~  
2 ~~the card to the Department of State Police Firearm~~  
3 ~~Owner's Identification Card Office for safekeeping.~~

4 The court shall issue a warrant for seizure of any  
5 firearm in the possession of the respondent, to be kept  
6 by the local law enforcement agency for safekeeping,  
7 except as provided in subsection (b). The period of  
8 safekeeping shall be for the duration of the order of  
9 protection. The firearm or firearms ~~and Firearm~~  
10 ~~Owner's Identification Card, if unexpired,~~ shall at  
11 the respondent's request, be returned to the  
12 respondent at the end of the order of protection. It is  
13 the respondent's responsibility to notify the  
14 Department of State Police ~~Firearm Owner's~~  
15 ~~Identification Card Office.~~

16 (b) If the respondent is a peace officer as defined  
17 in Section 2-13 of the Criminal Code of 2012, the court  
18 shall order that any firearms used by the respondent in  
19 the performance of his or her duties as a peace officer  
20 be surrendered to the chief law enforcement executive  
21 of the agency in which the respondent is employed, who  
22 shall retain the firearms for safekeeping for the  
23 duration of the order of protection.

24 (c) Upon expiration of the period of safekeeping,  
25 if the firearms ~~or Firearm Owner's Identification Card~~  
26 cannot be returned to respondent because respondent

1 cannot be located, fails to respond to requests to  
2 retrieve the firearms, or is not lawfully eligible to  
3 possess a firearm, upon petition from the local law  
4 enforcement agency, the court may order the local law  
5 enforcement agency to destroy the firearms, use the  
6 firearms for training purposes, or for any other  
7 application as deemed appropriate by the local law  
8 enforcement agency; or that the firearms be turned over  
9 to a third party who is lawfully eligible to possess  
10 firearms, and who does not reside with respondent.

11 (15) Prohibition of access to records. If an order of  
12 protection prohibits respondent from having contact with  
13 the minor child, or if petitioner's address is omitted  
14 under subsection (b) of Section 203, or if necessary to  
15 prevent abuse or wrongful removal or concealment of a minor  
16 child, the order shall deny respondent access to, and  
17 prohibit respondent from inspecting, obtaining, or  
18 attempting to inspect or obtain, school or any other  
19 records of the minor child who is in the care of  
20 petitioner.

21 (16) Order for payment of shelter services. Order  
22 respondent to reimburse a shelter providing temporary  
23 housing and counseling services to the petitioner for the  
24 cost of the services, as certified by the shelter and  
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive

1 relief necessary or appropriate to prevent further abuse of  
2 a family or household member or further abuse, neglect, or  
3 exploitation of a high-risk adult with disabilities or to  
4 effectuate one of the granted remedies, if supported by the  
5 balance of hardships. If the harm to be prevented by the  
6 injunction is abuse or any other harm that one of the  
7 remedies listed in paragraphs (1) through (16) of this  
8 subsection is designed to prevent, no further evidence is  
9 necessary that the harm is an irreparable injury.

10 (c) Relevant factors; findings.

11 (1) In determining whether to grant a specific remedy,  
12 other than payment of support, the court shall consider  
13 relevant factors, including but not limited to the  
14 following:

15 (i) the nature, frequency, severity, pattern and  
16 consequences of the respondent's past abuse, neglect  
17 or exploitation of the petitioner or any family or  
18 household member, including the concealment of his or  
19 her location in order to evade service of process or  
20 notice, and the likelihood of danger of future abuse,  
21 neglect, or exploitation to petitioner or any member of  
22 petitioner's or respondent's family or household; and

23 (ii) the danger that any minor child will be abused  
24 or neglected or improperly removed from the  
25 jurisdiction, improperly concealed within the State or  
26 improperly separated from the child's primary

1 caretaker.

2 (2) In comparing relative hardships resulting to the  
3 parties from loss of possession of the family home, the  
4 court shall consider relevant factors, including but not  
5 limited to the following:

6 (i) availability, accessibility, cost, safety,  
7 adequacy, location and other characteristics of  
8 alternate housing for each party and any minor child or  
9 dependent adult in the party's care;

10 (ii) the effect on the party's employment; and

11 (iii) the effect on the relationship of the party,  
12 and any minor child or dependent adult in the party's  
13 care, to family, school, church and community.

14 (3) Subject to the exceptions set forth in paragraph  
15 (4) of this subsection, the court shall make its findings  
16 in an official record or in writing, and shall at a minimum  
17 set forth the following:

18 (i) That the court has considered the applicable  
19 relevant factors described in paragraphs (1) and (2) of  
20 this subsection.

21 (ii) Whether the conduct or actions of respondent,  
22 unless prohibited, will likely cause irreparable harm  
23 or continued abuse.

24 (iii) Whether it is necessary to grant the  
25 requested relief in order to protect petitioner or  
26 other alleged abused persons.

1           (4) For purposes of issuing an ex parte emergency order  
2 of protection, the court, as an alternative to or as a  
3 supplement to making the findings described in paragraphs  
4 (c)(3)(i) through (c)(3)(iii) of this subsection, may use  
5 the following procedure:

6           When a verified petition for an emergency order of  
7 protection in accordance with the requirements of Sections  
8 203 and 217 is presented to the court, the court shall  
9 examine petitioner on oath or affirmation. An emergency  
10 order of protection shall be issued by the court if it  
11 appears from the contents of the petition and the  
12 examination of petitioner that the averments are  
13 sufficient to indicate abuse by respondent and to support  
14 the granting of relief under the issuance of the emergency  
15 order of protection.

