

# SB3008



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3008

Introduced 2/18/2016, 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 18295 SLF 42667 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 Portability and  
21 Accountability and Portability Act of 1996, Public Law  
22 104-191, or any subsequent amendments thereto, and any  
23 regulations 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 (bb) Information which is or was prohibited from  
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) ~~(bb)~~ Recordings made under the Law Enforcement  
8 Officer-Worn Body Camera Act, except to the extent  
9 authorized under that Act.

10 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,  
11 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;  
12 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;  
13 revised 10-14-15.)

14 Section 10. The Department of State Police Law of the Civil  
15 Administrative Code of Illinois is amended by changing Sections  
16 2605-45, 2605-300, and 2605-595 as follows:

17 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

18 Sec. 2605-45. Division of Administration. The Division of  
19 Administration shall exercise the following functions:

20 (1) Exercise the rights, powers, and duties vested in  
21 the Department by the Governor's Office of Management and  
22 Budget Act.

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

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

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

6 (5) Exercise the rights, powers, and duties vested in  
7 the former Division of State Troopers by Section 17 of the  
8 State Police Act.

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11 State government", approved August 11, 1967 (repealed; now  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

13 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~  
14 ~~vested in the Department by the Firearm Owners~~  
15 ~~Identification Card Act.~~

16 (7) Exercise other duties that may be assigned by the  
17 Director to fulfill the responsibilities and achieve the  
18 purposes of the Department.

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

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

21 Sec. 2605-300. Records; crime laboratories; personnel. To  
22 do the following:

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

25 (2) Be a central repository for criminal history record



1 information.

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

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

7 (5) Establish general and field crime laboratories.

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

13 (7) Employ polygraph operators, laboratory  
14 technicians, and other specially qualified persons to aid  
15 in the identification of criminal activity.

16 (8) Undertake other identification, information,  
17 laboratory, statistical, or registration activities that  
18 may be required by law.

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

20 (20 ILCS 2605/2605-595)

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

22 (a) There is created in the State treasury a special fund  
23 known as the State Police Firearm Services Fund. The Fund shall  
24 receive revenue under the Firearm Concealed Carry Act ~~and~~  
25 ~~Section 5 of the Firearm Owners Identification Card Act~~. The

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

3 (b) The Department of State Police may use moneys in the  
4 Fund to finance any of its lawful purposes, mandates,  
5 functions, and duties under ~~the Firearm Owners Identification~~  
6 ~~Card Act~~ and the Firearm Concealed Carry Act, including the  
7 cost of sending notices of expiration of ~~Firearm Owner's~~  
8 ~~Identification Cards~~, concealed carry licenses, the prompt and  
9 efficient processing of applications under ~~the Firearm Owners~~  
10 ~~Identification Card Act~~ and the Firearm Concealed Carry Act,  
11 the improved efficiency and reporting of the LEADS and federal  
12 NICS law enforcement data systems, and support for  
13 investigations required under that Act ~~these Acts~~ and law. Any  
14 surplus funds beyond what is needed to comply with the  
15 aforementioned purposes shall be used by the Department to  
16 improve the Law Enforcement Agencies Data System (LEADS) and  
17 criminal history background check system.

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

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

22 (20 ILCS 2605/2605-120 rep.)

23 Section 15. The Department of State Police Law of the Civil  
24 Administrative Code of Illinois is amended by repealing Section  
25 2605-120.

1 Section 20. The Criminal Identification Act is amended by  
2 changing Section 2.2 as follows:

3 (20 ILCS 2630/2.2)

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

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

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

3 (30 ILCS 105/6z-99)

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

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

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

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

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

24 Section 30. The Peace Officer Firearm Training Act is

1 amended by changing Section 1 as follows:

2 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

4 (a) "Peace officer" means (i) any person who by virtue of  
5 his office or public employment is vested by law with a primary  
6 duty to maintain public order or to make arrests for offenses,  
7 whether that duty extends to all offenses or is limited to  
8 specific offenses, and who is employed in such capacity by any  
9 county or municipality or (ii) any retired law enforcement  
10 officers qualified under federal law to carry a concealed  
11 weapon.

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

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

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

24 Section 35. The School Code is amended by changing Sections

1 10-22.6, 10-27.1A and 34-8.05 as follows:

2 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

3 (Text of Section after amendment by P.A. 99-456)

4 Sec. 10-22.6. Suspension or expulsion of pupils; school  
5 searches.

6 (a) To expel pupils guilty of gross disobedience or  
7 misconduct, including gross disobedience or misconduct  
8 perpetuated by electronic means, pursuant to subsection (b-20)  
9 of this Section, and no action shall lie against them for such  
10 expulsion. Expulsion shall take place only after the parents  
11 have been requested to appear at a meeting of the board, or  
12 with a hearing officer appointed by it, to discuss their  
13 child's behavior. Such request shall be made by registered or  
14 certified mail and shall state the time, place and purpose of  
15 the meeting. The board, or a hearing officer appointed by it,  
16 at such meeting shall state the reasons for dismissal and the  
17 date on which the expulsion is to become effective. If a  
18 hearing officer is appointed by the board he shall report to  
19 the board a written summary of the evidence heard at the  
20 meeting and the board may take such action thereon as it finds  
21 appropriate. If the board acts to expel a pupil, the written  
22 expulsion decision shall detail the specific reasons why  
23 removing the pupil from the learning environment is in the best  
24 interest of the school. The expulsion decision shall also  
25 include a rationale as to the specific duration of the

1 expulsion. An expelled pupil may be immediately transferred to  
2 an alternative program in the manner provided in Article 13A or  
3 13B of this Code. A pupil must not be denied transfer because  
4 of the expulsion, except in cases in which such transfer is  
5 deemed to cause a threat to the safety of students or staff in  
6 the alternative program.

7 (b) To suspend or by policy to authorize the superintendent  
8 of the district or the principal, assistant principal, or dean  
9 of students of any school to suspend pupils guilty of gross  
10 disobedience or misconduct, or to suspend pupils guilty of  
11 gross disobedience or misconduct on the school bus from riding  
12 the school bus, pursuant to subsections (b-15) and (b-20) of  
13 this Section, and no action shall lie against them for such  
14 suspension. The board may by policy authorize the  
15 superintendent of the district or the principal, assistant  
16 principal, or dean of students of any school to suspend pupils  
17 guilty of such acts for a period not to exceed 10 school days.  
18 If a pupil is suspended due to gross disobedience or misconduct  
19 on a school bus, the board may suspend the pupil in excess of  
20 10 school days for safety reasons.

21 Any suspension shall be reported immediately to the  
22 parents or guardian of a pupil along with a full statement of  
23 the reasons for such suspension and a notice of their right to  
24 a review. The school board must be given a summary of the  
25 notice, including the reason for the suspension and the  
26 suspension length. Upon request of the parents or guardian the

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

21 (b-5) Among the many possible disciplinary interventions  
22 and consequences available to school officials, school  
23 exclusions, such as out-of-school suspensions and expulsions,  
24 are the most serious. School officials shall limit the number  
25 and duration of expulsions and suspensions to the greatest  
26 extent practicable, and it is recommended that they use them



1 only for legitimate educational purposes. To ensure that  
2 students are not excluded from school unnecessarily, it is  
3 recommended that school officials consider forms of  
4 non-exclusionary discipline prior to using out-of-school  
5 suspensions or expulsions.

6 (b-10) Unless otherwise required by federal law or this  
7 Code, school boards may not institute zero-tolerance policies  
8 by which school administrators are required to suspend or expel  
9 students for particular behaviors.

10 (b-15) Out-of-school suspensions of 3 days or less may be  
11 used only if the student's continuing presence in school would  
12 pose a threat to school safety or a disruption to other  
13 students' learning opportunities. For purposes of this  
14 subsection (b-15), "threat to school safety or a disruption to  
15 other students' learning opportunities" shall be determined on  
16 a case-by-case basis by the school board or its designee.  
17 School officials shall make all reasonable efforts to resolve  
18 such threats, address such disruptions, and minimize the length  
19 of suspensions to the greatest extent practicable.

20 (b-20) Unless otherwise required by this Code,  
21 out-of-school suspensions of longer than 3 days, expulsions,  
22 and disciplinary removals to alternative schools may be used  
23 only if other appropriate and available behavioral and  
24 disciplinary interventions have been exhausted and the  
25 student's continuing presence in school would either (i) pose a  
26 threat to the safety of other students, staff, or members of

1 the school community or (ii) substantially disrupt, impede, or  
2 interfere with the operation of the school. For purposes of  
3 this subsection (b-20), "threat to the safety of other  
4 students, staff, or members of the school community" and  
5 "substantially disrupt, impede, or interfere with the  
6 operation of the school" shall be determined on a case-by-case  
7 basis by school officials. For purposes of this subsection  
8 (b-20), the determination of whether "appropriate and  
9 available behavioral and disciplinary interventions have been  
10 exhausted" shall be made by school officials. School officials  
11 shall make all reasonable efforts to resolve such threats,  
12 address such disruptions, and minimize the length of student  
13 exclusions to the greatest extent practicable. Within the  
14 suspension decision described in subsection (b) of this Section  
15 or the expulsion decision described in subsection (a) of this  
16 Section, it shall be documented whether other interventions  
17 were attempted or whether it was determined that there were no  
18 other appropriate and available interventions.

19 (b-25) Students who are suspended out-of-school for longer  
20 than 4 school days shall be provided appropriate and available  
21 support services during the period of their suspension. For  
22 purposes of this subsection (b-25), "appropriate and available  
23 support services" shall be determined by school authorities.  
24 Within the suspension decision described in subsection (b) of  
25 this Section, it shall be documented whether such services are  
26 to be provided or whether it was determined that there are no

1 such appropriate and available services.

2 A school district may refer students who are expelled to  
3 appropriate and available support services.

4 A school district shall create a policy to facilitate the  
5 re-engagement of students who are suspended out-of-school,  
6 expelled, or returning from an alternative school setting.

7 (b-30) A school district shall create a policy by which  
8 suspended pupils, including those pupils suspended from the  
9 school bus who do not have alternate transportation to school,  
10 shall have the opportunity to make up work for equivalent  
11 academic credit. It shall be the responsibility of a pupil's  
12 parent or guardian to notify school officials that a pupil  
13 suspended from the school bus does not have alternate  
14 transportation to school.

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

19 (c-5) School districts shall make reasonable efforts to  
20 provide ongoing professional development to teachers,  
21 administrators, school board members, school resource  
22 officers, and staff on the adverse consequences of school  
23 exclusion and justice-system involvement, effective classroom  
24 management strategies, culturally responsive discipline, and  
25 developmentally appropriate disciplinary methods that promote  
26 positive and healthy school climates.

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

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

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

25 Expulsion or suspension shall be construed in a manner  
26 consistent with the Federal Individuals with Disabilities

1 Education Act. A student who is subject to suspension or  
2 expulsion as provided in this Section may be eligible for a  
3 transfer to an alternative school program in accordance with  
4 Article 13A of the School Code.

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

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

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

18 (f) Suspension or expulsion may include suspension or  
19 expulsion from school and all school activities and a  
20 prohibition from being present on school grounds.

21 (g) A school district may adopt a policy providing that if  
22 a student is suspended or expelled for any reason from any  
23 public or private school in this or any other state, the  
24 student must complete the entire term of the suspension or  
25 expulsion in an alternative school program under Article 13A of  
26 this Code or an alternative learning opportunities program

1 under Article 13B of this Code before being admitted into the  
2 school district if there is no threat to the safety of students  
3 or staff in the alternative program.

4 (h) School officials shall not advise or encourage students  
5 to drop out voluntarily due to behavioral or academic  
6 difficulties.

7 (i) A student may not be issued a monetary fine or fee as a  
8 disciplinary consequence, though this shall not preclude  
9 requiring a student to provide restitution for lost, stolen, or  
10 damaged property.

11 (j) Subsections (a) through (i) of this Section shall apply  
12 to elementary and secondary schools, charter schools, special  
13 charter districts, and school districts organized under  
14 Article 34 of this Code.

15 (Source: P.A. 99-456, eff. 9-15-16.)

16 (105 ILCS 5/10-27.1A)

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

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

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

18 (b) Upon receiving a report from any school official  
19 pursuant to this Section, or from any other person, the  
20 principal or his or her designee shall immediately notify a  
21 local law enforcement agency. If the person found to be in  
22 possession of a firearm on school grounds is a student, the  
23 principal or his or her designee shall also immediately notify  
24 that student's parent or guardian. Any principal or his or her  
25 designee acting in good faith who makes such reports under this  
26 Section shall have immunity from any civil or criminal



1 liability that might otherwise be incurred or imposed as a  
2 result of making the reports. Knowingly and willfully failing  
3 to comply with this Section is a petty offense. A second or  
4 subsequent offense is a Class C misdemeanor. If the person  
5 found to be in possession of the firearm on school grounds is a  
6 minor, the law enforcement agency shall detain that minor until  
7 such time as the agency makes a determination pursuant to  
8 clause (a) of subsection (1) of Section 5-401 of the Juvenile  
9 Court Act of 1987, as to whether the agency reasonably believes  
10 that the minor is delinquent. If the law enforcement agency  
11 determines that probable cause exists to believe that the minor  
12 committed a violation of item (4) of subsection (a) of Section  
13 24-1 of the Criminal Code of 2012 while on school grounds, the  
14 agency shall detain the minor for processing pursuant to  
15 Section 5-407 of the Juvenile Court Act of 1987.

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

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

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

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

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

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

18           (105 ILCS 5/34-8.05)

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

1 shall report all such firearm-related incidents occurring in a  
2 school or on school property to the local law enforcement  
3 authorities no later than 24 hours after the occurrence of the  
4 incident and to the Department of State Police in a form,  
5 manner, and frequency as prescribed by the Department of State  
6 Police.

7 The State Board of Education shall receive an annual  
8 statistical compilation and related data associated with  
9 incidents involving firearms in schools from the Department of  
10 State Police. As used in this Section, the term "firearm" shall  
11 have the meaning ascribed to it in Section 2-7.5 of the  
12 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
13 ~~Card Act.~~

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

15 Section 40. The Illinois Explosives Act is amended by  
16 changing Section 2005 as follows:

17 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

18 Sec. 2005. Qualifications for licensure.

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

20 (1) is under 21 years of age;

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

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

1 (4) is a fugitive from justice;

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

6 (6) has been adjudicated a person with a mental  
7 disability as defined in Section 6-103.1 of the Mental  
8 Health and Developmental Disabilities Code ~~1.1 of the~~  
9 ~~Firearm Owners Identification Card Act~~; or

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

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

16 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

17 Section 45. The Private Detective, Private Alarm, Private  
18 Security, and Locksmith Act of 2004 is amended by changing  
19 Sections 35-30 and 35-35 as follows:

20 (225 ILCS 447/35-30)

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

22 Sec. 35-30. Employee requirements. All employees of a  
23 licensed agency, other than those exempted, shall apply for a  
24 permanent employee registration card. The holder of an agency

1 license issued under this Act, known in this Section as  
2 "employer", may employ in the conduct of his or her business  
3 employees under the following provisions:

4 (a) No person shall be issued a permanent employee  
5 registration card who:

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

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

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

18 (4) Has had a license or permanent employee  
19 registration card denied, suspended, or revoked under this  
20 Act (i) within one year before the date the person's  
21 application for permanent employee registration card is  
22 received by the Department; and (ii) that refusal, denial,  
23 suspension, or revocation was based on any provision of  
24 this Act other than Section 40-50, item (6) or (8) of  
25 subsection (a) of Section 15-10, subsection (b) of Section  
26 15-10, item (6) or (8) of subsection (a) of Section 20-10,

1 subsection (b) of Section 20-10, item (6) or (8) of  
2 subsection (a) of Section 25-10, subsection (b) of Section  
3 25-10, item (7) of subsection (a) of Section 30-10,  
4 subsection (b) of Section 30-10, or Section 10-40.

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

8 (6) Has been dishonorably discharged from the armed  
9 services of the United States.

10 (b) No person may be employed by a private detective  
11 agency, private security contractor agency, private alarm  
12 contractor agency, fingerprint vendor agency, or locksmith  
13 agency under this Section until he or she has executed and  
14 furnished to the employer, on forms furnished by the  
15 Department, a verified statement to be known as "Employee's  
16 Statement" setting forth:

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

18 (2) The business or occupation engaged in for the 5  
19 years immediately before the date of the execution of the  
20 statement, the place where the business or occupation was  
21 engaged in, and the names of employers, if any.

22 (3) That the person has not had a license or employee  
23 registration denied, revoked, or suspended under this Act  
24 (i) within one year before the date the person's  
25 application for permanent employee registration card is  
26 received by the Department; and (ii) that refusal, denial,

1 suspension, or revocation was based on any provision of  
2 this Act other than Section 40-50, item (6) or (8) of  
3 subsection (a) of Section 15-10, subsection (b) of Section  
4 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
5 subsection (b) of Section 20-10, item (6) or (8) of  
6 subsection (a) of Section 25-10, subsection (b) of Section  
7 25-10, item (7) of subsection (a) of Section 30-10,  
8 subsection (b) of Section 30-10, or Section 10-40.

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

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

12 (6) Any dishonorable discharge from the armed services  
13 of the United States.

14 (7) Any other information as may be required by any  
15 rule of the Department to show the good character,  
16 competency, and integrity of the person executing the  
17 statement.

18 (c) Each applicant for a permanent employee registration  
19 card shall have his or her fingerprints submitted to the  
20 Department of State Police in an electronic format that  
21 complies with the form and manner for requesting and furnishing  
22 criminal history record information as prescribed by the  
23 Department of State Police. These fingerprints shall be checked  
24 against the Department of State Police and Federal Bureau of  
25 Investigation criminal history record databases now and  
26 hereafter filed. The Department of State Police shall charge

1 applicants a fee for conducting the criminal history records  
2 check, which shall be deposited in the State Police Services  
3 Fund and shall not exceed the actual cost of the records check.  
4 The Department of State Police shall furnish, pursuant to  
5 positive identification, records of Illinois convictions to  
6 the Department. The Department may require applicants to pay a  
7 separate fingerprinting fee, either to the Department or  
8 directly to the vendor. The Department, in its discretion, may  
9 allow an applicant who does not have reasonable access to a  
10 designated vendor to provide his or her fingerprints in an  
11 alternative manner. The Department, in its discretion, may also  
12 use other procedures in performing or obtaining criminal  
13 background checks of applicants. Instead of submitting his or  
14 her fingerprints, an individual may submit proof that is  
15 satisfactory to the Department that an equivalent security  
16 clearance has been conducted. Also, an individual who has  
17 retired as a peace officer within 12 months of application may  
18 submit verification, on forms provided by the Department and  
19 signed by his or her employer, of his or her previous full-time  
20 employment as a peace officer.

21 (d) The Department shall issue a permanent employee  
22 registration card, in a form the Department prescribes, to all  
23 qualified applicants. The holder of a permanent employee  
24 registration card shall carry the card at all times while  
25 actually engaged in the performance of the duties of his or her  
26 employment. Expiration and requirements for renewal of



1 permanent employee registration cards shall be established by  
2 rule of the Department. Possession of a permanent employee  
3 registration card does not in any way imply that the holder of  
4 the card is employed by an agency unless the permanent employee  
5 registration card is accompanied by the employee  
6 identification card required by subsection (f) of this Section.

7 (e) Each employer shall maintain a record of each employee  
8 that is accessible to the duly authorized representatives of  
9 the Department. The record shall contain the following  
10 information:

11 (1) A photograph taken within 10 days of the date that  
12 the employee begins employment with the employer. The  
13 photograph shall be replaced with a current photograph  
14 every 3 calendar years.

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

17 (3) All correspondence or documents relating to the  
18 character and integrity of the employee received by the  
19 employer from any official source or law enforcement  
20 agency.

21 (4) In the case of former employees, the employee  
22 identification card of that person issued under subsection  
23 (f) of this Section. Each employee record shall duly note  
24 if the employee is employed in an armed capacity. Armed  
25 employee files shall contain ~~a copy of an active firearm~~  
26 ~~owner's identification card and~~ a copy of an active firearm

1 control card. Each employer shall maintain a record for  
2 each armed employee of each instance in which the  
3 employee's weapon was discharged during the course of his  
4 or her professional duties or activities. The record shall  
5 be maintained on forms provided by the Department, a copy  
6 of which must be filed with the Department within 15 days  
7 of an instance. The record shall include the date and time  
8 of the occurrence, the circumstances involved in the  
9 occurrence, and any other information as the Department may  
10 require. Failure to provide this information to the  
11 Department or failure to maintain the record as a part of  
12 each armed employee's permanent file is grounds for  
13 disciplinary action. The Department, upon receipt of a  
14 report, shall have the authority to make any investigation  
15 it considers appropriate into any occurrence in which an  
16 employee's weapon was discharged and to take disciplinary  
17 action as may be appropriate.