16           (5) Never married parties. No rights or  
17 responsibilities for a minor child born outside of marriage  
18 attach to a putative father until a father and child  
19 relationship has been established under the Illinois  
20 Parentage Act of 1984, the Illinois Public Aid Code,  
21 Section 12 of the Vital Records Act, the Juvenile Court Act  
22 of 1987, the Probate Act of 1985, the Revised Uniform  
23 Reciprocal Enforcement of Support Act, the Uniform  
24 Interstate Family Support Act, the Expedited Child Support  
25 Act of 1990, any judicial, administrative, or other act of  
26 another state or territory, any other Illinois statute, or

1 by any foreign nation establishing the father and child  
2 relationship, any other proceeding substantially in  
3 conformity with the Personal Responsibility and Work  
4 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
5 or where both parties appeared in open court or at an  
6 administrative hearing acknowledging under oath or  
7 admitting by affirmation the existence of a father and  
8 child relationship. Absent such an adjudication, finding,  
9 or acknowledgement, no putative father shall be granted  
10 temporary custody of the minor child, visitation with the  
11 minor child, or physical care and possession of the minor  
12 child, nor shall an order of payment for support of the  
13 minor child be entered.

14 (d) Balance of hardships; findings. If the court finds that  
15 the balance of hardships does not support the granting of a  
16 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
17 subsection (b) of this Section, which may require such  
18 balancing, the court's findings shall so indicate and shall  
19 include a finding as to whether granting the remedy will result  
20 in hardship to respondent that would substantially outweigh the  
21 hardship to petitioner from denial of the remedy. The findings  
22 shall be an official record or in writing.

23 (e) Denial of remedies. Denial of any remedy shall not be  
24 based, in whole or in part, on evidence that:

25 (1) Respondent has cause for any use of force, unless  
26 that cause satisfies the standards for justifiable use of

1 force provided by Article 7 of the Criminal Code of 2012;

2 (2) Respondent was voluntarily intoxicated;

3 (3) Petitioner acted in self-defense or defense of  
4 another, provided that, if petitioner utilized force, such  
5 force was justifiable under Article 7 of the Criminal Code  
6 of 2012;

7 (4) Petitioner did not act in self-defense or defense  
8 of another;

9 (5) Petitioner left the residence or household to avoid  
10 further abuse, neglect, or exploitation by respondent;

11 (6) Petitioner did not leave the residence or household  
12 to avoid further abuse, neglect, or exploitation by  
13 respondent;

14 (7) Conduct by any family or household member excused  
15 the abuse, neglect, or exploitation by respondent, unless  
16 that same conduct would have excused such abuse, neglect,  
17 or exploitation if the parties had not been family or  
18 household members.

19 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
20 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;  
21 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

22 Section 115. The Uniform Disposition of Unclaimed Property  
23 Act is amended by changing Section 1 as follows:

24 (765 ILCS 1025/1) (from Ch. 141, par. 101)

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

3           (a) "Banking organization" means any bank, trust company,  
4 savings bank, industrial bank, land bank, safe deposit company,  
5 or a private banker.

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

11           (c) "Financial organization" means any savings and loan  
12 association, building and loan association, credit union,  
13 currency exchange, co-operative bank, mutual funds, or  
14 investment company.

15           (d) "Holder" means any person in possession of property  
16 subject to this Act belonging to another, or who is trustee in  
17 case of a trust, or is indebted to another on an obligation  
18 subject to this Act.

19           (e) "Life insurance corporation" means any association or  
20 corporation transacting the business of insurance on the lives  
21 of persons or insurance appertaining thereto, including, but  
22 not by way of limitation, endowments and annuities.

23           (f) "Owner" means a depositor in case of a deposit, a  
24 beneficiary in case of a trust, a creditor, claimant, or payee  
25 in case of other property, or any person having a legal or  
26 equitable interest in property subject to this Act, or his



1 legal representative.

2 (g) "Person" means any individual, business association,  
3 financial organization, government or political subdivision or  
4 agency, public authority, estate, trust, or any other legal or  
5 commercial entity.

6 (h) "Utility" means any person who owns or operates, for  
7 public use, any plant, equipment, property, franchise, or  
8 license for the transmission of communications or the  
9 production, storage, transmission, sale, delivery, or  
10 furnishing of electricity, water, steam, oil or gas.

11 (i) (Blank).

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

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

21 (l) "Reportable property" means property, tangible or  
22 intangible, presumed abandoned under this Act that must be  
23 appropriately and timely reported and remitted to the Office of  
24 the State Treasurer under this Act. Interest, dividends, stock  
25 splits, warrants, or other rights that become reportable  
26 property under this Act include the underlying security or

1 commodity giving rise to the interest, dividend, split,  
2 warrant, or other right to which the owner would be entitled.

3 (m) "Firearm" has the meaning ascribed to that term in  
4 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~  
5 ~~Identification Card Act.~~

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

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