18 (5) A copy of the employee's permanent employee  
19 registration card or a copy of the Department's "License  
20 Lookup" Webpage showing that the employee has been issued a  
21 valid permanent employee registration card by the  
22 Department.

23 The Department may, by rule, prescribe further record  
24 requirements.

25 (f) Every employer shall furnish an employee  
26 identification card to each of his or her employees. This

1 employee identification card shall contain a recent photograph  
2 of the employee, the employee's name, the name and agency  
3 license number of the employer, the employee's personal  
4 description, the signature of the employer, the signature of  
5 that employee, the date of issuance, and an employee  
6 identification card number.

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

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

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

18 (j) No agency may employ any person to perform a licensed  
19 activity under this Act unless the person possesses a valid  
20 permanent employee registration card or a valid license under  
21 this Act, or is exempt pursuant to subsection (n).

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

25 (1) The agency completes in its entirety and submits to  
26 the Department an application for a permanent employee

1 registration card, including the required fingerprint  
2 receipt and fees.

3 (2) The agency has verification from the Department  
4 that the applicant has no record of any criminal conviction  
5 pursuant to the criminal history check conducted by the  
6 Department of State Police. The agency shall maintain the  
7 verification of the results of the Department of State  
8 Police criminal history check as part of the employee  
9 record as required under subsection (e) of this Section.

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

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

18 An agency may employ only a permanent employee applicant  
19 for which it either submitted a permanent employee application  
20 and all required forms and fees or it confirms with the  
21 Department that a permanent employee application and all  
22 required forms and fees have been submitted by another agency,  
23 licensee or the permanent employee and all other requirements  
24 of this Section are met.

25 The Department shall have the authority to revoke, without  
26 a hearing, the temporary authority of an individual to work

1 upon receipt of Federal Bureau of Investigation fingerprint  
2 data or a report of another official authority indicating a  
3 criminal conviction. If the Department has not received a  
4 temporary employee's Federal Bureau of Investigation  
5 fingerprint data within 120 days of the date the Department  
6 received the Department of State Police fingerprint data, the  
7 Department may, at its discretion, revoke the employee's  
8 temporary authority to work with 15 days written notice to the  
9 individual and the employing agency.

10 An agency may not employ a person in a temporary capacity  
11 if it knows or reasonably should have known that the person has  
12 been convicted of a crime under the laws of this State, has  
13 been convicted in another state of any crime that is a crime  
14 under the laws of this State, has been convicted of any crime  
15 in a federal court, or has been posted as an unapproved  
16 applicant by the Department. Notice by the Department to the  
17 agency, via certified mail, personal delivery, electronic  
18 mail, or posting on the Department's Internet site accessible  
19 to the agency that the person has been convicted of a crime  
20 shall be deemed constructive knowledge of the conviction on the  
21 part of the agency. The Department may adopt rules to implement  
22 this subsection (k).

23 (1) No person may be employed under this Section in any  
24 capacity if:

25 (1) the person, while so employed, is being paid by the  
26 United States or any political subdivision for the time so

1 employed in addition to any payments he or she may receive  
2 from the employer; or

3 (2) the person wears any portion of his or her official  
4 uniform, emblem of authority, or equipment while so  
5 employed.

6 (m) If information is discovered affecting the  
7 registration of a person whose fingerprints were submitted  
8 under this Section, the Department shall so notify the agency  
9 that submitted the fingerprints on behalf of that person.

10 (n) Peace officers shall be exempt from the requirements of  
11 this Section relating to permanent employee registration  
12 cards. The agency shall remain responsible for any peace  
13 officer employed under this exemption, regardless of whether  
14 the peace officer is compensated as an employee or as an  
15 independent contractor and as further defined by rule.

16 (o) Persons who have no access to confidential or security  
17 information, who do not go to a client's or prospective  
18 client's residence or place of business, and who otherwise do  
19 not provide traditional security services are exempt from  
20 employee registration. Examples of exempt employees include,  
21 but are not limited to, employees working in the capacity of  
22 ushers, directors, ticket takers, cashiers, drivers, and  
23 reception personnel. Confidential or security information is  
24 that which pertains to employee files, scheduling, client  
25 contracts, or technical security and alarm data.

26 (p) An applicant who is 21 years of age or older seeking a

1 religious exemption to the photograph requirement of this  
2 Section shall furnish with the application an approved copy of  
3 United States Department of the Treasury Internal Revenue  
4 Service Form 4029. Regardless of age, an applicant seeking a  
5 religious exemption to this photograph requirement shall  
6 submit fingerprints in a form and manner prescribed by the  
7 Department with his or her application in lieu of a photograph.  
8 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

9 (225 ILCS 447/35-35)

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

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

12 (a) No person shall perform duties that include the use,  
13 carrying, or possession of a firearm in the performance of  
14 those duties without complying with the provisions of this  
15 Section and having been issued a valid firearm control card by  
16 the Department.

17 (b) No employer shall employ any person to perform the  
18 duties for which licensure or employee registration is required  
19 and allow that person to carry a firearm unless that person has  
20 complied with all the firearm training requirements of this  
21 Section and has been issued a firearm control card. This Act  
22 permits only the following to carry firearms while actually  
23 engaged in the performance of their duties or while commuting  
24 directly to or from their places of employment: persons  
25 licensed as private detectives and their registered employees;

1 persons licensed as private security contractors and their  
2 registered employees; persons licensed as private alarm  
3 contractors and their registered employees; and employees of a  
4 registered armed proprietary security force.

5 (c) Possession of a valid firearm control card allows a  
6 licensee or employee to carry a firearm not otherwise  
7 prohibited by law while the licensee or employee is engaged in  
8 the performance of his or her duties or while the licensee or  
9 employee is commuting directly to or from the licensee's or  
10 employee's place or places of employment.

11 (d) The Department shall issue a firearm control card to a  
12 person who has passed an approved firearm training course, who  
13 is currently licensed or employed by an agency licensed by this  
14 Act and has met all the requirements of this Act, and who is  
15 not prohibited under State or federal law from possessing a  
16 firearm ~~possesses a valid firearm owner identification card.~~  
17 Application for the firearm control card shall be made by the  
18 employer to the Department on forms provided by the Department.  
19 The Department shall forward the card to the employer who shall  
20 be responsible for its issuance to the licensee or employee.  
21 The firearm control card shall be issued by the Department and  
22 shall identify the person holding it and the name of the course  
23 where the licensee or employee received firearm instruction and  
24 shall specify the type of weapon or weapons the person is  
25 authorized by the Department to carry and for which the person  
26 has been trained.



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

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

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

21 (h) The Department may issue a temporary firearm control  
22 card pending issuance of a new firearm control card upon an  
23 agency's acquiring of an established armed account. An agency  
24 that has acquired armed employees as a result of acquiring an  
25 established armed account may, on forms supplied by the  
26 Department, request the issuance of a temporary firearm control

1 card for each acquired employee who held a valid firearm  
2 control card under his or her employment with the newly  
3 acquired established armed account immediately preceding the  
4 acquiring of the account and who continues to meet all of the  
5 qualifications for issuance of a firearm control card set forth  
6 in this Act and any rules adopted under this Act. The  
7 Department shall, by rule, set the fee for issuance of a  
8 temporary firearm control card.

9 (i) The Department shall not issue a firearm control card  
10 to a licensed fingerprint vendor or a licensed locksmith or  
11 employees of a licensed fingerprint vendor agency or a licensed  
12 locksmith agency.

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

14 Section 50. The Mental Health and Developmental  
15 Disabilities Code is amended by changing Sections 6-103.1,  
16 6-103.2, and 6-103.3 as follows:

17 (405 ILCS 5/6-103.1)

18 Sec. 6-103.1. Adjudication as a person with a mental  
19 disability. When a person has been adjudicated as a person with  
20 a mental disability ~~as defined in Section 1.1 of the Firearm~~  
21 ~~Owners Identification Card Act~~, including, but not limited to,  
22 an adjudication as a person with a disability as defined in  
23 Section 11a-2 of the Probate Act of 1975, the court shall  
24 direct the circuit court clerk to notify the Department of

1 State Police, ~~Firearm Owner's Identification (FOID) Office~~, in  
2 a form and manner prescribed by the Department of State Police,  
3 and shall forward a copy of the court order to the Department  
4 no later than 7 days after the entry of the order. Upon receipt  
5 of the order, the Department of State Police shall provide  
6 notification to the National Instant Criminal Background Check  
7 System. For purposes of this Section, "has been adjudicated as  
8 a mentally disabled person" means the person is the subject of  
9 a determination by a court, board, commission, or other lawful  
10 authority that the person, as a result of marked subnormal  
11 intelligence, or mental illness, mental impairment,  
12 incompetency, condition, or disease:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

21 (405 ILCS 5/6-103.2)

22 Sec. 6-103.2. Developmental disability; notice. If a  
23 person 14 years old or older is determined to be a person with  
24 a developmental disability by a physician, clinical  
25 psychologist, or qualified examiner, the physician, clinical

1 psychologist, or qualified examiner shall notify the  
2 Department of Human Services within 7 days of making the  
3 determination that the person has a developmental disability.  
4 The Department of Human Services shall immediately update its  
5 records and information relating to mental health and  
6 developmental disabilities, and if appropriate, shall notify  
7 the Department of State Police in a form and manner prescribed  
8 by the Department of State Police. Information disclosed under  
9 this Section shall remain privileged and confidential, and  
10 shall not be redisclosed, except as required under clause  
11 (e)(2) of Section 24-4.5 of the Criminal Code of 2012  
12 ~~subsection (c) of Section 3.1 of the Firearm Owners~~  
13 ~~Identification Card Act~~, nor used for any other purpose. The  
14 method of providing this information shall guarantee that the  
15 information is not released beyond that which is necessary for  
16 the purpose of this Section and shall be provided by rule by  
17 the Department of Human Services. The identity of the person  
18 reporting under this Section shall not be disclosed to the  
19 subject of the report.

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

25 In this Section, "developmentally disabled" has the  
26 meaning ascribed to it in Section 12 of the Mental Health and

1 Developmental Disabilities Confidentiality Act.

2 For purposes of this Section, "developmental disability"  
3 ~~"developmentally disabled"~~ means a disability which is  
4 attributable to any other condition which results in impairment  
5 similar to that caused by an intellectual disability and which  
6 requires services similar to those required by intellectually  
7 disabled persons. The disability must originate before the age  
8 of 18 years, be expected to continue indefinitely, and  
9 constitute a substantial disability. This disability results,  
10 in the professional opinion of a physician, clinical  
11 psychologist, or qualified examiner, in significant functional  
12 limitations in 3 or more of the following areas of major life  
13 activity:

- 14 (i) self-care;  
15 (ii) receptive and expressive language;  
16 (iii) learning;  
17 (iv) mobility; or  
18 (v) self-direction.

19 "Determined to be a person with a developmental disability  
20 ~~developmentally disabled~~ by a physician, clinical  
21 psychologist, or qualified examiner" means in the professional  
22 opinion of the physician, clinical psychologist, or qualified  
23 examiner, a person is diagnosed, assessed, or evaluated as  
24 having a developmental disability ~~to be developmentally~~  
25 ~~disabled~~.

26 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,

1 eff. 7-27-15; revised 11-13-15.)

2 (405 ILCS 5/6-103.3)

3 Sec. 6-103.3. Clear and present danger; notice. If a person  
4 is determined to pose a clear and present danger to himself,  
5 herself, or to others by a physician, clinical psychologist, or  
6 qualified examiner, whether employed by the State, by any  
7 public or private mental health facility or part thereof, or by  
8 a law enforcement official or a school administrator, then the  
9 physician, clinical psychologist, qualified examiner shall  
10 notify the Department of Human Services and a law enforcement  
11 official or school administrator shall notify the Department of  
12 State Police, within 24 hours of making the determination that  
13 the person poses a clear and present danger. The Department of  
14 Human Services shall immediately update its records and  
15 information relating to mental health and developmental  
16 disabilities, and if appropriate, shall notify the Department  
17 of State Police in a form and manner prescribed by the  
18 Department of State Police. Information disclosed under this  
19 Section shall remain privileged and confidential, and shall not  
20 be redisclosed, except as required under clause (e)(2) of  
21 Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~  
22 ~~Section 3.1 of the Firearm Owners Identification Card Act~~, nor  
23 used for any other purpose. The method of providing this  
24 information shall guarantee that the information is not  
25 released beyond that which is necessary for the purpose of this

1 Section and shall be provided by rule by the Department of  
2 Human Services. The identity of the person reporting under this  
3 Section shall not be disclosed to the subject of the report.  
4 The physician, clinical psychologist, qualified examiner, law  
5 enforcement official, or school administrator making the  
6 determination and his or her employer shall not be held  
7 criminally, civilly, or professionally liable for making or not  
8 making the notification required under this Section, except for  
9 willful or wanton misconduct. This Section does not apply to a  
10 law enforcement official, if making the notification under this  
11 Section will interfere with an ongoing or pending criminal  
12 investigation.

13 For the purposes of this Section:

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

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

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

26 "Physician", "clinical psychologist", and "qualified



1 examiner" have the meanings ascribed to them in the Mental  
2 Health and Developmental Disabilities Code ~~has the meaning~~  
3 ~~ascribed to it in Section 1.1 of the Firearm Owners~~  
4 ~~Identification Card Act.~~

5 "Determined to pose a clear and present danger to  
6 himself, herself, or to others by a physician, clinical  
7 psychologist, or qualified examiner" means in the  
8 professional opinion of the physician, clinical  
9 psychologist, or qualified examiner, a person poses a clear  
10 and present danger.

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

14 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

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

17 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

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

23 "Childhood Lead Risk Questionnaire" means the  
24 questionnaire developed by the Department for use by physicians

1 and other health care providers to determine risk factors for  
2 children 6 years of age or younger residing in areas designated  
3 as low risk for lead exposure.

4 "Delegate agency" means a unit of local government or  
5 health department approved by the Department to carry out the  
6 provisions of this Act.

7 "Department" means the Department of Public Health.

8 "Director" means the Director of Public Health.

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

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

14 "Exposed surface" means any interior or exterior surface of  
15 a regulated facility.

16 "High risk area" means an area in the State determined by  
17 the Department to be high risk for lead exposure for children 6  
18 years of age or younger. The Department may consider, but is  
19 not limited to, the following factors to determine a high risk  
20 area: age and condition (using Department of Housing and Urban  
21 Development definitions of "slum" and "blighted") of housing,  
22 proximity to highway traffic or heavy local traffic or both,  
23 percentage of housing determined as rental or vacant, proximity  
24 to industry using lead, established incidence of elevated blood  
25 lead levels in children, percentage of population living below  
26 200% of federal poverty guidelines, and number of children

1 residing in the area who are 6 years of age or younger.

2 "Lead abatement" means any approved work practices that  
3 will permanently eliminate lead exposure or remove the  
4 lead-bearing substances in a regulated facility. The  
5 Department shall establish by rule which work practices are  
6 approved or prohibited for lead abatement.

7 "Lead abatement contractor" means any person or entity  
8 licensed by the Department to perform lead abatement and  
9 mitigation.

10 "Lead abatement supervisor" means any person employed by a  
11 lead abatement contractor and licensed by the Department to  
12 perform lead abatement and lead mitigation and to supervise  
13 lead workers who perform lead abatement and lead mitigation.

14 "Lead abatement worker" means any person employed by a lead  
15 abatement contractor and licensed by the Department to perform  
16 lead abatement and mitigation.

17 "Lead activities" means the conduct of any lead services,  
18 including, lead inspection, lead risk assessment, lead  
19 mitigation, or lead abatement work or supervision in a  
20 regulated facility.

21 "Lead-bearing substance" means any item containing or  
22 coated with lead such that the lead content is more than  
23 six-hundredths of one percent (0.06%) lead by total weight; or  
24 any dust on surfaces or in furniture or other nonpermanent  
25 elements of the regulated facility; or any paint or other  
26 surface coating material containing more than five-tenths of

1 one percent (0.5%) lead by total weight (calculated as lead  
2 metal) in the total non-volatile content of liquid paint; or  
3 lead-bearing substances containing greater than one milligram  
4 per square centimeter or any lower standard for lead content in  
5 residential paint as may be established by federal law or rule  
6 ; or more than 1 milligram per square centimeter in the dried  
7 film of paint or previously applied substance; or item or dust  
8 on item containing lead in excess of the amount specified in  
9 the rules authorized by this Act or a lower standard for lead  
10 content as may be established by federal law or rule.  
11 "Lead-bearing substance" does not include firearm ammunition  
12 or components as defined by Section 2-7.1 of the Criminal Code  
13 of 2012 ~~the Firearm Owners Identification Card Act.~~

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

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

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

24 "Lead inspector" means an individual who has been trained  
25 by a Department-approved training program and is licensed by  
26 the Department to conduct lead inspections; to sample for the

1 presence of lead in paint, dust, soil, and water; and to  
2 conduct compliance investigations.

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

7 "Lead poisoning" means the condition of having blood lead  
8 levels in excess of those considered safe under State and  
9 federal rules.

10 "Lead risk assessment" means an on-site investigation to  
11 determine the existence, nature, severity, and location of lead  
12 hazards. "Lead risk assessment" includes any lead sampling and  
13 visual assessment associated with conducting a lead risk  
14 assessment and lead hazard screen and all lead sampling  
15 associated with compliance investigations.

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

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

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

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

4 "Owner" means any person, who alone, jointly, or severally  
5 with others:

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

8 (b) Has charge, care, or control of the regulated  
9 facility as owner or agent of the owner, or as executor,  
10 administrator, trustee, or guardian of the estate of the  
11 owner.

12 "Person" means any individual, partnership, firm, company,  
13 limited liability company, corporation, association, joint  
14 stock company, trust, estate, political subdivision, State  
15 agency, or any other legal entity, or their legal  
16 representative, agent, or assign.

17 "Regulated facility" means a residential building or child  
18 care facility.

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

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

24 (430 ILCS 65/Act rep.)

25 Section 60. The Firearm Owners Identification Card Act is

1 repealed.

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

4 (430 ILCS 66/25)

5 Sec. 25. Qualifications for a license.

6 The Department shall issue a license to an applicant  
7 completing an application in accordance with Section 30 of this  
8 Act if the person:

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

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

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

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

21 (B) 2 or more violations related to driving while  
22 under the influence of alcohol, other drug or drugs,  
23 intoxicating compound or compounds, or any combination  
24 thereof, within the 5 years preceding the date of the

1 license application;

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

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

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

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

12 (430 ILCS 66/30)

13 Sec. 30. Contents of license application.

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

22 (b) The application shall contain the following:

23 (1) the applicant's name, current address, date and  
24 year of birth, place of birth, height, weight, hair color,  
25 eye color, maiden name or any other name the applicant has



1 used or identified with, and any address where the  
2 applicant resided for more than 30 days within the 10 years  
3 preceding the date of the license application;

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

6 (3) a waiver of the applicant's privacy and  
7 confidentiality rights and privileges under all federal  
8 and state laws, including those limiting access to juvenile  
9 court, criminal justice, psychological, or psychiatric  
10 records or records relating to any institutionalization of  
11 the applicant, and an affirmative request that a person  
12 having custody of any of these records provide it or  
13 information concerning it to the Department. The waiver  
14 only applies to records sought in connection with  
15 determining whether the applicant qualifies for a license  
16 to carry a concealed firearm under this Act, ~~or whether the~~  
17 ~~applicant remains in compliance with the Firearm Owners~~  
18 ~~Identification Card Act;~~

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; 99-29, eff. 7-10-15.)

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;

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; 99-78,  
25 eff. 7-20-15.)

1 (430 ILCS 66/70)

2 Sec. 70. Violations.

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

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

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

1 license under this Act.

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

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

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

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

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

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

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



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

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

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

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

20 (430 ILCS 66/80)

21 Sec. 80. Certified firearms instructors.

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

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

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

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

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

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

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

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

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

24 (A) certification from a law enforcement agency;

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

1           (C) certification from a firearm instructor  
2           qualification course offered by the Illinois Law  
3           Enforcement Training Standards Board; or

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

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

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

14          (430 ILCS 66/105)

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

1 definition of "clear and present danger" in Section 6-103.3 of  
2 the Mental Health and Developmental Disabilities Code ~~1.1~~ of  
3 ~~the Firearm Owners Identification Card Act.~~

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

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

7 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

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

1 and shall set forth the name and description of the applicant  
2 and place of residence.

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

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

25 The Department of Natural Resources shall designate any  
26 person found by it to be competent to give instruction in the

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

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

1 over 75 years of age. Nonresidents shall be charged \$57 for a  
2 hunting license.

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

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

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

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

1 stamp shall be signed by the person or affixed to his license  
2 or permit in a space designated by the Department for that  
3 purpose.

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

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

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

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

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

26 (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

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

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

25 This additional fee shall be paid by the defendant in any  
26 felony, traffic, misdemeanor, local ordinance, or conservation

1 case upon a judgment of guilty or grant of supervision, except  
2 such \$10 operations fee shall not be charged and collected in  
3 cases governed by Supreme Court Rule 529 in which the bail  
4 amount is \$120 or less.

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

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

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

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

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

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

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

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

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

1 Fund.

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

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

20 (Source: P.A. 97-46, eff. 7-1-12; 97-453, eff. 8-19-11; 97-738,  
21 eff. 7-5-12; 97-761, eff. 7-6-12; 97-813, eff. 7-13-12;  
22 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-375, eff.  
23 8-16-13; 98-606, eff. 6-1-14; 98-1016, eff. 8-22-14.)

24 Section 80. The Criminal Code of 2012 is amended by  
25 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,

1 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,  
2 24-3.5, 24-4.1, and 24-9 and adding Section 24-4.5 as follows:

3 (720 ILCS 5/2-7.1)

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

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

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

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

18 (720 ILCS 5/2-7.5)

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

24 (1) any pneumatic gun, spring gun, paint ball gun, or B-B

1 gun which expels a single globular projectile not exceeding .18  
2 inch in diameter or which has a maximum muzzle velocity of less  
3 than 700 feet per second;

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

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

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

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

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

21 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

22 Sec. 12-3.05. Aggravated battery.

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



1 following:

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

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

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

16 (i) performing his or her official duties;

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

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

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

23 (5) Strangles another individual.

24 (b) Offense based on injury to a child or person with an  
25 intellectual disability. A person who is at least 18 years of  
26 age commits aggravated battery when, in committing a battery,

1 he or she knowingly and without legal justification by any  
2 means:

3 (1) causes great bodily harm or permanent disability or  
4 disfigurement to any child under the age of 13 years, or to  
5 any person with a severe or profound intellectual  
6 disability; or

7 (2) causes bodily harm or disability or disfigurement  
8 to any child under the age of 13 years or to any person  
9 with a severe or profound intellectual disability.

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

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

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

21 (2) A person who is pregnant or has a physical  
22 disability.

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

26 (4) A peace officer, community policing volunteer,

1 fireman, private security officer, correctional  
2 institution employee, or Department of Human Services  
3 employee supervising or controlling sexually dangerous  
4 persons or sexually violent persons:

5 (i) performing his or her official duties;

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

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

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

12 (i) performing his or her official duties;

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

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

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

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

22 (8) A taxi driver on duty.

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

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

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

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

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

14           (2) Discharges a firearm, other than a machine gun or a  
15          firearm equipped with a silencer, and causes any injury to  
16          a person he or she knows to be a peace officer, community  
17          policing volunteer, person summoned by a police officer,  
18          fireman, private security officer, correctional  
19          institution employee, or 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           (3) Discharges a firearm, other than a machine gun or a  
26          firearm equipped with a silencer, and causes any injury to

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

4 (i) performing his or her official duties;

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

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

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

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

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

23 (i) performing his or her official duties;

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

26 (iii) battered in retaliation for performing his

1 or her official duties.

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

6 (i) performing his or her official duties;

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

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

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

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

20 (1) Uses a deadly weapon other than by discharge of a  
21 firearm, or uses an air rifle as defined in Section  
22 24.8-0.1 of this Code.

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

25 (3) Knowingly and without lawful justification shines  
26 or flashes a laser gunsight or other laser device attached

1 to a firearm, or used in concert with a firearm, so that  
2 the laser beam strikes upon or against the person of  
3 another.

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

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

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

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

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

1 penal institution or is a sexually dangerous person or  
2 sexually violent person in the custody of the Department of  
3 Human Services.

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

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

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

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

17 Aggravated battery under subdivision (a)(5) is a Class 1  
18 felony if:

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

21 (B) the person caused great bodily harm or permanent  
22 disability or disfigurement to the other person while  
23 committing the offense; or

24 (C) the person has been previously convicted of a  
25 violation of subdivision (a)(5) under the laws of this  
26 State or laws similar to subdivision (a)(5) of any other



1 state.

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

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

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

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

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

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

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

25 (2) if, during the commission of the offense, the  
26 person personally discharged a firearm, 20 years shall be

1 added to the term of imprisonment imposed by the court;

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

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

9 "Building or other structure used to provide shelter" has  
10 the meaning ascribed to "shelter" in Section 1 of the Domestic  
11 Violence Shelters Act.

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

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

21 "Firearm" has the meaning provided under Section 2-7.5 of  
22 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~  
23 and does not include an air rifle as defined by Section  
24 24.8-0.1 of this Code.

25 "Machine gun" has the meaning ascribed to it in Section  
26 24-1 of this Code.

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

3 "Strangle" means intentionally impeding the normal  
4 breathing or circulation of the blood of an individual by  
5 applying pressure on the throat or neck of that individual or  
6 by blocking the nose or mouth of that individual.

7 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,  
8 eff. 7-16-14; 99-143, eff. 7-27-15.)

9 (720 ILCS 5/16-0.1)

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

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

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

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

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

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

1 such communications, transmissions, signals and services  
2 lawfully provided directly or indirectly by or through any of  
3 those networks, systems, facilities or technologies.

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

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

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

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

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

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

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

10 (1) An electronic funds transfer card.

11 (2) A credit card.

12 (3) A debit card.

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

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

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

26 (B) Certifying or guaranteeing to a person or

1 business the availability to the device holder of funds  
2 on deposit to honor a draft or check payable to the  
3 order of that person or business.

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

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

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

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

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

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

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



1 access, acquisition, disclosure, receipt, decryption,  
2 communication, transmission or re-transmission.

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

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

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

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

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

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

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

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

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

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

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

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

11 (1) A person's name.

12 (2) A person's address.

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

14 (4) A person's telephone number.

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

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

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

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

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

26 (10) The number assigned to a person's credit or debit

1 card, commonly known as a "Visa Card", "MasterCard",  
2 "American Express Card", "Discover Card", or other similar  
3 cards whether issued by a financial institution,  
4 corporation, or business entity.

5 (11) Personal identification numbers.

6 (12) Electronic identification numbers.

7 (13) Digital signals.

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

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

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

25 "Public water, gas, or power supply, or other public  
26 services" mean any service subject to regulation by the

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

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

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

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

1 powers a radio frequency emission response from the chip or  
2 transponder.

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

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

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

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

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

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

1 "Under-ring" means to cause the cash register or other  
2 sales recording device to reflect less than the full retail  
3 value of the merchandise.

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

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

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

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

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

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



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

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

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

18 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.  
19 1-1-12; 97-1109, eff. 1-1-13.)

20 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

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

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

1 within any commercial context, any household appliance with a  
2 missing, defaced, obliterated, or otherwise altered  
3 manufacturer's identification number.

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

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

1 dams, airports, or waterways or in material handling for such  
2 projects upon which any such serial number, product  
3 identification number, part number, component identification  
4 number, owner-applied identification number, or other mark of  
5 identification has been changed, altered, removed, or  
6 obliterated.

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

18 (d) Sentence.

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

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

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

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

3 (f) Definitions. In this Section:

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

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

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

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

23 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

24 Sec. 24-1. Unlawful use of weapons.

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

1 when he knowingly:

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

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

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

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

1 invitee with that person's permission, any pistol,  
2 revolver, stun gun or taser or other firearm, except that  
3 this subsection (a) (4) does not apply to or affect  
4 transportation of weapons that meet one of the following  
5 conditions:

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

7 (ii) are not immediately accessible; or

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

13 (iv) are carried or possessed in accordance with  
14 the Firearm Concealed Carry Act by a person who has  
15 been issued a currently valid license under the Firearm  
16 Concealed Carry Act; or

17 (5) Sets a spring gun; or

18 (6) Possesses any device or attachment of any kind  
19 designed, used or intended for use in silencing the report  
20 of any firearm; or

21 (7) Sells, manufactures, purchases, possesses or  
22 carries:

23 (i) a machine gun, which shall be defined for the  
24 purposes of this subsection as any weapon, which  
25 shoots, is designed to shoot, or can be readily  
26 restored to shoot, automatically more than one shot

1 without manually reloading by a single function of the  
2 trigger, including the frame or receiver of any such  
3 weapon, or sells, manufactures, purchases, possesses,  
4 or carries any combination of parts designed or  
5 intended for use in converting any weapon into a  
6 machine gun, or any combination or parts from which a  
7 machine gun can be assembled if such parts are in the  
8 possession or under the control of a person;

9 (ii) any rifle having one or more barrels less than  
10 16 inches in length or a shotgun having one or more  
11 barrels less than 18 inches in length or any weapon  
12 made from a rifle or shotgun, whether by alteration,  
13 modification, or otherwise, if such a weapon as  
14 modified has an overall length of less than 26 inches;  
15 or

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

21 (8) Carries or possesses any firearm, stun gun or taser  
22 or other deadly weapon in any place which is licensed to  
23 sell intoxicating beverages, or at any public gathering  
24 held pursuant to a license issued by any governmental body  
25 or any public gathering at which an admission is charged,  
26 excluding a place where a showing, demonstration or lecture

1 involving the exhibition of unloaded firearms is  
2 conducted.

3 This subsection (a) (8) does not apply to any auction or  
4 raffle of a firearm held pursuant to a license or permit  
5 issued by a governmental body, nor does it apply to persons  
6 engaged in firearm safety training courses; or

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

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

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

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm  
26 carrying box, shipping box, or other container by a



1           person eligible under State or federal law to possess a  
2           firearm ~~who has been issued a currently valid Firearm~~  
3           ~~Owner's Identification Card~~; or

4                   (iv) are carried or possessed in accordance with  
5           the Firearm Concealed Carry Act by a person who has  
6           been issued a currently valid license under the Firearm  
7           Concealed Carry Act.

8           A "stun gun or taser", as used in this paragraph (a)  
9           means (i) any device which is powered by electrical  
10          charging units, such as, batteries, and which fires one or  
11          several barbs attached to a length of wire and which, upon  
12          hitting a human, can send out a current capable of  
13          disrupting the person's nervous system in such a manner as  
14          to render him incapable of normal functioning or (ii) any  
15          device which is powered by electrical charging units, such  
16          as batteries, and which, upon contact with a human or  
17          clothing worn by a human, can send out current capable of  
18          disrupting the person's nervous system in such a manner as  
19          to render him incapable of normal functioning; or

20                  (11) Sells, manufactures or purchases any explosive  
21          bullet. For purposes of this paragraph (a) "explosive  
22          bullet" means the projectile portion of an ammunition  
23          cartridge which contains or carries an explosive charge  
24          which will explode upon contact with the flesh of a human  
25          or an animal. "Cartridge" means a tubular metal case having  
26          a projectile affixed at the front thereof and a cap or

1 primer at the rear end thereof, with the propellant  
2 contained in such tube between the projectile and the cap;  
3 or

4 (12) (Blank); or

5 (13) Carries or possesses on or about his or her person  
6 while in a building occupied by a unit of government, a  
7 billy club, other weapon of like character, or other  
8 instrument of like character intended for use as a weapon.  
9 For the purposes of this Section, "billy club" means a  
10 short stick or club commonly carried by police officers  
11 which is either telescopic or constructed of a solid piece  
12 of wood or other man-made material.

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

1 second or subsequent violation of subsection 24-1(a)(4),  
2 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
3 felony. The possession of each weapon in violation of this  
4 Section constitutes a single and separate violation.

5 (c) Violations in specific places.

6 (1) A person who violates subsection 24-1(a)(6) or  
7 24-1(a)(7) in any school, regardless of the time of day or  
8 the time of year, in residential property owned, operated  
9 or managed by a public housing agency or leased by a public  
10 housing agency as part of a scattered site or mixed-income  
11 development, in a public park, in a courthouse, on the real  
12 property comprising any school, regardless of the time of  
13 day or the time of year, on residential property owned,  
14 operated or managed by a public housing agency or leased by  
15 a public housing agency as part of a scattered site or  
16 mixed-income development, on the real property comprising  
17 any public park, on the real property comprising any  
18 courthouse, in any conveyance owned, leased or contracted  
19 by a school to transport students to or from school or a  
20 school related activity, in any conveyance owned, leased,  
21 or contracted by a public transportation agency, or on any  
22 public way within 1,000 feet of the real property  
23 comprising any school, public park, courthouse, public  
24 transportation facility, or residential property owned,  
25 operated, or managed by a public housing agency or leased  
26 by a public housing agency as part of a scattered site or

1 mixed-income development commits a Class 2 felony and shall  
2 be sentenced to a term of imprisonment of not less than 3  
3 years and not more than 7 years.

4 (1.5) A person who violates subsection 24-1(a)(4),  
5 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
6 time of day or the time of year, in residential property  
7 owned, operated, or managed by a public housing agency or  
8 leased by a public housing agency as part of a scattered  
9 site or mixed-income development, in a public park, in a  
10 courthouse, on the real property comprising any school,  
11 regardless of the time of day or the time of year, on  
12 residential property owned, operated, or managed by a  
13 public housing agency or leased by a public housing agency  
14 as part of a scattered site or mixed-income development, on  
15 the real property comprising any public park, on the real  
16 property comprising any courthouse, in any conveyance  
17 owned, leased, or contracted by a school to transport  
18 students to or from school or a school related activity, in  
19 any conveyance owned, leased, or contracted by a public  
20 transportation agency, or on any public way within 1,000  
21 feet of the real property comprising any school, public  
22 park, courthouse, public transportation facility, or  
23 residential property owned, operated, or managed by a  
24 public housing agency or leased by a public housing agency  
25 as part of a scattered site or mixed-income development  
26 commits a Class 3 felony.

1           (2) A person who violates subsection 24-1(a)(1),  
2           24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
3           time of day or the time of year, in residential property  
4           owned, operated or managed by a public housing agency or  
5           leased by a public housing agency as part of a scattered  
6           site or mixed-income development, in a public park, in a  
7           courthouse, on the real property comprising any school,  
8           regardless of the time of day or the time of year, on  
9           residential property owned, operated or managed by a public  
10          housing agency or leased by a public housing agency as part  
11          of a scattered site or mixed-income development, on the  
12          real property comprising any public park, on the real  
13          property comprising any courthouse, in any conveyance  
14          owned, leased or contracted by a school to transport  
15          students to or from school or a school related activity, in  
16          any conveyance owned, leased, or contracted by a public  
17          transportation agency, or on any public way within 1,000  
18          feet of the real property comprising any school, public  
19          park, courthouse, public transportation facility, or  
20          residential property owned, operated, or managed by a  
21          public housing agency or leased by a public housing agency  
22          as part of a scattered site or mixed-income development  
23          commits a Class 4 felony. "Courthouse" means any building  
24          that is used by the Circuit, Appellate, or Supreme Court of  
25          this State for the conduct of official business.

26          (3) Paragraphs (1), (1.5), and (2) of this subsection

1 (c) shall not apply to law enforcement officers or security  
2 officers of such school, college, or university or to  
3 students carrying or possessing firearms for use in  
4 training courses, parades, hunting, target shooting on  
5 school ranges, or otherwise with the consent of school  
6 authorities and which firearms are transported unloaded  
7 enclosed in a suitable case, box, or transportation  
8 package.

9 (4) For the purposes of this subsection (c), "school"  
10 means any public or private elementary or secondary school,  
11 community college, college, or university.

12 (5) For the purposes of this subsection (c), "public  
13 transportation agency" means a public or private agency  
14 that provides for the transportation or conveyance of  
15 persons by means available to the general public, except  
16 for transportation by automobiles not used for conveyance  
17 of the general public as passengers; and "public  
18 transportation facility" means a terminal or other place  
19 where one may obtain public transportation.

20 (d) The presence in an automobile other than a public  
21 omnibus of any weapon, instrument or substance referred to in  
22 subsection (a) (7) is prima facie evidence that it is in the  
23 possession of, and is being carried by, all persons occupying  
24 such automobile at the time such weapon, instrument or  
25 substance is found, except under the following circumstances:  
26 (i) if such weapon, instrument or instrumentality is found upon

1 the person of one of the occupants therein; or (ii) if such  
2 weapon, instrument or substance is found in an automobile  
3 operated for hire by a duly licensed driver in the due, lawful  
4 and proper pursuit of his trade, then such presumption shall  
5 not apply to the driver.

6 (e) Exemptions. Crossbows, Common or Compound bows and  
7 Underwater Spearguns are exempted from the definition of  
8 ballistic knife as defined in paragraph (1) of subsection (a)  
9 of this Section.

10 (Source: P.A. 99-29, eff. 7-10-15.)

11 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

12 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
13 Felons or Persons in the Custody of the Department of  
14 Corrections Facilities.

15 (a) It is unlawful for a person to knowingly possess on or  
16 about his person or on his land or in his own abode or fixed  
17 place of business any weapon prohibited under Section 24-1 of  
18 this Act or any firearm or any firearm ammunition if the person  
19 has been convicted of a felony under the laws of this State or  
20 any other jurisdiction. This Section shall not apply if the  
21 person has been granted relief under this subsection ~~by the~~  
22 ~~Director of the Department of State Police under Section 10 of~~  
23 ~~the Firearm Owners Identification Card Act.~~ A person prohibited  
24 from possessing a firearm under this subsection (a) may  
25 petition the Director of State Police for a hearing and relief

1 from the prohibition, unless the prohibition was based upon a  
2 forcible felony, stalking, aggravated stalking, domestic  
3 battery, any violation of the Illinois Controlled Substances  
4 Act, the Methamphetamine Control and Community Protection Act,  
5 or the Cannabis Control Act that is classified as a Class 2 or  
6 greater felony, any felony violation of Article 24 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012, or any  
8 adjudication as a delinquent minor for the commission of an  
9 offense that if committed by an adult would be a felony, in  
10 which case the person may petition the circuit court in writing  
11 in the county of his or her residence for a hearing and relief  
12 from the prohibition. The Director or court may grant the  
13 relief if it is established by the petitioner to the court's or  
14 Director's satisfaction that:

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

20 (2) the petitioner has not been convicted of a forcible  
21 felony under the laws of this State or any other  
22 jurisdiction within 20 years of the filing of the petition,  
23 or at least 20 years have passed since the end of any  
24 period of imprisonment imposed in relation to that  
25 conviction;

26 (3) the circumstances regarding a criminal conviction,



1 where applicable, the petitioner's criminal history and  
2 his or her reputation are such that the petitioner will not  
3 be likely to act in a manner dangerous to public safety;

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

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

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

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

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

20 (e) Sentence. Violation of this Section by a person not  
21 confined in a penal institution shall be a Class 3 felony for  
22 which the person shall be sentenced to no less than 2 years and  
23 no more than 10 years and any second or subsequent violation  
24 shall be a Class 2 felony for which the person shall be  
25 sentenced to a term of imprisonment of not less than 3 years  
26 and not more than 14 years. Violation of this Section by a

1 person not confined in a penal institution who has been  
2 convicted of a forcible felony, a felony violation of Article  
3 24 of this Code ~~or of the Firearm Owners Identification Card~~  
4 ~~Act~~, stalking or aggravated stalking, or a Class 2 or greater  
5 felony under the Illinois Controlled Substances Act, the  
6 Cannabis Control Act, or the Methamphetamine Control and  
7 Community Protection Act is a Class 2 felony for which the  
8 person shall be sentenced to not less than 3 years and not more  
9 than 14 years. Violation of this Section by a person who is on  
10 parole or mandatory supervised release is a Class 2 felony for  
11 which the person shall be sentenced to not less than 3 years  
12 and not more than 14 years. Violation of this Section by a  
13 person not confined in a penal institution is a Class X felony  
14 when the firearm possessed is a machine gun. Any person who  
15 violates this Section while confined in a penal institution,  
16 which is a facility of the Illinois Department of Corrections,  
17 is guilty of a Class 1 felony, if he possesses any weapon  
18 prohibited under Section 24-1 of this Code regardless of the  
19 intent with which he possesses it, a Class X felony if he  
20 possesses any firearm, firearm ammunition or explosive, and a  
21 Class X felony for which the offender shall be sentenced to not  
22 less than 12 years and not more than 50 years when the firearm  
23 possessed is a machine gun. A violation of this Section while  
24 wearing or in possession of body armor as defined in Section  
25 33F-1 is a Class X felony punishable by a term of imprisonment  
26 of not less than 10 years and not more than 40 years. The

1 possession of each firearm or firearm ammunition in violation  
2 of this Section constitutes a single and separate violation.

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

4 (720 ILCS 5/24-1.6)

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

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

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

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

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

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

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

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

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

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

24 (D) the person possessing the weapon was  
25 previously adjudicated a delinquent minor under the  
26 Juvenile Court Act of 1987 for an act that if committed

1 by an adult would be a felony; or

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

8 (F) (blank); or

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

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

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

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

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

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

1 (i) are broken down in a non-functioning state; or  
2 (ii) are not immediately accessible; or  
3 (iii) are unloaded and enclosed in a case, firearm  
4 carrying box, shipping box, or other container by a person  
5 who is eligible under State and federal law to possess a  
6 firearm ~~has been issued a currently valid Firearm Owner's~~  
7 ~~Identification Card.~~

8 (d) Sentence.

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

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

23 (3) Aggravated unlawful use of a weapon by a person who  
24 has been previously convicted of a felony in this State or  
25 another jurisdiction is a Class 2 felony for which the  
26 person shall be sentenced to a term of imprisonment of not

1 less than 3 years and not more than 7 years.

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

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

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

12 (720 ILCS 5/24-1.8)

13 Sec. 24-1.8. Unlawful possession of a firearm by a street  
14 gang member.

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

17 (1) possesses, carries, or conceals on or about his or  
18 her person a firearm and firearm ammunition while on any  
19 street, road, alley, gangway, sidewalk, or any other lands,  
20 except when inside his or her own abode or inside his or  
21 her fixed place of business, ~~and has not been issued a~~  
22 ~~currently valid Firearm Owner's Identification Card~~ and is  
23 a member of a street gang; or

24 (2) possesses or carries in any vehicle a firearm and  
25 firearm ammunition which are both immediately accessible

1 at the time of the offense while on any street, road,  
2 alley, or any other lands, except when inside his or her  
3 own abode or garage, ~~and has not been issued a currently~~  
4 ~~valid Firearm Owner's Identification Card~~ and is a member  
5 of a street gang.

6 (b) Unlawful possession of a firearm by a street gang  
7 member is a Class 2 felony for which the person, if sentenced  
8 to a term of imprisonment, shall be sentenced to no less than 3  
9 years and no more than 10 years. A period of probation, a term  
10 of periodic imprisonment or conditional discharge shall not be  
11 imposed for the offense of unlawful possession of a firearm by  
12 a street gang member when the firearm was loaded or contained  
13 firearm ammunition and the court shall sentence the offender to  
14 not less than the minimum term of imprisonment authorized for  
15 the Class 2 felony.

16 (c) For purposes of this Section:

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

20 "Street gang member" or "gang member" has the meaning  
21 ascribed to it in Section 10 of the Illinois Streetgang  
22 Terrorism Omnibus Prevention Act.

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

24 (720 ILCS 5/24-2)

25 Sec. 24-2. Exemptions.



1           (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
2 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
3 the following:

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

7           (2) Wardens, superintendents and keepers of prisons,  
8 penitentiaries, jails and other institutions for the  
9 detention of persons accused or convicted of an offense,  
10 while in the performance of their official duty, or while  
11 commuting between their homes and places of employment.

12           (3) Members of the Armed Services or Reserve Forces of  
13 the United States or the Illinois National Guard or the  
14 Reserve Officers Training Corps, while in the performance  
15 of their official duty.

16           (4) Special agents employed by a railroad or a public  
17 utility to perform police functions, and guards of armored  
18 car companies, while actually engaged in the performance of  
19 the duties of their employment or commuting between their  
20 homes and places of employment; and watchmen while actually  
21 engaged in the performance of the duties of their  
22 employment.

23           (5) Persons licensed as private security contractors,  
24 private detectives, or private alarm contractors, or  
25 employed by a private security contractor, private  
26 detective, or private alarm contractor agency licensed by

1 the Department of Financial and Professional Regulation,  
2 if their duties include the carrying of a weapon under the  
3 provisions of the Private Detective, Private Alarm,  
4 Private Security, Fingerprint Vendor, and Locksmith Act of  
5 2004, while actually engaged in the performance of the  
6 duties of their employment or commuting between their homes  
7 and places of employment. A person shall be considered  
8 eligible for this exemption if he or she has completed the  
9 required 20 hours of training for a private security  
10 contractor, private detective, or private alarm  
11 contractor, or employee of a licensed private security  
12 contractor, private detective, or private alarm contractor  
13 agency and 20 hours of required firearm training, and has  
14 been issued a firearm control card by the Department of  
15 Financial and Professional Regulation. Conditions for the  
16 renewal of firearm control cards issued under the  
17 provisions of this Section shall be the same as for those  
18 cards issued under the provisions of the Private Detective,  
19 Private Alarm, Private Security, Fingerprint Vendor, and  
20 Locksmith Act of 2004. The firearm control card shall be  
21 carried by the private security contractor, private  
22 detective, or private alarm contractor, or employee of the  
23 licensed private security contractor, private detective,  
24 or private alarm contractor agency at all times when he or  
25 she is in possession of a concealable weapon permitted by  
26 his or her firearm control card.

1           (6) Any person regularly employed in a commercial or  
2 industrial operation as a security guard for the protection  
3 of persons employed and private property related to such  
4 commercial or industrial operation, while actually engaged  
5 in the performance of his or her duty or traveling between  
6 sites or properties belonging to the employer, and who, as  
7 a security guard, is a member of a security force  
8 registered with the Department of Financial and  
9 Professional Regulation; provided that such security guard  
10 has successfully completed a course of study, approved by  
11 and supervised by the Department of Financial and  
12 Professional Regulation, consisting of not less than 40  
13 hours of training that includes the theory of law  
14 enforcement, liability for acts, and the handling of  
15 weapons. A person shall be considered eligible for this  
16 exemption if he or she has completed the required 20 hours  
17 of training for a security officer and 20 hours of required  
18 firearm training, and has been issued a firearm control  
19 card by the Department of Financial and Professional  
20 Regulation. Conditions for the renewal of firearm control  
21 cards issued under the provisions of this Section shall be  
22 the same as for those cards issued under the provisions of  
23 the Private Detective, Private Alarm, Private Security,  
24 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
25 control card shall be carried by the security guard at all  
26 times when he or she is in possession of a concealable

1           weapon permitted by his or her firearm control card.

2           (7) Agents and investigators of the Illinois  
3           Legislative Investigating Commission authorized by the  
4           Commission to carry the weapons specified in subsections  
5           24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
6           any investigation for the Commission.

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

1 under the provisions of this Section shall be the same as  
2 for those issued under the provisions of the Private  
3 Detective, Private Alarm, Private Security, Fingerprint  
4 Vendor, and Locksmith Act of 2004. The firearm control card  
5 shall be carried by the security guard at all times when he  
6 or she is in possession of a concealable weapon permitted  
7 by his or her firearm control card. For purposes of this  
8 subsection, "financial institution" means a bank, savings  
9 and loan association, credit union or company providing  
10 armored car services.

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

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

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

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

23 (12.5) Probation officers while in the performance of  
24 their duties, or while commuting between their homes,  
25 places of employment or specific locations that are part of  
26 their assigned duties, with the consent of the chief judge

1 of the circuit for which they are employed, if they have  
2 received weapons training according to requirements of the  
3 Peace Officer and Probation Officer Firearm Training Act.

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

8 (13.5) A person employed as an armed security guard at  
9 a nuclear energy, storage, weapons or development site or  
10 facility regulated by the Nuclear Regulatory Commission  
11 who has completed the background screening and training  
12 mandated by the rules and regulations of the Nuclear  
13 Regulatory Commission.

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

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

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

24 (1) Members of any club or organization organized for  
25 the purpose of practicing shooting at targets upon  
26 established target ranges, whether public or private, and

1 patrons of such ranges, while such members or patrons are  
2 using their firearms on those target ranges.

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

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

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

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

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

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

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

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

24 (4) Manufacture, transportation, or sale of machine  
25 guns to persons authorized under subdivisions (1) through  
26 (3) of this subsection to possess machine guns, if the

1 machine guns are broken down in a non-functioning state or  
2 are not immediately accessible.

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

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

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



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

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

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

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

25 (e) Subsection 24-1(a)(8) does not apply to any owner,  
26 manager or authorized employee of any place specified in that

1 subsection nor to any law enforcement officer.

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

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

9 (1) 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 (2) Bonafide collectors of antique or surplus military  
13 ordinance.

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

17 (4) Commerce, preparation, assembly or possession of  
18 explosive bullets by manufacturers of ammunition licensed  
19 by the federal government, in connection with the supply of  
20 those organizations and persons exempted by subdivision  
21 (g)(1) of this Section, or like organizations and persons  
22 outside this State, or the transportation of explosive  
23 bullets to any organization or person exempted in this  
24 Section by a common carrier or by a vehicle owned or leased  
25 by an exempted manufacturer.

26 (g-5) Subsection 24-1(a)(6) does not apply to or affect

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

17 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
18 24-1.6 do not apply to or affect any parole agent or parole  
19 supervisor who meets the qualifications and conditions  
20 prescribed in Section 3-14-1.5 of the Unified Code of  
21 Corrections.

22 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
23 officer while serving as a member of a tactical response team  
24 or special operations team. A peace officer may not personally  
25 own or apply for ownership of a device or attachment of any  
26 kind designed, used, or intended for use in silencing the

1 report of any firearm. These devices shall be owned and  
2 maintained by lawfully recognized units of government whose  
3 duties include the investigation of criminal acts.

4 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
5 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
6 athlete's possession, transport on official Olympic and  
7 Paralympic transit systems established for athletes, or use of  
8 competition firearms sanctioned by the International Olympic  
9 Committee, the International Paralympic Committee, the  
10 International Shooting Sport Federation, or USA Shooting in  
11 connection with such athlete's training for and participation  
12 in shooting competitions at the 2016 Olympic and Paralympic  
13 Games and sanctioned test events leading up to the 2016 Olympic  
14 and Paralympic Games.

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

19 (i) Nothing in this Article shall prohibit, apply to, or  
20 affect the transportation, carrying, or possession, of any  
21 pistol or revolver, stun gun, taser, or other firearm consigned  
22 to a common carrier operating under license of the State of  
23 Illinois or the federal government, where such transportation,  
24 carrying, or possession is incident to the lawful  
25 transportation in which such common carrier is engaged; and  
26 nothing in this Article shall prohibit, apply to, or affect the

1 transportation, carrying, or possession of any pistol,  
2 revolver, stun gun, taser, or other firearm, not the subject of  
3 and regulated by subsection 24-1(a) (7) or subsection 24-2(c) of  
4 this Article, which is unloaded and enclosed in a case, firearm  
5 carrying box, shipping box, or other container, by a person  
6 eligible under State and federal law to possess a firearm ~~the~~  
7 ~~possessor of a valid Firearm Owners Identification Card.~~

8 (Source: P.A. 98-63, eff. 7-9-13; 98-463, eff. 8-16-13; 98-725,  
9 eff. 1-1-15; 99-174, eff. 7-29-15.)

10 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

12 (A) A person commits the offense of unlawful sale or  
13 delivery of firearms when he or she knowingly does any of the  
14 following:

15 (a) Sells or gives any firearm of a size which may be  
16 concealed upon the person to any person under 18 years of  
17 age.

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

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

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

25 (e) Sells or gives any firearm to any person who has

1           been a patient in a mental institution within the past 5  
2           years. In this subsection (e):

3                   "Mental institution" means any hospital,  
4                   institution, clinic, evaluation facility, mental  
5                   health center, or part thereof, which is used primarily  
6                   for the care or treatment of persons with mental  
7                   illness.

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

14                   (f) Sells or gives any firearms to any person who is a  
15                   person with an intellectual disability.

16                   (g) Delivers any firearm of a size which may be  
17                   concealed upon the person, incidental to a sale, without  
18                   withholding delivery of such firearm for at least 72 hours  
19                   after application for its purchase has been made, or  
20                   delivers any rifle, shotgun or other long gun, or a stun  
21                   gun or taser, incidental to a sale, without withholding  
22                   delivery of such rifle, shotgun or other long gun, or a  
23                   stun gun or taser for at least 24 hours after application  
24                   for its purchase has been made. However, this paragraph (g)  
25                   does not apply to: (1) the sale of a firearm to a law  
26                   enforcement officer if the seller of the firearm knows that

1 the person to whom he or she is selling the firearm is a  
2 law enforcement officer or the sale of a firearm to a  
3 person who desires to purchase a firearm for use in  
4 promoting the public interest incident to his or her  
5 employment as a bank guard, armed truck guard, or other  
6 similar employment; (2) a mail order sale of a firearm from  
7 a federally licensed firearms dealer to a nonresident of  
8 Illinois under which the firearm is mailed to a federally  
9 licensed firearms dealer outside the boundaries of  
10 Illinois; (3) the sale of a firearm to a nonresident of  
11 Illinois while at a firearm showing or display recognized  
12 by the Illinois Department of State Police; (4) the sale of  
13 a firearm to a dealer licensed as a federal firearms dealer  
14 under Section 923 of the federal Gun Control Act of 1968  
15 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,  
16 shotgun, or other long gun to a resident registered  
17 competitor or attendee or non-resident registered  
18 competitor or attendee by any dealer licensed as a federal  
19 firearms dealer under Section 923 of the federal Gun  
20 Control Act of 1968 at competitive shooting events held at  
21 the World Shooting Complex sanctioned by a national  
22 governing body. For purposes of transfers or sales under  
23 subparagraph (5) of this paragraph (g), the Department of  
24 Natural Resources shall give notice to the Department of  
25 State Police at least 30 calendar days prior to any  
26 competitive shooting events at the World Shooting Complex

1 sanctioned by a national governing body. The notification  
2 shall be made on a form prescribed by the Department of  
3 State Police. The sanctioning body shall provide a list of  
4 all registered competitors and attendees at least 24 hours  
5 before the events to the Department of State Police. Any  
6 changes to the list of registered competitors and attendees  
7 shall be forwarded to the Department of State Police as  
8 soon as practicable. The Department of State Police must  
9 destroy the list of registered competitors and attendees no  
10 later than 30 days after the date of the event. Nothing in  
11 this paragraph (g) relieves a federally licensed firearm  
12 dealer from the requirements of conducting a NICS  
13 background check through the Illinois Point of Contact  
14 under 18 U.S.C. 922(t). For purposes of this paragraph (g),  
15 "application" means when the buyer and seller reach an  
16 agreement to purchase a firearm. For purposes of this  
17 paragraph (g), "national governing body" means a group of  
18 persons who adopt rules and formulate policy on behalf of a  
19 national firearm sporting organization.

20 (h) While holding any license as a dealer, importer,  
21 manufacturer or pawnbroker under the federal Gun Control  
22 Act of 1968, manufactures, sells or delivers to any  
23 unlicensed person a handgun having a barrel, slide, frame  
24 or receiver which is a die casting of zinc alloy or any  
25 other nonhomogeneous metal which will melt or deform at a  
26 temperature of less than 800 degrees Fahrenheit. For



1 purposes of this paragraph, ~~(1) "firearm" is defined as in~~  
2 ~~the Firearm Owners Identification Card Act; and (2)~~  
3 "handgun" is defined as a firearm designed to be held and  
4 fired by the use of a single hand, and includes a  
5 combination of parts from which such a firearm can be  
6 assembled.

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

11 (j) Sells or gives a firearm while engaged in the  
12 business of selling firearms at wholesale or retail without  
13 being licensed as a federal firearms dealer under Section  
14 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
15 In this paragraph (j):

16 A person "engaged in the business" means a person who  
17 devotes time, attention, and labor to engaging in the  
18 activity as a regular course of trade or business with the  
19 principal objective of livelihood and profit, but does not  
20 include a person who makes occasional repairs of firearms  
21 or who occasionally fits special barrels, stocks, or  
22 trigger mechanisms to firearms.

23 "With the principal objective of livelihood and  
24 profit" means that the intent underlying the sale or  
25 disposition of firearms is predominantly one of obtaining  
26 livelihood and pecuniary gain, as opposed to other intents,

1 such as improving or liquidating a personal firearms  
2 collection; however, proof of profit shall not be required  
3 as to a person who engages in the regular and repetitive  
4 purchase and disposition of firearms for criminal purposes  
5 or terrorism.

6 (k) (Blank). ~~Sells or transfers ownership of a firearm~~  
7 ~~to a person who does not display to the seller or~~  
8 ~~transferor of the firearm either: (1) a currently valid~~  
9 ~~Firearm Owner's Identification Card that has previously~~  
10 ~~been issued in the transferee's name by the Department of~~  
11 ~~State Police under the provisions of the Firearm Owners~~  
12 ~~Identification Card Act; or (2) a currently valid license~~  
13 ~~to carry a concealed firearm that has previously been~~  
14 ~~issued in the transferee's name by the Department of State~~  
15 ~~Police under the Firearm Concealed Carry Act. This~~  
16 ~~paragraph (k) does not apply to the transfer of a firearm~~  
17 ~~to a person who is exempt from the requirement of~~  
18 ~~possessing a Firearm Owner's Identification Card under~~  
19 ~~Section 2 of the Firearm Owners Identification Card Act.~~  
20 ~~For the purposes of this Section, a currently valid Firearm~~  
21 ~~Owner's Identification Card means (i) a Firearm Owner's~~  
22 ~~Identification Card that has not expired or (ii) an~~  
23 ~~approval number issued in accordance with subsection~~  
24 ~~(a-10) of subsection 3 or Section 3.1 of the Firearm Owners~~  
25 ~~Identification Card Act shall be proof that the Firearm~~  
26 ~~Owner's Identification Card was valid.~~

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

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

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

21           (B) Paragraph (h) of subsection (A) does not include  
22 firearms sold within 6 months after enactment of Public Act  
23 78-355 (approved August 21, 1973, effective October 1, 1973),  
24 nor is any firearm legally owned or possessed by any citizen or  
25 purchased by any citizen within 6 months after the enactment of  
26 Public Act 78-355 subject to confiscation or seizure under the

1 provisions of that Public Act. Nothing in Public Act 78-355  
2 shall be construed to prohibit the gift or trade of any firearm  
3 if that firearm was legally held or acquired within 6 months  
4 after the enactment of that Public Act.

5 (C) Sentence.

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

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

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

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

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

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

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

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

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

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

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

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

1 for which he or she shall be sentenced to a term of  
2 imprisonment of not less than 6 years and not more than 60  
3 years if the delivery is of 31 or more firearms at the same  
4 time or within a 5 year period.

5 (D) For purposes of this Section:

6 "School" means a public or private elementary or secondary  
7 school, community college, college, or university.

8 "School related activity" means any sporting, social,  
9 academic, or other activity for which students' attendance or  
10 participation is sponsored, organized, or funded in whole or in  
11 part by a school or school district.

12 (E) ~~A prosecution for a violation of paragraph (k) of~~  
13 ~~subsection (A) of this Section may be commenced within 6 years~~  
14 ~~after the commission of the offense.~~ A prosecution for a  
15 violation of this Section other than paragraph (g) of  
16 subsection (A) of this Section may be commenced within 5 years  
17 after the commission of the offense defined in the particular  
18 paragraph.

19 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;  
20 99-143, eff. 7-27-15; revised 10-16-15.)

21 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

22 Sec. 24-3.1. Unlawful possession of firearms and firearm  
23 ammunition.

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



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

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

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

10           (4) He has been a patient in a mental institution  
11 within the past 5 years and has any firearms or firearm  
12 ammunition in his possession. For purposes of this  
13 paragraph (4):

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

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

25           (5) He is a person with an intellectual disability and  
26 has any firearms or firearm ammunition in his possession;

1 or

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

3 For purposes of this paragraph "explosive bullet" means the  
4 projectile portion of an ammunition cartridge which contains or  
5 carries an explosive charge which will explode upon contact  
6 with the flesh of a human or an animal. "Cartridge" means a  
7 tubular metal case having a projectile affixed at the front  
8 thereof and a cap or primer at the rear end thereof, with the  
9 propellant contained in such tube between the projectile and  
10 the cap.

11 (a-5) A person prohibited from possessing a firearm under  
12 this Section may petition the Director of State Police for a  
13 hearing and relief from the prohibition, unless the prohibition  
14 was based upon a forcible felony, stalking, aggravated  
15 stalking, domestic battery, any violation of the Illinois  
16 Controlled Substances Act, the Methamphetamine Control and  
17 Community Protection Act, or the Cannabis Control Act that is  
18 classified as a Class 2 or greater felony, any felony violation  
19 of Article 24 of the Criminal Code of 1961 or the Criminal Code  
20 of 2012, or any adjudication as a delinquent minor for the  
21 commission of an offense that if committed by an adult would be  
22 a felony, in which case the person may petition the circuit  
23 court in writing in the county of his or her residence for a  
24 hearing and relief from the prohibition. The Director or court  
25 may grant the relief if it is established by the petitioner to  
26 the court's or Director's satisfaction that:

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

6           (2) the petitioner has not been convicted of a forcible  
7           felony under the laws of this State or any other  
8           jurisdiction within 20 years of the filing of the petition,  
9           or at least 20 years have passed since the end of any  
10           period of imprisonment imposed in relation to that  
11           conviction;

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

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

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

20           (b) Sentence.

21           Unlawful possession of firearms, other than handguns, and  
22           firearm ammunition is a Class A misdemeanor. Unlawful  
23           possession of handguns is a Class 4 felony. The possession of  
24           each firearm or firearm ammunition in violation of this Section  
25           constitutes a single and separate violation.

26           (c) Nothing in paragraph (1) of subsection (a) of this

1 Section prohibits a person under 18 years of age from  
2 participating in any lawful recreational activity with a  
3 firearm such as, but not limited to, practice shooting at  
4 targets upon established public or private target ranges or  
5 hunting, trapping, or fishing in accordance with the Wildlife  
6 Code or the Fish and Aquatic Life Code.

7 (Source: P.A. 99-143, eff. 7-27-15.)

8 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

14 For purposes of this Section:

15 "Armor piercing bullet" means any handgun bullet or handgun  
16 ammunition with projectiles or projectile cores constructed  
17 entirely (excluding the presence of traces of other substances)  
18 from tungsten alloys, steel, iron, brass, bronze, beryllium  
19 copper or depleted uranium, or fully jacketed bullets larger  
20 than 22 caliber whose jacket has a weight of more than 25% of  
21 the total weight of the projectile, and excluding those handgun  
22 projectiles whose cores are composed of soft materials such as  
23 lead or lead alloys, zinc or zinc alloys, frangible projectiles  
24 designed primarily for sporting purposes, and any other  
25 projectiles or projectile cores that the U. S. Secretary of the

1 Treasury finds to be primarily intended to be used for sporting  
2 purposes or industrial purposes or that otherwise does not  
3 constitute "armor piercing ammunition" as that term is defined  
4 by federal law.

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

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

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

15 (b) A person commits a Class X felony when he or she,  
16 knowing that a firearm, ~~as defined in Section 1.1 of the~~  
17 ~~Firearm Owners Identification Card Act,~~ is loaded with an armor  
18 piercing bullet, dragon's breath shotgun shell, bolo shell, or  
19 flechette shell, intentionally or recklessly discharges such  
20 firearm and such bullet or shell strikes any other person.

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

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

- 1 (1) Peace officers;
- 2 (2) Wardens, superintendents and keepers of prisons,  
3 penitentiaries, jails and other institutions for the  
4 detention of persons accused or convicted of an offense;
- 5 (3) Members of the Armed Services or Reserve Forces of  
6 the United States or the Illinois National Guard while in  
7 the performance of their official duties;
- 8 (4) Federal officials required to carry firearms,  
9 while engaged in the performance of their official duties;
- 10 (5) United States Marshals, while engaged in the  
11 performance of their official duties.

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

13 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

15 (a) It shall be unlawful for any person who holds a license  
16 to sell at retail any alcoholic liquor issued by the Illinois  
17 Liquor Control Commission or local liquor control commissioner  
18 under the Liquor Control Act of 1934 or an agent or employee of  
19 the licensee to sell or deliver to any other person a firearm  
20 in or on the real property of the establishment where the  
21 licensee is licensed to sell alcoholic liquors unless the sale  
22 or delivery of the firearm is otherwise lawful under this  
23 Article ~~and under the Firearm Owners Identification Card Act.~~

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

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

2 (720 ILCS 5/24-3.5)

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

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

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

13 (2) on which the transferee certifies that he or she is  
14 not prohibited by federal law from transporting or shipping  
15 a firearm in interstate or foreign commerce or receiving a  
16 firearm that has been shipped or transported in interstate  
17 or foreign commerce or possessing a firearm in or affecting  
18 commerce.

19 (b) A person commits the offense of unlawful purchase of a  
20 firearm who knowingly purchases or attempts to purchase a  
21 firearm with the intent to deliver that firearm to another  
22 person who is prohibited by federal or State law from  
23 possessing a firearm.

24 (c) A person commits the offense of unlawful purchase of a  
25 firearm when he or she, in purchasing or attempting to purchase

1 a firearm, intentionally provides false or misleading  
2 information on a United States Department of the Treasury,  
3 Bureau of Alcohol, Tobacco and Firearms firearms transaction  
4 record form.

5 (d) Exemption. It is not a violation of subsection (b) of  
6 this Section for a person to make a gift or loan of a firearm to  
7 a person who is not prohibited by federal or State law from  
8 possessing a firearm ~~if the transfer of the firearm is made in~~  
9 ~~accordance with Section 3 of the Firearm Owners Identification~~  
10 ~~Card Act.~~

11 (e) Sentence.

12 (1) A person who commits the offense of unlawful  
13 purchase of a firearm:

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

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

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

25 (2) In addition to any other penalty that may be  
26 imposed for a violation of this Section, the court may



1 sentence a person convicted of a violation of subsection  
2 (c) of this Section to a fine not to exceed \$250,000 for  
3 each violation.

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

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

7 (720 ILCS 5/24-4.1)

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

9 (a) If a person ~~who possesses a valid Firearm Owner's~~  
10 ~~Identification Card and~~ who possesses or acquires a firearm  
11 thereafter loses the firearm, or if the firearm is stolen from  
12 the person, the person must report the loss or theft to the  
13 local law enforcement agency within 72 hours after obtaining  
14 knowledge of the loss or theft.

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

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

20 (1) the failure to report is due to an act of God, act  
21 of war, or inability of a law enforcement agency to receive  
22 the report;

23 (2) the person is hospitalized, in a coma, or is  
24 otherwise seriously physically or mentally impaired as to  
25 prevent the person from reporting; or

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

3 (d) Sentence. A person who violates this Section is guilty  
4 of a petty offense for a first violation. A second or  
5 subsequent violation of this Section is a Class A misdemeanor.  
6 (Source: P.A. 98-508, eff. 8-19-13.)

7 (720 ILCS 5/24-4.5 new)

8 Sec. 24-4.5. Dial up system.

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

19 (b) Upon receiving a request from a federally licensed  
20 firearm dealer, gun show promoter, or gun show vendor, the  
21 Department of State Police shall immediately approve, or within  
22 the time period established by Section 24-3 of this Code  
23 regarding the delivery of firearms, stun guns, and tasers  
24 notify the inquiring dealer, gun show promoter, or gun show  
25 vendor of any objection that would disqualify the transferee

1 from acquiring or possessing a firearm, stun gun, or taser. In  
2 conducting the inquiry, the Department of State Police shall  
3 initiate and complete an automated search of its criminal  
4 history record information files and those of the Federal  
5 Bureau of Investigation, including the National Instant  
6 Criminal Background Check System, and of the files of the  
7 Department of Human Services relating to mental health and  
8 developmental disabilities to obtain any felony conviction or  
9 patient hospitalization information which would disqualify a  
10 person from obtaining a firearm.

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

14 (1) assign a unique identification number to the  
15 transfer; and

16 (2) provide the licensee, gun show promoter, or gun  
17 show vendor with the number.

18 (d) Approvals issued by the Department of State Police for  
19 the purchase of a firearm are valid for 30 days from the date  
20 of issue.

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

24 (2) The Department of State Police and the Department of  
25 Human Services shall, in accordance with State and federal law  
26 regarding confidentiality, enter into a memorandum of

1 understanding with the Federal Bureau of Investigation for the  
2 purpose of implementing the National Instant Criminal  
3 Background Check System in the State. The Department of State  
4 Police shall report the name, date of birth, and physical  
5 description of any person prohibited from possessing a firearm  
6 under this Code or 18 U.S.C. 922(g) and (n) to the National  
7 Instant Criminal Background Check System Index, Denied Persons  
8 Files.

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

11 (720 ILCS 5/24-9)

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

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

22 (1) secured by a device or mechanism, other than the  
23 firearm safety, designed to render a firearm temporarily  
24 inoperable; or

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

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

4           (b) Sentence. A person who violates this Section is guilty  
5           of a Class C misdemeanor and shall be fined not less than  
6           \$1,000. A second or subsequent violation of this Section is a  
7           Class A misdemeanor.

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

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

12           (2) to any firearm obtained by a minor under the age of  
13           14 because of an unlawful entry of the premises by the  
14           minor or another person.

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

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

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

21           (720 ILCS 646/10)

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

23           "Anhydrous ammonia" has the meaning provided in subsection

24           (d) of Section 3 of the Illinois Fertilizer Act of 1961.

1 "Anhydrous ammonia equipment" means all items used to  
2 store, hold, contain, handle, transfer, transport, or apply  
3 anhydrous ammonia for lawful purposes.

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

9 "Deliver" or "delivery" has the meaning provided in  
10 subsection (h) of Section 102 of the Illinois Controlled  
11 Substances Act.

12 "Director" means the Director of State Police or the  
13 Director's designated agents.

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

20 "Emergency response" means the act of collecting evidence  
21 from or securing a methamphetamine laboratory site,  
22 methamphetamine waste site or other methamphetamine-related  
23 site and cleaning up the site, whether these actions are  
24 performed by public entities or private contractors paid by  
25 public entities.

26 "Emergency service provider" means a local, State, or

1 federal peace officer, firefighter, emergency medical  
2 technician-ambulance, emergency medical  
3 technician-intermediate, emergency medical  
4 technician-paramedic, ambulance driver, or other medical or  
5 first aid personnel rendering aid, or any agent or designee of  
6 the foregoing.

7 "Finished methamphetamine" means methamphetamine in a form  
8 commonly used for personal consumption.

9 "Firearm" has the meaning provided in Section 2-7.5 of the  
10 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
11 ~~Card Act.~~

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

19 "Methamphetamine" means the chemical methamphetamine (a  
20 Schedule II controlled substance under the Illinois Controlled  
21 Substances Act) or any salt, optical isomer, salt of optical  
22 isomer, or analog thereof, with the exception of  
23 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
24 scheduled substance with a separate listing under the Illinois  
25 Controlled Substances Act.

26 "Methamphetamine manufacturing catalyst" means any

1 substance that has been used, is being used, or is intended to  
2 be used to activate, accelerate, extend, or improve a chemical  
3 reaction involved in the manufacture of methamphetamine.

4 "Methamphetamine manufacturing environment" means a  
5 structure or vehicle in which:

6 (1) methamphetamine is being or has been manufactured;

7 (2) chemicals that are being used, have been used, or  
8 are intended to be used to manufacture methamphetamine are  
9 stored;

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

12 (4) methamphetamine manufacturing waste is stored.

13 "Methamphetamine manufacturing material" means any  
14 methamphetamine precursor, substance containing any  
15 methamphetamine precursor, methamphetamine manufacturing  
16 catalyst, substance containing any methamphetamine  
17 manufacturing catalyst, methamphetamine manufacturing reagent,  
18 substance containing any methamphetamine manufacturing  
19 reagent, methamphetamine manufacturing solvent, substance  
20 containing any methamphetamine manufacturing solvent, or any  
21 other chemical, substance, ingredient, equipment, apparatus,  
22 or item that is being used, has been used, or is intended to be  
23 used in the manufacture of methamphetamine.

24 "Methamphetamine manufacturing reagent" means any  
25 substance other than a methamphetamine manufacturing catalyst  
26 that has been used, is being used, or is intended to be used to



1 react with and chemically alter any methamphetamine precursor.

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

9 "Methamphetamine manufacturing waste" means any chemical,  
10 substance, ingredient, equipment, apparatus, or item that is  
11 left over from, results from, or is produced by the process of  
12 manufacturing methamphetamine, other than finished  
13 methamphetamine.

14 "Methamphetamine precursor" means ephedrine,  
15 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
16 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
17 isomer, or salt of an optical isomer of any of these chemicals.

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

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

25 "Participate" or "participation" in the manufacture of  
26 methamphetamine means to produce, prepare, compound, convert,

1 process, synthesize, concentrate, purify, separate, extract,  
2 or package any methamphetamine, methamphetamine precursor,  
3 methamphetamine manufacturing catalyst, methamphetamine  
4 manufacturing reagent, methamphetamine manufacturing solvent,  
5 or any substance containing any of the foregoing, or to assist  
6 in any of these actions, or to attempt to take any of these  
7 actions, regardless of whether this action or these actions  
8 result in the production of finished methamphetamine.

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

14 "Procure" means to purchase, steal, gather, or otherwise  
15 obtain, by legal or illegal means, or to cause another to take  
16 such action.

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

23 "Standard dosage form", as used in relation to any  
24 methamphetamine precursor, means that the methamphetamine  
25 precursor is contained in a pill, tablet, capsule, caplet, gel  
26 cap, or liquid cap that has been manufactured by a lawful

1 entity and contains a standard quantity of methamphetamine  
2 precursor.

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

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

16 Section 90. The Code of Criminal Procedure of 1963 is  
17 amended by changing Sections 110-10, 112A-11.1, 112A-11.2, and  
18 112A-14 as follows:

19 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

20 Sec. 110-10. Conditions of bail bond.

21 (a) If a person is released prior to conviction, either  
22 upon payment of bail security or on his or her own  
23 recognizance, the conditions of the bail bond shall be that he  
24 or she will:

1           (1) Appear to answer the charge in the court having  
2 jurisdiction on a day certain and thereafter as ordered by  
3 the court until discharged or final order of the court;

4           (2) Submit himself or herself to the orders and process  
5 of the court;

6           (3) Not depart this State without leave of the court;

7           (4) Not violate any criminal statute of any  
8 jurisdiction;

9           (5) At a time and place designated by the court,  
10 surrender all firearms in his or her possession to a law  
11 enforcement officer designated by the court to take custody  
12 of and impound the firearms ~~and physically surrender his or~~  
13 ~~her Firearm Owner's Identification Card to the clerk of the~~  
14 ~~circuit court~~ when the offense the person has been charged  
15 with is a forcible felony, stalking, aggravated stalking,  
16 domestic battery, any violation of the Illinois Controlled  
17 Substances Act, the Methamphetamine Control and Community  
18 Protection Act, or the Cannabis Control Act that is  
19 classified as a Class 2 or greater felony, or any felony  
20 violation of Article 24 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012; the court may, however, forgo the  
22 imposition of this condition when the circumstances of the  
23 case clearly do not warrant it or when its imposition would  
24 be impractical; ~~if the Firearm Owner's Identification Card~~  
25 ~~is confiscated, the clerk of the circuit court shall mail~~  
26 ~~the confiscated card to the Illinois State Police; all~~

1           legally possessed firearms shall be returned to the person  
2           upon the charges being dismissed, or if the person is found  
3           not guilty, unless the finding of not guilty is by reason  
4           of insanity; and

5           (6) At a time and place designated by the court, submit  
6           to a psychological evaluation when the person has been  
7           charged with a violation of item (4) of subsection (a) of  
8           Section 24-1 of the Criminal Code of 1961 or the Criminal  
9           Code of 2012 and that violation occurred in a school or in  
10          any conveyance owned, leased, or contracted by a school to  
11          transport students to or from school or a school-related  
12          activity, or on any public way within 1,000 feet of real  
13          property comprising any school.

14          Psychological evaluations ordered pursuant to this Section  
15          shall be completed promptly and made available to the State,  
16          the defendant, and the court. As a further condition of bail  
17          under these circumstances, the court shall order the defendant  
18          to refrain from entering upon the property of the school,  
19          including any conveyance owned, leased, or contracted by a  
20          school to transport students to or from school or a  
21          school-related activity, or on any public way within 1,000 feet  
22          of real property comprising any school. Upon receipt of the  
23          psychological evaluation, either the State or the defendant may  
24          request a change in the conditions of bail, pursuant to Section  
25          110-6 of this Code. The court may change the conditions of bail  
26          to include a requirement that the defendant follow the

1 recommendations of the psychological evaluation, including  
2 undergoing psychiatric treatment. The conclusions of the  
3 psychological evaluation and any statements elicited from the  
4 defendant during its administration are not admissible as  
5 evidence of guilt during the course of any trial on the charged  
6 offense, unless the defendant places his or her mental  
7 competency in issue.

8 (b) The court may impose other conditions, such as the  
9 following, if the court finds that such conditions are  
10 reasonably necessary to assure the defendant's appearance in  
11 court, protect the public from the defendant, or prevent the  
12 defendant's unlawful interference with the orderly  
13 administration of justice:

14 (1) Report to or appear in person before such person or  
15 agency as the court may direct;

16 (2) Refrain from possessing a firearm or other  
17 dangerous weapon;

18 (3) Refrain from approaching or communicating with  
19 particular persons or classes of persons;

20 (4) Refrain from going to certain described  
21 geographical areas or premises;

22 (5) Refrain from engaging in certain activities or  
23 indulging in intoxicating liquors or in certain drugs;

24 (6) Undergo treatment for drug addiction or  
25 alcoholism;

26 (7) Undergo medical or psychiatric treatment;

1           (8) Work or pursue a course of study or vocational  
2 training;

3           (9) Attend or reside in a facility designated by the  
4 court;

5           (10) Support his or her dependents;

6           (11) If a minor resides with his or her parents or in a  
7 foster home, attend school, attend a non-residential  
8 program for youths, and contribute to his or her own  
9 support at home or in a foster home;

10          (12) Observe any curfew ordered by the court;

11          (13) Remain in the custody of such designated person or  
12 organization agreeing to supervise his release. Such third  
13 party custodian shall be responsible for notifying the  
14 court if the defendant fails to observe the conditions of  
15 release which the custodian has agreed to monitor, and  
16 shall be subject to contempt of court for failure so to  
17 notify the court;

18          (14) Be placed under direct supervision of the Pretrial  
19 Services Agency, Probation Department or Court Services  
20 Department in a pretrial bond home supervision capacity  
21 with or without the use of an approved electronic  
22 monitoring device subject to Article 8A of Chapter V of the  
23 Unified Code of Corrections;

24          (14.1) The court shall impose upon a defendant who is  
25 charged with any alcohol, cannabis, methamphetamine, or  
26 controlled substance violation and is placed under direct

1 supervision of the Pretrial Services Agency, Probation  
2 Department or Court Services Department in a pretrial bond  
3 home supervision capacity with the use of an approved  
4 monitoring device, as a condition of such bail bond, a fee  
5 that represents costs incidental to the electronic  
6 monitoring for each day of such bail supervision ordered by  
7 the court, unless after determining the inability of the  
8 defendant to pay the fee, the court assesses a lesser fee  
9 or no fee as the case may be. The fee shall be collected by  
10 the clerk of the circuit court. The clerk of the circuit  
11 court shall pay all monies collected from this fee to the  
12 county treasurer for deposit in the substance abuse  
13 services fund under Section 5-1086.1 of the Counties Code;

14 (14.2) The court shall impose upon all defendants,  
15 including those defendants subject to paragraph (14.1)  
16 above, placed under direct supervision of the Pretrial  
17 Services Agency, Probation Department or Court Services  
18 Department in a pretrial bond home supervision capacity  
19 with the use of an approved monitoring device, as a  
20 condition of such bail bond, a fee which shall represent  
21 costs incidental to such electronic monitoring for each day  
22 of such bail supervision ordered by the court, unless after  
23 determining the inability of the defendant to pay the fee,  
24 the court assesses a lesser fee or no fee as the case may  
25 be. The fee shall be collected by the clerk of the circuit  
26 court. The clerk of the circuit court shall pay all monies



1 collected from this fee to the county treasurer who shall  
2 use the monies collected to defray the costs of  
3 corrections. The county treasurer shall deposit the fee  
4 collected in the county working cash fund under Section  
5 6-27001 or Section 6-29002 of the Counties Code, as the  
6 case may be;

7 (14.3) The Chief Judge of the Judicial Circuit may  
8 establish reasonable fees to be paid by a person receiving  
9 pretrial services while under supervision of a pretrial  
10 services agency, probation department, or court services  
11 department. Reasonable fees may be charged for pretrial  
12 services including, but not limited to, pretrial  
13 supervision, diversion programs, electronic monitoring,  
14 victim impact services, drug and alcohol testing, DNA  
15 testing, GPS electronic monitoring, assessments and  
16 evaluations related to domestic violence and other  
17 victims, and victim mediation services. The person  
18 receiving pretrial services may be ordered to pay all costs  
19 incidental to pretrial services in accordance with his or  
20 her ability to pay those costs;

21 (14.4) For persons charged with violating Section  
22 11-501 of the Illinois Vehicle Code, refrain from operating  
23 a motor vehicle not equipped with an ignition interlock  
24 device, as defined in Section 1-129.1 of the Illinois  
25 Vehicle Code, pursuant to the rules promulgated by the  
26 Secretary of State for the installation of ignition

1 interlock devices. Under this condition the court may allow  
2 a defendant who is not self-employed to operate a vehicle  
3 owned by the defendant's employer that is not equipped with  
4 an ignition interlock device in the course and scope of the  
5 defendant's employment;

6 (15) Comply with the terms and conditions of an order  
7 of protection issued by the court under the Illinois  
8 Domestic Violence Act of 1986 or an order of protection  
9 issued by the court of another state, tribe, or United  
10 States territory;

11 (16) Under Section 110-6.5 comply with the conditions  
12 of the drug testing program; and

13 (17) Such other reasonable conditions as the court may  
14 impose.

15 (c) When a person is charged with an offense under Section  
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
17 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, involving a victim who is a minor under  
19 18 years of age living in the same household with the defendant  
20 at the time of the offense, in granting bail or releasing the  
21 defendant on his own recognizance, the judge shall impose  
22 conditions to restrict the defendant's access to the victim  
23 which may include, but are not limited to conditions that he  
24 will:

25 1. Vacate the Household.

26 2. Make payment of temporary support to his dependents.

1           3. Refrain from contact or communication with the child  
2           victim, except as ordered by the court.

3           (d) When a person is charged with a criminal offense and  
4           the victim is a family or household member as defined in  
5           Article 112A, conditions shall be imposed at the time of the  
6           defendant's release on bond that restrict the defendant's  
7           access to the victim. Unless provided otherwise by the court,  
8           the restrictions shall include requirements that the defendant  
9           do the following:

10           (1) refrain from contact or communication with the  
11           victim for a minimum period of 72 hours following the  
12           defendant's release; and

13           (2) refrain from entering or remaining at the victim's  
14           residence for a minimum period of 72 hours following the  
15           defendant's release.

16           (e) Local law enforcement agencies shall develop  
17           standardized bond forms for use in cases involving family or  
18           household members as defined in Article 112A, including  
19           specific conditions of bond as provided in subsection (d).  
20           Failure of any law enforcement department to develop or use  
21           those forms shall in no way limit the applicability and  
22           enforcement of subsections (d) and (f).

23           (f) If the defendant is admitted to bail after conviction  
24           the conditions of the bail bond shall be that he will, in  
25           addition to the conditions set forth in subsections (a) and (b)  
26           hereof:

- 1 (1) Duly prosecute his appeal;
- 2 (2) Appear at such time and place as the court may  
3 direct;
- 4 (3) Not depart this State without leave of the court;
- 5 (4) Comply with such other reasonable conditions as the  
6 court may impose; and
- 7 (5) If the judgment is affirmed or the cause reversed  
8 and remanded for a new trial, forthwith surrender to the  
9 officer from whose custody he was bailed.

10 (g) Upon a finding of guilty for any felony offense, the  
11 defendant shall physically surrender, at a time and place  
12 designated by the court, any and all firearms in his or her  
13 possession ~~and his or her Firearm Owner's Identification Card~~  
14 as a condition of remaining on bond pending sentencing.

15 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;  
16 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.  
17 1-25-13.)

18 (725 ILCS 5/112A-11.1)

19 Sec. 112A-11.1. Procedure for determining whether certain  
20 misdemeanor crimes are crimes of domestic violence for purposes  
21 of federal law.

22 (a) When a defendant has been charged with a violation of  
23 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012, the State  
25 may, at arraignment or no later than 45 days after arraignment,

1 for the purpose of notification to the Department of State  
2 Police ~~Firearm Owner's Identification Card Office~~, serve on the  
3 defendant and file with the court a notice alleging that  
4 conviction of the offense would subject the defendant to the  
5 prohibitions of 18 U.S.C. 922(g)(9) because of the relationship  
6 between the defendant and the alleged victim and the nature of  
7 the alleged offense.

8 (b) The notice shall include the name of the person alleged  
9 to be the victim of the crime and shall specify the nature of  
10 the alleged relationship as set forth in 18 U.S.C.  
11 921(a)(33)(A)(ii). It shall also specify the element of the  
12 charged offense which requires the use or attempted use of  
13 physical force, or the threatened use of a deadly weapon, as  
14 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include  
15 notice that the defendant is entitled to a hearing on the  
16 allegation contained in the notice and that if the allegation  
17 is sustained, that determination and conviction shall be  
18 reported to the Department of State Police ~~Firearm Owner's~~  
19 ~~Identification Card Office~~.

20 (c) After having been notified as provided in subsection  
21 (b) of this Section, the defendant may stipulate or admit,  
22 orally on the record or in writing, that conviction of the  
23 offense would subject the defendant to the prohibitions of 18  
24 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.  
25 922(g)(9) shall be deemed established for purposes of Section  
26 112A-11.2. If the defendant denies the applicability of 18

1 U.S.C. 922(g) (9) as alleged in the notice served by the State,  
2 or stands mute with respect to that allegation, then the State  
3 shall bear the burden to prove beyond a reasonable doubt that  
4 the offense is one to which the prohibitions of 18 U.S.C.  
5 922(g) (9) apply. The court may consider reliable hearsay  
6 evidence submitted by either party provided that it is relevant  
7 to the determination of the allegation. Facts previously proven  
8 at trial or elicited at the time of entry of a plea of guilty  
9 shall be deemed established beyond a reasonable doubt and shall  
10 not be relitigated. At the conclusion of the hearing, or upon a  
11 stipulation or admission, as applicable, the court shall make a  
12 specific written determination with respect to the allegation.  
13 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

14 (725 ILCS 5/112A-11.2)

15 Sec. 112A-11.2. Notification to the Department of State  
16 Police ~~Firearm Owner's Identification Card Office~~ of  
17 determinations in certain misdemeanor cases. Upon judgment of  
18 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
19 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012 when the defendant has been determined, under  
21 Section 112A-11.1, to be subject to the prohibitions of 18  
22 U.S.C. 922(g) (9), the circuit court clerk shall include  
23 notification and a copy of the written determination in a  
24 report of the conviction to the Department of State Police  
25 ~~Firearm Owner's Identification Card Office~~ to enable the office

1 to report that determination to the Federal Bureau of  
2 Investigation and assist the Bureau in identifying persons  
3 prohibited from purchasing and possessing a firearm pursuant to  
4 the provisions of 18 U.S.C. 922.

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

6 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

7 Sec. 112A-14. Order of protection; remedies.

8 (a) Issuance of order. If the court finds that petitioner  
9 has been abused by a family or household member, as defined in  
10 this Article, an order of protection prohibiting such abuse  
11 shall issue; provided that petitioner must also satisfy the  
12 requirements of one of the following Sections, as appropriate:  
13 Section 112A-17 on emergency orders, Section 112A-18 on interim  
14 orders, or Section 112A-19 on plenary orders. Petitioner shall  
15 not be denied an order of protection because petitioner or  
16 respondent is a minor. The court, when determining whether or  
17 not to issue an order of protection, shall not require physical  
18 manifestations of abuse on the person of the victim.  
19 Modification and extension of prior orders of protection shall  
20 be in accordance with this Article.

21 (b) Remedies and standards. The remedies to be included in  
22 an order of protection shall be determined in accordance with  
23 this Section and one of the following Sections, as appropriate:  
24 Section 112A-17 on emergency orders, Section 112A-18 on interim  
25 orders, and Section 112A-19 on plenary orders. The remedies

1 listed in this subsection shall be in addition to other civil  
2 or criminal remedies available to petitioner.

3 (1) Prohibition of abuse. Prohibit respondent's  
4 harassment, interference with personal liberty,  
5 intimidation of a dependent, physical abuse or willful  
6 deprivation, as defined in this Article, if such abuse has  
7 occurred or otherwise appears likely to occur if not  
8 prohibited.

9 (2) Grant of exclusive possession of residence.  
10 Prohibit respondent from entering or remaining in any  
11 residence, household, or premises of the petitioner,  
12 including one owned or leased by respondent, if petitioner  
13 has a right to occupancy thereof. The grant of exclusive  
14 possession of the residence, household, or premises shall  
15 not affect title to real property, nor shall the court be  
16 limited by the standard set forth in Section 701 of the  
17 Illinois Marriage and Dissolution of Marriage Act.

18 (A) Right to occupancy. A party has a right to  
19 occupancy of a residence or household if it is solely  
20 or jointly owned or leased by that party, that party's  
21 spouse, a person with a legal duty to support that  
22 party or a minor child in that party's care, or by any  
23 person or entity other than the opposing party that  
24 authorizes that party's occupancy (e.g., a domestic  
25 violence shelter). Standards set forth in subparagraph  
26 (B) shall not preclude equitable relief.



1 (B) Presumption of hardships. If petitioner and  
2 respondent each has the right to occupancy of a  
3 residence or household, the court shall balance (i) the  
4 hardships to respondent and any minor child or  
5 dependent adult in respondent's care resulting from  
6 entry of this remedy with (ii) the hardships to  
7 petitioner and any minor child or dependent adult in  
8 petitioner's care resulting from continued exposure to  
9 the risk of abuse (should petitioner remain at the  
10 residence or household) or from loss of possession of  
11 the residence or household (should petitioner leave to  
12 avoid the risk of abuse). When determining the balance  
13 of hardships, the court shall also take into account  
14 the accessibility of the residence or household.  
15 Hardships need not be balanced if respondent does not  
16 have a right to occupancy.

17 The balance of hardships is presumed to favor  
18 possession by petitioner unless the presumption is  
19 rebutted by a preponderance of the evidence, showing  
20 that the hardships to respondent substantially  
21 outweigh the hardships to petitioner and any minor  
22 child or dependent adult in petitioner's care. The  
23 court, on the request of petitioner or on its own  
24 motion, may order respondent to provide suitable,  
25 accessible, alternate housing for petitioner instead  
26 of excluding respondent from a mutual residence or

1 household.

2 (3) Stay away order and additional prohibitions. Order  
3 respondent to stay away from petitioner or any other person  
4 protected by the order of protection, or prohibit  
5 respondent from entering or remaining present at  
6 petitioner's school, place of employment, or other  
7 specified places at times when petitioner is present, or  
8 both, if reasonable, given the balance of hardships.  
9 Hardships need not be balanced for the court to enter a  
10 stay away order or prohibit entry if respondent has no  
11 right to enter the premises.

12 If an order of protection grants petitioner exclusive  
13 possession of the residence, or prohibits respondent from  
14 entering the residence, or orders respondent to stay away  
15 from petitioner or other protected persons, then the court  
16 may allow respondent access to the residence to remove  
17 items of clothing and personal adornment used exclusively  
18 by respondent, medications, and other items as the court  
19 directs. The right to access shall be exercised on only one  
20 occasion as the court directs and in the presence of an  
21 agreed-upon adult third party or law enforcement officer.

22 (4) Counseling. Require or recommend the respondent to  
23 undergo counseling for a specified duration with a social  
24 worker, psychologist, clinical psychologist, psychiatrist,  
25 family service agency, alcohol or substance abuse program,  
26 mental health center guidance counselor, agency providing

1 services to elders, program designed for domestic violence  
2 abusers or any other guidance service the court deems  
3 appropriate. The court may order the respondent in any  
4 intimate partner relationship to report to an Illinois  
5 Department of Human Services protocol approved partner  
6 abuse intervention program for an assessment and to follow  
7 all recommended treatment.

8 (5) Physical care and possession of the minor child. In  
9 order to protect the minor child from abuse, neglect, or  
10 unwarranted separation from the person who has been the  
11 minor child's primary caretaker, or to otherwise protect  
12 the well-being of the minor child, the court may do either  
13 or both of the following: (i) grant petitioner physical  
14 care or possession of the minor child, or both, or (ii)  
15 order respondent to return a minor child to, or not remove  
16 a minor child from, the physical care of a parent or person  
17 in loco parentis.

18 If a court finds, after a hearing, that respondent has  
19 committed abuse (as defined in Section 112A-3) of a minor  
20 child, there shall be a rebuttable presumption that  
21 awarding physical care to respondent would not be in the  
22 minor child's best interest.

23 (6) Temporary legal custody. Award temporary legal  
24 custody to petitioner in accordance with this Section, the  
25 Illinois Marriage and Dissolution of Marriage Act, the  
26 Illinois Parentage Act of 2015, and this State's Uniform

1 Child-Custody Jurisdiction and Enforcement Act.

2 If a court finds, after a hearing, that respondent has  
3 committed abuse (as defined in Section 112A-3) of a minor  
4 child, there shall be a rebuttable presumption that  
5 awarding temporary legal custody to respondent would not be  
6 in the child's best interest.

7 (7) Visitation. Determine the visitation rights, if  
8 any, of respondent in any case in which the court awards  
9 physical care or temporary legal custody of a minor child  
10 to petitioner. The court shall restrict or deny  
11 respondent's visitation with a minor child if the court  
12 finds that respondent has done or is likely to do any of  
13 the following: (i) abuse or endanger the minor child during  
14 visitation; (ii) use the visitation as an opportunity to  
15 abuse or harass petitioner or petitioner's family or  
16 household members; (iii) improperly conceal or detain the  
17 minor child; or (iv) otherwise act in a manner that is not  
18 in the best interests of the minor child. The court shall  
19 not be limited by the standards set forth in Section 607.1  
20 of the Illinois Marriage and Dissolution of Marriage Act.  
21 If the court grants visitation, the order shall specify  
22 dates and times for the visitation to take place or other  
23 specific parameters or conditions that are appropriate. No  
24 order for visitation shall refer merely to the term  
25 "reasonable visitation".

26 Petitioner may deny respondent access to the minor

1 child if, when respondent arrives for visitation,  
2 respondent is under the influence of drugs or alcohol and  
3 constitutes a threat to the safety and well-being of  
4 petitioner or petitioner's minor children or is behaving in  
5 a violent or abusive manner.

6 If necessary to protect any member of petitioner's  
7 family or household from future abuse, respondent shall be  
8 prohibited from coming to petitioner's residence to meet  
9 the minor child for visitation, and the parties shall  
10 submit to the court their recommendations for reasonable  
11 alternative arrangements for visitation. A person may be  
12 approved to supervise visitation only after filing an  
13 affidavit accepting that responsibility and acknowledging  
14 accountability to the court.

15 (8) Removal or concealment of minor child. Prohibit  
16 respondent from removing a minor child from the State or  
17 concealing the child within the State.

18 (9) Order to appear. Order the respondent to appear in  
19 court, alone or with a minor child, to prevent abuse,  
20 neglect, removal or concealment of the child, to return the  
21 child to the custody or care of the petitioner or to permit  
22 any court-ordered interview or examination of the child or  
23 the respondent.

24 (10) Possession of personal property. Grant petitioner  
25 exclusive possession of personal property and, if  
26 respondent has possession or control, direct respondent to

1 promptly make it available to petitioner, if:

2 (i) petitioner, but not respondent, owns the  
3 property; or

4 (ii) the parties own the property jointly; sharing  
5 it would risk abuse of petitioner by respondent or is  
6 impracticable; and the balance of hardships favors  
7 temporary possession by petitioner.

8 If petitioner's sole claim to ownership of the property  
9 is that it is marital property, the court may award  
10 petitioner temporary possession thereof under the  
11 standards of subparagraph (ii) of this paragraph only if a  
12 proper proceeding has been filed under the Illinois  
13 Marriage and Dissolution of Marriage Act, as now or  
14 hereafter amended.

15 No order under this provision shall affect title to  
16 property.

17 (11) Protection of property. Forbid the respondent  
18 from taking, transferring, encumbering, concealing,  
19 damaging or otherwise disposing of any real or personal  
20 property, except as explicitly authorized by the court, if:

21 (i) petitioner, but not respondent, owns the  
22 property; or

23 (ii) the parties own the property jointly, and the  
24 balance of hardships favors granting this remedy.

25 If petitioner's sole claim to ownership of the property  
26 is that it is marital property, the court may grant

1 petitioner relief under subparagraph (ii) of this  
2 paragraph only if a proper proceeding has been filed under  
3 the Illinois Marriage and Dissolution of Marriage Act, as  
4 now or hereafter amended.

5 The court may further prohibit respondent from  
6 improperly using the financial or other resources of an  
7 aged member of the family or household for the profit or  
8 advantage of respondent or of any other person.

9 (11.5) Protection of animals. Grant the petitioner the  
10 exclusive care, custody, or control of any animal owned,  
11 possessed, leased, kept, or held by either the petitioner  
12 or the respondent or a minor child residing in the  
13 residence or household of either the petitioner or the  
14 respondent and order the respondent to stay away from the  
15 animal and forbid the respondent from taking,  
16 transferring, encumbering, concealing, harming, or  
17 otherwise disposing of the animal.

18 (12) Order for payment of support. Order respondent to  
19 pay temporary support for the petitioner or any child in  
20 the petitioner's care or custody, when the respondent has a  
21 legal obligation to support that person, in accordance with  
22 the Illinois Marriage and Dissolution of Marriage Act,  
23 which shall govern, among other matters, the amount of  
24 support, payment through the clerk and withholding of  
25 income to secure payment. An order for child support may be  
26 granted to a petitioner with lawful physical care or

1 custody of a child, or an order or agreement for physical  
2 care or custody, prior to entry of an order for legal  
3 custody. Such a support order shall expire upon entry of a  
4 valid order granting legal custody to another, unless  
5 otherwise provided in the custody order.

6 (13) Order for payment of losses. Order respondent to  
7 pay petitioner for losses suffered as a direct result of  
8 the abuse. Such losses shall include, but not be limited  
9 to, medical expenses, lost earnings or other support,  
10 repair or replacement of property damaged or taken,  
11 reasonable attorney's fees, court costs and moving or other  
12 travel expenses, including additional reasonable expenses  
13 for temporary shelter and restaurant meals.

14 (i) Losses affecting family needs. If a party is  
15 entitled to seek maintenance, child support or  
16 property distribution from the other party under the  
17 Illinois Marriage and Dissolution of Marriage Act, as  
18 now or hereafter amended, the court may order  
19 respondent to reimburse petitioner's actual losses, to  
20 the extent that such reimbursement would be  
21 "appropriate temporary relief", as authorized by  
22 subsection (a) (3) of Section 501 of that Act.

23 (ii) Recovery of expenses. In the case of an  
24 improper concealment or removal of a minor child, the  
25 court may order respondent to pay the reasonable  
26 expenses incurred or to be incurred in the search for



1 and recovery of the minor child, including but not  
2 limited to legal fees, court costs, private  
3 investigator fees, and travel costs.

4 (14) Prohibition of entry. Prohibit the respondent  
5 from entering or remaining in the residence or household  
6 while the respondent is under the influence of alcohol or  
7 drugs and constitutes a threat to the safety and well-being  
8 of the petitioner or the petitioner's children.

9 (14.5) Prohibition of firearm possession.

10 (A) A person who is subject to an existing order of  
11 protection, interim order of protection, emergency  
12 order of protection, or plenary order of protection,  
13 issued under this Code may not lawfully possess  
14 firearms, stun guns, or tasers ~~weapons under Section~~  
15 ~~8.2 of the Firearm Owners Identification Card Act.~~

16 (B) Any firearms in the possession of the  
17 respondent, except as provided in subparagraph (C) of  
18 this paragraph (14.5), shall be ordered by the court to  
19 be turned over to a person who is not prohibited under  
20 State or federal law from possessing firearms ~~with a~~  
21 ~~valid Firearm Owner's Identification Card for~~  
22 ~~safekeeping. The court shall issue an order that the~~  
23 ~~respondent's Firearm Owner's Identification Card be~~  
24 ~~turned over to the local law enforcement agency, which~~  
25 ~~in turn shall immediately mail the card to the~~  
26 ~~Department of State Police Firearm Owner's~~

1 ~~Identification Card Office for safekeeping.~~ The period  
2 of safekeeping shall be for the duration of the order  
3 of protection. The firearm or firearms ~~and Firearm~~  
4 ~~Owner's Identification Card, if unexpired,~~ shall at  
5 the respondent's request be returned to the respondent  
6 at expiration of the order of protection.

7 (C) If the respondent is a peace officer as defined  
8 in Section 2-13 of the Criminal Code of 2012, the court  
9 shall order that any firearms used by the respondent in  
10 the performance of his or her duties as a peace officer  
11 be surrendered to the chief law enforcement executive  
12 of the agency in which the respondent is employed, who  
13 shall retain the firearms for safekeeping for the  
14 duration of the order of protection.

15 (D) Upon expiration of the period of safekeeping,  
16 if the firearms ~~or Firearm Owner's Identification Card~~  
17 cannot be returned to respondent because respondent  
18 cannot be located, fails to respond to requests to  
19 retrieve the firearms, or is not lawfully eligible to  
20 possess a firearm, upon petition from the local law  
21 enforcement agency, the court may order the local law  
22 enforcement agency to destroy the firearms, use the  
23 firearms for training purposes, or for any other  
24 application as deemed appropriate by the local law  
25 enforcement agency; or that the firearms be turned over  
26 to a third party who is lawfully eligible to possess

1 firearms, and who does not reside with respondent.

2 (15) Prohibition of access to records. If an order of  
3 protection prohibits respondent from having contact with  
4 the minor child, or if petitioner's address is omitted  
5 under subsection (b) of Section 112A-5, or if necessary to  
6 prevent abuse or wrongful removal or concealment of a minor  
7 child, the order shall deny respondent access to, and  
8 prohibit respondent from inspecting, obtaining, or  
9 attempting to inspect or obtain, school or any other  
10 records of the minor child who is in the care of  
11 petitioner.

12 (16) Order for payment of shelter services. Order  
13 respondent to reimburse a shelter providing temporary  
14 housing and counseling services to the petitioner for the  
15 cost of the services, as certified by the shelter and  
16 deemed reasonable by the court.

17 (17) Order for injunctive relief. Enter injunctive  
18 relief necessary or appropriate to prevent further abuse of  
19 a family or household member or to effectuate one of the  
20 granted remedies, if supported by the balance of hardships.  
21 If the harm to be prevented by the injunction is abuse or  
22 any other harm that one of the remedies listed in  
23 paragraphs (1) through (16) of this subsection is designed  
24 to prevent, no further evidence is necessary to establish  
25 that the harm is an irreparable injury.

26 (c) Relevant factors; findings.

1           (1) In determining whether to grant a specific remedy,  
2 other than payment of support, the court shall consider  
3 relevant factors, including but not limited to the  
4 following:

5           (i) the nature, frequency, severity, pattern and  
6 consequences of the respondent's past abuse of the  
7 petitioner or any family or household member,  
8 including the concealment of his or her location in  
9 order to evade service of process or notice, and the  
10 likelihood of danger of future abuse to petitioner or  
11 any member of petitioner's or respondent's family or  
12 household; and

13           (ii) the danger that any minor child will be abused  
14 or neglected or improperly removed from the  
15 jurisdiction, improperly concealed within the State or  
16 improperly separated from the child's primary  
17 caretaker.

18           (2) In comparing relative hardships resulting to the  
19 parties from loss of possession of the family home, the  
20 court shall consider relevant factors, including but not  
21 limited to the following:

22           (i) availability, accessibility, cost, safety,  
23 adequacy, location and other characteristics of  
24 alternate housing for each party and any minor child or  
25 dependent adult in the party's care;

26           (ii) the effect on the party's employment; and

1           (iii) the effect on the relationship of the party,  
2           and any minor child or dependent adult in the party's  
3           care, to family, school, church and community.

4           (3) Subject to the exceptions set forth in paragraph  
5           (4) of this subsection, the court shall make its findings  
6           in an official record or in writing, and shall at a minimum  
7           set forth the following:

8           (i) That the court has considered the applicable  
9           relevant factors described in paragraphs (1) and (2) of  
10          this subsection.

11          (ii) Whether the conduct or actions of respondent,  
12          unless prohibited, will likely cause irreparable harm  
13          or continued abuse.

14          (iii) Whether it is necessary to grant the  
15          requested relief in order to protect petitioner or  
16          other alleged abused persons.

17          (4) For purposes of issuing an ex parte emergency order  
18          of protection, the court, as an alternative to or as a  
19          supplement to making the findings described in paragraphs  
20          (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
21          the following procedure:

22          When a verified petition for an emergency order of  
23          protection in accordance with the requirements of Sections  
24          112A-5 and 112A-17 is presented to the court, the court  
25          shall examine petitioner on oath or affirmation. An  
26          emergency order of protection shall be issued by the court

1 if it appears from the contents of the petition and the  
2 examination of petitioner that the averments are  
3 sufficient to indicate abuse by respondent and to support  
4 the granting of relief under the issuance of the emergency  
5 order of protection.

6 (5) Never married parties. No rights or  
7 responsibilities for a minor child born outside of marriage  
8 attach to a putative father until a father and child  
9 relationship has been established under the Illinois  
10 Parentage Act of 1984 or under the Illinois Parentage Act  
11 of 2015 on and after the effective date of that Act. Absent  
12 such an adjudication, no putative father shall be granted  
13 temporary custody of the minor child, visitation with the  
14 minor child, or physical care and possession of the minor  
15 child, nor shall an order of payment for support of the  
16 minor child be entered.

17 (d) Balance of hardships; findings. If the court finds that  
18 the balance of hardships does not support the granting of a  
19 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
20 subsection (b) of this Section, which may require such  
21 balancing, the court's findings shall so indicate and shall  
22 include a finding as to whether granting the remedy will result  
23 in hardship to respondent that would substantially outweigh the  
24 hardship to petitioner from denial of the remedy. The findings  
25 shall be an official record or in writing.

26 (e) Denial of remedies. Denial of any remedy shall not be

1 based, in whole or in part, on evidence that:

2 (1) Respondent has cause for any use of force, unless  
3 that cause satisfies the standards for justifiable use of  
4 force provided by Article 7 of the Criminal Code of 2012;

5 (2) Respondent was voluntarily intoxicated;

6 (3) Petitioner acted in self-defense or defense of  
7 another, provided that, if petitioner utilized force, such  
8 force was justifiable under Article 7 of the Criminal Code  
9 of 2012;

10 (4) Petitioner did not act in self-defense or defense  
11 of another;

12 (5) Petitioner left the residence or household to avoid  
13 further abuse by respondent;

14 (6) Petitioner did not leave the residence or household  
15 to avoid further abuse by respondent;

16 (7) Conduct by any family or household member excused  
17 the abuse by respondent, unless that same conduct would  
18 have excused such abuse if the parties had not been family  
19 or household members.

20 (Source: P.A. 98-63, eff. 7-9-13; 99-85, eff. 1-1-16.)

21 Section 95. The Unified Code of Corrections is amended by  
22 changing Sections 5-5-3, 5-5-3.2, and 5-6-3 as follows:

23 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

24 Sec. 5-5-3. Disposition.

1 (a) (Blank).

2 (b) (Blank).

3 (c) (1) (Blank).

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

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

12 (B) Attempted first degree murder.

13 (C) A Class X felony.

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

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

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

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



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

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

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

16 (H) Criminal sexual assault.

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

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

22 Before July 1, 1994, for the purposes of this  
23 paragraph, "organized gang" means an association of 5 or  
24 more persons, with an established hierarchy, that  
25 encourages members of the association to perpetrate crimes  
26 or provides support to the members of the association who

1 do commit crimes.

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

6 (K) Vehicular hijacking.

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

11 (M) A second or subsequent conviction for the offense  
12 of institutional vandalism if the damage to the property  
13 exceeds \$300.

14 (N) (Blank). ~~A Class 3 felony violation of paragraph~~  
15 ~~(1) of subsection (a) of Section 2 of the Firearm Owners~~  
16 ~~Identification Card Act.~~

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

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

22 (Q) A violation of subsection (b) or (b-5) of Section  
23 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012.

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

1 (S) (Blank).

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

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

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

26 (W) A violation of Section 24-3.5 of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (X) A violation of subsection (a) of Section 31-1a of  
3 the Criminal Code of 1961 or the Criminal Code of 2012.

4 (Y) A conviction for unlawful possession of a firearm  
5 by a street gang member when the firearm was loaded or  
6 contained firearm ammunition.

7 (Z) A Class 1 felony committed while he or she was  
8 serving a term of probation or conditional discharge for a  
9 felony.

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

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

14 (CC) Knowingly selling, offering for sale, holding for  
15 sale, or using 2,000 or more counterfeit items or  
16 counterfeit items having a retail value in the aggregate of  
17 \$500,000 or more.

18 (DD) A conviction for aggravated assault under  
19 paragraph (6) of subsection (c) of Section 12-2 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012 if the  
21 firearm is aimed toward the person against whom the firearm  
22 is being used.

23 (3) (Blank).

24 (4) A minimum term of imprisonment of not less than 10  
25 consecutive days or 30 days of community service shall be  
26 imposed for a violation of paragraph (c) of Section 6-303 of

1 the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
4 this subsection (c), a minimum of 100 hours of community  
5 service shall be imposed for a second violation of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300  
8 hours of community service, as determined by the court, shall  
9 be imposed for a second violation of subsection (c) of Section  
10 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
12 (4.9) of this subsection (c), a minimum term of imprisonment of  
13 30 days or 300 hours of community service, as determined by the  
14 court, shall be imposed for a third or subsequent violation of  
15 Section 6-303 of the Illinois Vehicle Code.

16 (4.5) A minimum term of imprisonment of 30 days shall be  
17 imposed for a third violation of subsection (c) of Section  
18 6-303 of the Illinois Vehicle Code.

19 (4.6) Except as provided in paragraph (4.10) of this  
20 subsection (c), a minimum term of imprisonment of 180 days  
21 shall be imposed for a fourth or subsequent violation of  
22 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

23 (4.7) A minimum term of imprisonment of not less than 30  
24 consecutive days, or 300 hours of community service, shall be  
25 imposed for a violation of subsection (a-5) of Section 6-303 of  
26 the Illinois Vehicle Code, as provided in subsection (b-5) of

1 that Section.

2 (4.8) A mandatory prison sentence shall be imposed for a  
3 second violation of subsection (a-5) of Section 6-303 of the  
4 Illinois Vehicle Code, as provided in subsection (c-5) of that  
5 Section. The person's driving privileges shall be revoked for a  
6 period of not less than 5 years from the date of his or her  
7 release from prison.

8 (4.9) A mandatory prison sentence of not less than 4 and  
9 not more than 15 years shall be imposed for a third violation  
10 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
11 Code, as provided in subsection (d-2.5) of that Section. The  
12 person's driving privileges shall be revoked for the remainder  
13 of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony  
15 shall be imposed, and the person shall be eligible for an  
16 extended term sentence, for a fourth or subsequent violation of  
17 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
18 as provided in subsection (d-3.5) of that Section. The person's  
19 driving privileges shall be revoked for the remainder of his or  
20 her life.

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

23 (A) a period of conditional discharge;

24 (B) a fine;

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

1           (5.1) In addition to any other penalties imposed, and  
2 except as provided in paragraph (5.2) or (5.3), a person  
3 convicted of violating subsection (c) of Section 11-907 of the  
4 Illinois Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for at least 90 days but not  
6 more than one year, if the violation resulted in damage to the  
7 property of another person.

8           (5.2) In addition to any other penalties imposed, and  
9 except as provided in paragraph (5.3), a person convicted of  
10 violating subsection (c) of Section 11-907 of the Illinois  
11 Vehicle Code shall have his or her driver's license, permit, or  
12 privileges suspended for at least 180 days but not more than 2  
13 years, if the violation resulted in injury to another person.

14           (5.3) In addition to any other penalties imposed, a person  
15 convicted of violating subsection (c) of Section 11-907 of the  
16 Illinois Vehicle Code shall have his or her driver's license,  
17 permit, or privileges suspended for 2 years, if the violation  
18 resulted in the death of another person.

19           (5.4) In addition to any other penalties imposed, a person  
20 convicted of violating Section 3-707 of the Illinois Vehicle  
21 Code shall have his or her driver's license, permit, or  
22 privileges suspended for 3 months and until he or she has paid  
23 a reinstatement fee of \$100.

24           (5.5) In addition to any other penalties imposed, a person  
25 convicted of violating Section 3-707 of the Illinois Vehicle  
26 Code during a period in which his or her driver's license,

1 permit, or privileges were suspended for a previous violation  
2 of that Section shall have his or her driver's license, permit,  
3 or privileges suspended for an additional 6 months after the  
4 expiration of the original 3-month suspension and until he or  
5 she has paid a reinstatement fee of \$100.

6 (6) (Blank).

7 (7) (Blank).

8 (8) (Blank).

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

12 (10) (Blank).

13 (11) The court shall impose a minimum fine of \$1,000 for a  
14 first offense and \$2,000 for a second or subsequent offense  
15 upon a person convicted of or placed on supervision for battery  
16 when the individual harmed was a sports official or coach at  
17 any level of competition and the act causing harm to the sports  
18 official or coach occurred within an athletic facility or  
19 within the immediate vicinity of the athletic facility at which  
20 the sports official or coach was an active participant of the  
21 athletic contest held at the athletic facility. For the  
22 purposes of this paragraph (11), "sports official" means a  
23 person at an athletic contest who enforces the rules of the  
24 contest, such as an umpire or referee; "athletic facility"  
25 means an indoor or outdoor playing field or recreational area  
26 where sports activities are conducted; and "coach" means a



1 person recognized as a coach by the sanctioning authority that  
2 conducted the sporting event.

3 (12) A person may not receive a disposition of court  
4 supervision for a violation of Section 5-16 of the Boat  
5 Registration and Safety Act if that person has previously  
6 received a disposition of court supervision for a violation of  
7 that Section.

8 (13) A person convicted of or placed on court supervision  
9 for an assault or aggravated assault when the victim and the  
10 offender are family or household members as defined in Section  
11 103 of the Illinois Domestic Violence Act of 1986 or convicted  
12 of domestic battery or aggravated domestic battery may be  
13 required to attend a Partner Abuse Intervention Program under  
14 protocols set forth by the Illinois Department of Human  
15 Services under such terms and conditions imposed by the court.  
16 The costs of such classes shall be paid by the offender.

17 (d) In any case in which a sentence originally imposed is  
18 vacated, the case shall be remanded to the trial court. The  
19 trial court shall hold a hearing under Section 5-4-1 of the  
20 Unified Code of Corrections which may include evidence of the  
21 defendant's life, moral character and occupation during the  
22 time since the original sentence was passed. The trial court  
23 shall then impose sentence upon the defendant. The trial court  
24 may impose any sentence which could have been imposed at the  
25 original trial subject to Section 5-5-4 of the Unified Code of  
26 Corrections. If a sentence is vacated on appeal or on

1 collateral attack due to the failure of the trier of fact at  
2 trial to determine beyond a reasonable doubt the existence of a  
3 fact (other than a prior conviction) necessary to increase the  
4 punishment for the offense beyond the statutory maximum  
5 otherwise applicable, either the defendant may be re-sentenced  
6 to a term within the range otherwise provided or, if the State  
7 files notice of its intention to again seek the extended  
8 sentence, the defendant shall be afforded a new trial.

9 (e) In cases where prosecution for aggravated criminal  
10 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012 results in conviction  
12 of a defendant who was a family member of the victim at the  
13 time of the commission of the offense, the court shall consider  
14 the safety and welfare of the victim and may impose a sentence  
15 of probation only where:

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

17 (A) the defendant is willing to undergo a court  
18 approved counseling program for a minimum duration of 2  
19 years; or

20 (B) the defendant is willing to participate in a  
21 court approved plan including but not limited to the  
22 defendant's:

23 (i) removal from the household;

24 (ii) restricted contact with the victim;

25 (iii) continued financial support of the  
26 family;

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

2 and

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

5 (2) the court orders the defendant to pay for the  
6 victim's counseling services, to the extent that the court  
7 finds, after considering the defendant's income and  
8 assets, that the defendant is financially capable of paying  
9 for such services, if the victim was under 18 years of age  
10 at the time the offense was committed and requires  
11 counseling as a result of the offense.

12 Probation may be revoked or modified pursuant to Section  
13 5-6-4; except where the court determines at the hearing that  
14 the defendant violated a condition of his or her probation  
15 restricting contact with the victim or other family members or  
16 commits another offense with the victim or other family  
17 members, the court shall revoke the defendant's probation and  
18 impose a term of imprisonment.

19 For the purposes of this Section, "family member" and  
20 "victim" shall have the meanings ascribed to them in Section  
21 11-0.1 of the Criminal Code of 2012.

22 (f) (Blank).

23 (g) Whenever a defendant is convicted of an offense under  
24 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
25 11-14.3, 11-14.4 except for an offense that involves keeping a  
26 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,

1 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
2 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, the defendant shall undergo medical  
4 testing to determine whether the defendant has any sexually  
5 transmissible disease, including a test for infection with  
6 human immunodeficiency virus (HIV) or any other identified  
7 causative agent of acquired immunodeficiency syndrome (AIDS).  
8 Any such medical test shall be performed only by appropriately  
9 licensed medical practitioners and may include an analysis of  
10 any bodily fluids as well as an examination of the defendant's  
11 person. Except as otherwise provided by law, the results of  
12 such test shall be kept strictly confidential by all medical  
13 personnel involved in the testing and must be personally  
14 delivered in a sealed envelope to the judge of the court in  
15 which the conviction was entered for the judge's inspection in  
16 camera. Acting in accordance with the best interests of the  
17 victim and the public, the judge shall have the discretion to  
18 determine to whom, if anyone, the results of the testing may be  
19 revealed. The court shall notify the defendant of the test  
20 results. The court shall also notify the victim if requested by  
21 the victim, and if the victim is under the age of 15 and if  
22 requested by the victim's parents or legal guardian, the court  
23 shall notify the victim's parents or legal guardian of the test  
24 results. The court shall provide information on the  
25 availability of HIV testing and counseling at Department of  
26 Public Health facilities to all parties to whom the results of

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

12 (g-5) When an inmate is tested for an airborne communicable  
13 disease, as determined by the Illinois Department of Public  
14 Health including but not limited to tuberculosis, the results  
15 of the test shall be personally delivered by the warden or his  
16 or her designee in a sealed envelope to the judge of the court  
17 in which the inmate must appear for the judge's inspection in  
18 camera if requested by the judge. Acting in accordance with the  
19 best interests of those in the courtroom, the judge shall have  
20 the discretion to determine what if any precautions need to be  
21 taken to prevent transmission of the disease in the courtroom.

22 (h) Whenever a defendant is convicted of an offense under  
23 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
24 defendant shall undergo medical testing to determine whether  
25 the defendant has been exposed to human immunodeficiency virus  
26 (HIV) or any other identified causative agent of acquired

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

25 (i) All fines and penalties imposed under this Section for  
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and  
2 any violation of the Child Passenger Protection Act, or a  
3 similar provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under Section 27.5  
5 of the Clerks of Courts Act.

6 (j) In cases when prosecution for any violation of Section  
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
8 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
9 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
10 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
11 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
12 Code of 2012, any violation of the Illinois Controlled  
13 Substances Act, any violation of the Cannabis Control Act, or  
14 any violation of the Methamphetamine Control and Community  
15 Protection Act results in conviction, a disposition of court  
16 supervision, or an order of probation granted under Section 10  
17 of the Cannabis Control Act, Section 410 of the Illinois  
18 Controlled Substances Act, or Section 70 of the Methamphetamine  
19 Control and Community Protection Act of a defendant, the court  
20 shall determine whether the defendant is employed by a facility  
21 or center as defined under the Child Care Act of 1969, a public  
22 or private elementary or secondary school, or otherwise works  
23 with children under 18 years of age on a daily basis. When a  
24 defendant is so employed, the court shall order the Clerk of  
25 the Court to send a copy of the judgment of conviction or order  
26 of supervision or probation to the defendant's employer by

1 certified mail. If the employer of the defendant is a school,  
2 the Clerk of the Court shall direct the mailing of a copy of  
3 the judgment of conviction or order of supervision or probation  
4 to the appropriate regional superintendent of schools. The  
5 regional superintendent of schools shall notify the State Board  
6 of Education of any notification under this subsection.

7 (j-5) A defendant at least 17 years of age who is convicted  
8 of a felony and who has not been previously convicted of a  
9 misdemeanor or felony and who is sentenced to a term of  
10 imprisonment in the Illinois Department of Corrections shall as  
11 a condition of his or her sentence be required by the court to  
12 attend educational courses designed to prepare the defendant  
13 for a high school diploma and to work toward a high school  
14 diploma or to work toward passing high school equivalency  
15 testing or to work toward completing a vocational training  
16 program offered by the Department of Corrections. If a  
17 defendant fails to complete the educational training required  
18 by his or her sentence during the term of incarceration, the  
19 Prisoner Review Board shall, as a condition of mandatory  
20 supervised release, require the defendant, at his or her own  
21 expense, to pursue a course of study toward a high school  
22 diploma or passage of high school equivalency testing. The  
23 Prisoner Review Board shall revoke the mandatory supervised  
24 release of a defendant who wilfully fails to comply with this  
25 subsection (j-5) upon his or her release from confinement in a  
26 penal institution while serving a mandatory supervised release



1 term; however, the inability of the defendant after making a  
2 good faith effort to obtain financial aid or pay for the  
3 educational training shall not be deemed a wilful failure to  
4 comply. The Prisoner Review Board shall recommit the defendant  
5 whose mandatory supervised release term has been revoked under  
6 this subsection (j-5) as provided in Section 3-3-9. This  
7 subsection (j-5) does not apply to a defendant who has a high  
8 school diploma or has successfully passed high school  
9 equivalency testing. This subsection (j-5) does not apply to a  
10 defendant who is determined by the court to be a person with a  
11 developmental disability or otherwise mentally incapable of  
12 completing the educational or vocational program.

13 (k) (Blank).

14 (l) (A) Except as provided in paragraph (C) of subsection  
15 (l), whenever a defendant, who is an alien as defined by the  
16 Immigration and Nationality Act, is convicted of any felony or  
17 misdemeanor offense, the court after sentencing the defendant  
18 may, upon motion of the State's Attorney, hold sentence in  
19 abeyance and remand the defendant to the custody of the  
20 Attorney General of the United States or his or her designated  
21 agent to be deported when:

22 (1) a final order of deportation has been issued  
23 against the defendant pursuant to proceedings under the  
24 Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not  
26 deprecate the seriousness of the defendant's conduct and

1 would not be inconsistent with the ends of justice.

2 Otherwise, the defendant shall be sentenced as provided in  
3 this Chapter V.

4 (B) If the defendant has already been sentenced for a  
5 felony or misdemeanor offense, or has been placed on probation  
6 under Section 10 of the Cannabis Control Act, Section 410 of  
7 the Illinois Controlled Substances Act, or Section 70 of the  
8 Methamphetamine Control and Community Protection Act, the  
9 court may, upon motion of the State's Attorney to suspend the  
10 sentence imposed, commit the defendant to the custody of the  
11 Attorney General of the United States or his or her designated  
12 agent when:

13 (1) a final order of deportation has been issued  
14 against the defendant pursuant to proceedings under the  
15 Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not  
17 deprecate the seriousness of the defendant's conduct and  
18 would not be inconsistent with the ends of justice.

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

22 (D) Upon motion of the State's Attorney, if a defendant  
23 sentenced under this Section returns to the jurisdiction of the  
24 United States, the defendant shall be recommitted to the  
25 custody of the county from which he or she was sentenced.  
26 Thereafter, the defendant shall be brought before the

1 sentencing court, which may impose any sentence that was  
2 available under Section 5-5-3 at the time of initial  
3 sentencing. In addition, the defendant shall not be eligible  
4 for additional sentence credit for good conduct as provided  
5 under Section 3-6-3.

6 (m) A person convicted of criminal defacement of property  
7 under Section 21-1.3 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, in which the property damage exceeds  
9 \$300 and the property damaged is a school building, shall be  
10 ordered to perform community service that may include cleanup,  
11 removal, or painting over the defacement.

12 (n) The court may sentence a person convicted of a  
13 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
14 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
15 of 1961 or the Criminal Code of 2012 (i) to an impact  
16 incarceration program if the person is otherwise eligible for  
17 that program under Section 5-8-1.1, (ii) to community service,  
18 or (iii) if the person is an addict or alcoholic, as defined in  
19 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
20 substance or alcohol abuse program licensed under that Act.

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

26 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;

1 99-143, eff. 7-27-15.)

2 (730 ILCS 5/5-5-3.2)

3 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
4 Sentencing.

5 (a) The following factors shall be accorded weight in favor  
6 of imposing a term of imprisonment or may be considered by the  
7 court as reasons to impose a more severe sentence under Section  
8 5-8-1 or Article 4.5 of Chapter V:

9 (1) the defendant's conduct caused or threatened  
10 serious harm;

11 (2) the defendant received compensation for committing  
12 the offense;

13 (3) the defendant has a history of prior delinquency or  
14 criminal activity;

15 (4) the defendant, by the duties of his office or by  
16 his position, was obliged to prevent the particular offense  
17 committed or to bring the offenders committing it to  
18 justice;

19 (5) the defendant held public office at the time of the  
20 offense, and the offense related to the conduct of that  
21 office;

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

25 (7) the sentence is necessary to deter others from

1 committing the same crime;

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

4 (9) the defendant committed the offense against a  
5 person who has a physical disability or such person's  
6 property;

7 (10) by reason of another individual's actual or  
8 perceived race, color, creed, religion, ancestry, gender,  
9 sexual orientation, physical or mental disability, or  
10 national origin, the defendant committed the offense  
11 against (i) the person or property of that individual; (ii)  
12 the person or property of a person who has an association  
13 with, is married to, or has a friendship with the other  
14 individual; or (iii) the person or property of a relative  
15 (by blood or marriage) of a person described in clause (i)  
16 or (ii). For the purposes of this Section, "sexual  
17 orientation" has the meaning ascribed to it in paragraph  
18 (O-1) of Section 1-103 of the Illinois Human Rights Act;

19 (11) the offense took place in a place of worship or on  
20 the grounds of a place of worship, immediately prior to,  
21 during or immediately following worship services. For  
22 purposes of this subparagraph, "place of worship" shall  
23 mean any church, synagogue or other building, structure or  
24 place used primarily for religious worship;

25 (12) the defendant was convicted of a felony committed  
26 while he was released on bail or his own recognizance

1 pending trial for a prior felony and was convicted of such  
2 prior felony, or the defendant was convicted of a felony  
3 committed while he was serving a period of probation,  
4 conditional discharge, or mandatory supervised release  
5 under subsection (d) of Section 5-8-1 for a prior felony;

6 (13) the defendant committed or attempted to commit a  
7 felony while he was wearing a bulletproof vest. For the  
8 purposes of this paragraph (13), a bulletproof vest is any  
9 device which is designed for the purpose of protecting the  
10 wearer from bullets, shot or other lethal projectiles;

11 (14) the defendant held a position of trust or  
12 supervision such as, but not limited to, family member as  
13 defined in Section 11-0.1 of the Criminal Code of 2012,  
14 teacher, scout leader, baby sitter, or day care worker, in  
15 relation to a victim under 18 years of age, and the  
16 defendant committed an offense in violation of Section  
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
18 11-14.4 except for an offense that involves keeping a place  
19 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
20 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
21 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
22 of 2012 against that victim;

23 (15) the defendant committed an offense related to the  
24 activities of an organized gang. For the purposes of this  
25 factor, "organized gang" has the meaning ascribed to it in  
26 Section 10 of the Streetgang Terrorism Omnibus Prevention

1 Act;

2 (16) the defendant committed an offense in violation of  
3 one of the following Sections while in a school, regardless  
4 of the time of day or time of year; on any conveyance  
5 owned, leased, or contracted by a school to transport  
6 students to or from school or a school related activity; on  
7 the real property of a school; or on a public way within  
8 1,000 feet of the real property comprising any school:  
9 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
10 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
12 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
13 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
14 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
15 Criminal Code of 2012;

16 (16.5) the defendant committed an offense in violation  
17 of one of the following Sections while in a day care  
18 center, regardless of the time of day or time of year; on  
19 the real property of a day care center, regardless of the  
20 time of day or time of year; or on a public way within  
21 1,000 feet of the real property comprising any day care  
22 center, regardless of the time of day or time of year:  
23 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
24 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
2 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
3 Criminal Code of 2012;

4 (17) the defendant committed the offense by reason of  
5 any person's activity as a community policing volunteer or  
6 to prevent any person from engaging in activity as a  
7 community policing volunteer. For the purpose of this  
8 Section, "community policing volunteer" has the meaning  
9 ascribed to it in Section 2-3.5 of the Criminal Code of  
10 2012;

11 (18) the defendant committed the offense in a nursing  
12 home or on the real property comprising a nursing home. For  
13 the purposes of this paragraph (18), "nursing home" means a  
14 skilled nursing or intermediate long term care facility  
15 that is subject to license by the Illinois Department of  
16 Public Health under the Nursing Home Care Act, the  
17 Specialized Mental Health Rehabilitation Act of 2013, the  
18 ID/DD Community Care Act, or the MC/DD Act;

19 (19) the defendant was a federally licensed firearm  
20 dealer and was previously convicted of a violation of  
21 subsection (a) of Section 3 of the Firearm Owners  
22 Identification Card Act before its repeal by this  
23 amendatory Act of the 99th General Assembly and has now  
24 committed ~~either a felony violation of the Firearm Owners~~  
25 ~~Identification Card Act or~~ an act of armed violence while  
26 armed with a firearm;



1           (20) the defendant (i) committed the offense of  
2 reckless homicide under Section 9-3 of the Criminal Code of  
3 1961 or the Criminal Code of 2012 or the offense of driving  
4 under the influence of alcohol, other drug or drugs,  
5 intoxicating compound or compounds or any combination  
6 thereof under Section 11-501 of the Illinois Vehicle Code  
7 or a similar provision of a local ordinance and (ii) was  
8 operating a motor vehicle in excess of 20 miles per hour  
9 over the posted speed limit as provided in Article VI of  
10 Chapter 11 of the Illinois Vehicle Code;

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

17           (22) the defendant committed the offense against a  
18 person that the defendant knew, or reasonably should have  
19 known, was a member of the Armed Forces of the United  
20 States serving on active duty. For purposes of this clause  
21 (22), the term "Armed Forces" means any of the Armed Forces  
22 of the United States, including a member of any reserve  
23 component thereof or National Guard unit called to active  
24 duty;

25           (23) the defendant committed the offense against a  
26 person who was elderly or infirm or who was a person with a

1           disability by taking advantage of a family or fiduciary  
2           relationship with the elderly or infirm person or person  
3           with a disability;

4           (24) the defendant committed any offense under Section  
5           11-20.1 of the Criminal Code of 1961 or the Criminal Code  
6           of 2012 and possessed 100 or more images;

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

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

25          (27) the defendant committed the offense of first  
26          degree murder, assault, aggravated assault, battery,

1 aggravated battery, robbery, armed robbery, or aggravated  
2 robbery against a person who was a veteran and the  
3 defendant knew, or reasonably should have known, that the  
4 person was a veteran performing duties as a representative  
5 of a veterans' organization. For the purposes of this  
6 paragraph (27), "veteran" means an Illinois resident who  
7 has served as a member of the United States Armed Forces, a  
8 member of the Illinois National Guard, or a member of the  
9 United States Reserve Forces; and "veterans' organization"  
10 means an organization comprised of members of which  
11 substantially all are individuals who are veterans or  
12 spouses, widows, or widowers of veterans, the primary  
13 purpose of which is to promote the welfare of its members  
14 and to provide assistance to the general public in such a  
15 way as to confer a public benefit;

16 (28) the defendant committed the offense of assault,  
17 aggravated assault, battery, aggravated battery, robbery,  
18 armed robbery, or aggravated robbery against a person that  
19 the defendant knew or reasonably should have known was a  
20 letter carrier or postal worker while that person was  
21 performing his or her duties delivering mail for the United  
22 States Postal Service; ~~or~~

23 (29) the defendant committed the offense of criminal  
24 sexual assault, aggravated criminal sexual assault,  
25 criminal sexual abuse, or aggravated criminal sexual abuse  
26 against a victim with an intellectual disability, and the

1 defendant holds a position of trust, authority, or  
2 supervision in relation to the victim; or

3 (30) ~~(29)~~ the defendant committed the offense of  
4 promoting juvenile prostitution, patronizing a prostitute,  
5 or patronizing a minor engaged in prostitution and at the  
6 time of the commission of the offense knew that the  
7 prostitute or minor engaged in prostitution was in the  
8 custody or guardianship of the Department of Children and  
9 Family Services.

10 For the purposes of this Section:

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

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

17 "Intellectual disability" means significantly subaverage  
18 intellectual functioning which exists concurrently with  
19 impairment in adaptive behavior.

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

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

26 (1) When a defendant is convicted of any felony, after

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

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

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

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

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

17                 (iii) a person who had a physical disability at the  
18                 time of the offense or such person's property; or

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

25                 (i) the brutalizing or torturing of humans or  
26                 animals;

1 (ii) the theft of human corpses;

2 (iii) the kidnapping of humans;

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

6 (v) ritualized abuse of a child; or

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

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

22 (7) When a defendant who was at least 17 years of age  
23 at the time of the commission of the offense is convicted  
24 of a felony and has been previously adjudicated a  
25 delinquent minor under the Juvenile Court Act of 1987 for  
26 an act that if committed by an adult would be a Class X or

1 Class 1 felony when the conviction has occurred within 10  
2 years after the previous adjudication, excluding time  
3 spent in custody; or

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

10 (9) When a defendant commits any felony and the  
11 defendant knowingly video or audio records the offense with  
12 the intent to disseminate the recording.

13 (c) The following factors may be considered by the court as  
14 reasons to impose an extended term sentence under Section 5-8-2  
15 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

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

24 (1.5) When a defendant is convicted of first degree  
25 murder, after having been previously convicted of domestic  
26 battery (720 ILCS 5/12-3.2) or aggravated domestic battery

1 (720 ILCS 5/12-3.3) committed on the same victim or after  
2 having been previously convicted of violation of an order  
3 of protection (720 ILCS 5/12-30) in which the same victim  
4 was the protected person.

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

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

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



1           (5) When a defendant is convicted of a felony violation  
2 of Section 24-1 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
4 finding that the defendant is a member of an organized  
5 gang.

6           (6) When a defendant was convicted of unlawful use of  
7 weapons under Section 24-1 of the Criminal Code of 1961 or  
8 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
9 a weapon that is not readily distinguishable as one of the  
10 weapons enumerated in Section 24-1 of the Criminal Code of  
11 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

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

1 technician-intermediate, emergency medical  
2 technician-paramedic, ambulance driver, other medical  
3 assistance or first aid personnel, or hospital emergency  
4 room personnel.

5 (8) When the defendant is convicted of attempted mob  
6 action, solicitation to commit mob action, or conspiracy to  
7 commit mob action under Section 8-1, 8-2, or 8-4 of the  
8 Criminal Code of 2012, where the criminal object is a  
9 violation of Section 25-1 of the Criminal Code of 2012, and  
10 an electronic communication is used in the commission of  
11 the offense. For the purposes of this paragraph (8),  
12 "electronic communication" shall have the meaning provided  
13 in Section 26.5-0.1 of the Criminal Code of 2012.

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

17 (e) The court may impose an extended term sentence under  
18 Article 4.5 of Chapter V upon an offender who has been  
19 convicted of a felony violation of Section 11-1.20, 11-1.30,  
20 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
21 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
22 when the victim of the offense is under 18 years of age at the  
23 time of the commission of the offense and, during the  
24 commission of the offense, the victim was under the influence  
25 of alcohol, regardless of whether or not the alcohol was  
26 supplied by the offender; and the offender, at the time of the

1 commission of the offense, knew or should have known that the  
2 victim had consumed alcohol.

3 (Source: P.A. 98-14, eff. 1-1-14; 98-104, eff. 7-22-13; 98-385,  
4 eff. 1-1-14; 98-756, eff. 7-16-14; 99-77, eff. 1-1-16; 99-143,  
5 eff. 7-27-15; 99-180, eff. 7-29-15; 99-283, eff. 1-1-16;  
6 99-347, eff. 1-1-16; revised 10-19-15.)

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

8 Sec. 5-6-3. Conditions of Probation and of Conditional  
9 Discharge.

10 (a) The conditions of probation and of conditional  
11 discharge shall be that the person:

12 (1) not violate any criminal statute of any  
13 jurisdiction;

14 (2) report to or appear in person before such person or  
15 agency as directed by the court;

16 (3) refrain from possessing a firearm or other  
17 dangerous weapon where the offense is a felony or, if a  
18 misdemeanor, the offense involved the intentional or  
19 knowing infliction of bodily harm or threat of bodily harm;

20 (4) not leave the State without the consent of the  
21 court or, in circumstances in which the reason for the  
22 absence is of such an emergency nature that prior consent  
23 by the court is not possible, without the prior  
24 notification and approval of the person's probation  
25 officer. Transfer of a person's probation or conditional

1 discharge supervision to another state is subject to  
2 acceptance by the other state pursuant to the Interstate  
3 Compact for Adult Offender Supervision;

4 (5) permit the probation officer to visit him at his  
5 home or elsewhere to the extent necessary to discharge his  
6 duties;

7 (6) perform no less than 30 hours of community service  
8 and not more than 120 hours of community service, if  
9 community service is available in the jurisdiction and is  
10 funded and approved by the county board where the offense  
11 was committed, where the offense was related to or in  
12 furtherance of the criminal activities of an organized gang  
13 and was motivated by the offender's membership in or  
14 allegiance to an organized gang. The community service  
15 shall include, but not be limited to, the cleanup and  
16 repair of any damage caused by a violation of Section  
17 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
18 2012 and similar damage to property located within the  
19 municipality or county in which the violation occurred.  
20 When possible and reasonable, the community service should  
21 be performed in the offender's neighborhood. For purposes  
22 of this Section, "organized gang" has the meaning ascribed  
23 to it in Section 10 of the Illinois Streetgang Terrorism  
24 Omnibus Prevention Act;

25 (7) if he or she is at least 17 years of age and has  
26 been sentenced to probation or conditional discharge for a

1           misdemeanor or felony in a county of 3,000,000 or more  
2           inhabitants and has not been previously convicted of a  
3           misdemeanor or felony, may be required by the sentencing  
4           court to attend educational courses designed to prepare the  
5           defendant for a high school diploma and to work toward a  
6           high school diploma or to work toward passing high school  
7           equivalency testing or to work toward completing a  
8           vocational training program approved by the court. The  
9           person on probation or conditional discharge must attend a  
10          public institution of education to obtain the educational  
11          or vocational training required by this clause (7). The  
12          court shall revoke the probation or conditional discharge  
13          of a person who wilfully fails to comply with this clause  
14          (7). The person on probation or conditional discharge shall  
15          be required to pay for the cost of the educational courses  
16          or high school equivalency testing if a fee is charged for  
17          those courses or testing. The court shall resentence the  
18          offender whose probation or conditional discharge has been  
19          revoked as provided in Section 5-6-4. This clause (7) does  
20          not apply to a person who has a high school diploma or has  
21          successfully passed high school equivalency testing. This  
22          clause (7) does not apply to a person who is determined by  
23          the court to be a person with a developmental disability or  
24          otherwise mentally incapable of completing the educational  
25          or vocational program;

26               (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois  
2 Controlled Substances Act, or the Methamphetamine Control  
3 and Community Protection Act after a previous conviction or  
4 disposition of supervision for possession of a substance  
5 prohibited by the Cannabis Control Act or Illinois  
6 Controlled Substances Act or after a sentence of probation  
7 under Section 10 of the Cannabis Control Act, Section 410  
8 of the Illinois Controlled Substances Act, or Section 70 of  
9 the Methamphetamine Control and Community Protection Act  
10 and upon a finding by the court that the person is  
11 addicted, undergo treatment at a substance abuse program  
12 approved by the court;

13 (8.5) if convicted of a felony sex offense as defined  
14 in the Sex Offender Management Board Act, the person shall  
15 undergo and successfully complete sex offender treatment  
16 by a treatment provider approved by the Board and conducted  
17 in conformance with the standards developed under the Sex  
18 Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the  
20 Sex Offender Management Board Act, refrain from residing at  
21 the same address or in the same condominium unit or  
22 apartment unit or in the same condominium complex or  
23 apartment complex with another person he or she knows or  
24 reasonably should know is a convicted sex offender or has  
25 been placed on supervision for a sex offense; the  
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of  
2 Corrections licensed transitional housing facility for sex  
3 offenders;

4 (8.7) if convicted for an offense committed on or after  
5 June 1, 2008 (the effective date of Public Act 95-464) that  
6 would qualify the accused as a child sex offender as  
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
8 1961 or the Criminal Code of 2012, refrain from  
9 communicating with or contacting, by means of the Internet,  
10 a person who is not related to the accused and whom the  
11 accused reasonably believes to be under 18 years of age;  
12 for purposes of this paragraph (8.7), "Internet" has the  
13 meaning ascribed to it in Section 16-0.1 of the Criminal  
14 Code of 2012; and a person is not related to the accused if  
15 the person is not: (i) the spouse, brother, or sister of  
16 the accused; (ii) a descendant of the accused; (iii) a  
17 first or second cousin of the accused; or (iv) a step-child  
18 or adopted child of the accused;

19 (8.8) if convicted for an offense under Section 11-6,  
20 11-9.1, 11-14.4 that involves soliciting for a juvenile  
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
22 of the Criminal Code of 1961 or the Criminal Code of 2012,  
23 or any attempt to commit any of these offenses, committed  
24 on or after June 1, 2009 (the effective date of Public Act  
25 95-983):

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior  
2 written approval of the offender's probation officer,  
3 except in connection with the offender's employment or  
4 search for employment with the prior approval of the  
5 offender's probation officer;

6 (ii) submit to periodic unannounced examinations  
7 of the offender's computer or any other device with  
8 Internet capability by the offender's probation  
9 officer, a law enforcement officer, or assigned  
10 computer or information technology specialist,  
11 including the retrieval and copying of all data from  
12 the computer or device and any internal or external  
13 peripherals and removal of such information,  
14 equipment, or device to conduct a more thorough  
15 inspection;

16 (iii) submit to the installation on the offender's  
17 computer or device with Internet capability, at the  
18 offender's expense, of one or more hardware or software  
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions  
21 concerning the offender's use of or access to a  
22 computer or any other device with Internet capability  
23 imposed by the offender's probation officer;

24 (8.9) if convicted of a sex offense as defined in the  
25 Sex Offender Registration Act committed on or after January  
26 1, 2010 (the effective date of Public Act 96-262), refrain



1 from accessing or using a social networking website as  
2 defined in Section 17-0.5 of the Criminal Code of 2012;

3 (9) if convicted of a felony or of any misdemeanor  
4 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
5 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
6 2012 that was determined, pursuant to Section 112A-11.1 of  
7 the Code of Criminal Procedure of 1963, to trigger the  
8 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
9 at a time and place designated by the court, ~~his or her~~  
10 ~~Firearm Owner's Identification Card~~ and any and all  
11 firearms in his or her possession. ~~The Court shall return~~  
12 ~~to the Department of State Police Firearm Owner's~~  
13 ~~Identification Card Office the person's Firearm Owner's~~  
14 ~~Identification Card;~~

15 (10) if convicted of a sex offense as defined in  
16 subsection (a-5) of Section 3-1-2 of this Code, unless the  
17 offender is a parent or guardian of the person under 18  
18 years of age present in the home and no non-familial minors  
19 are present, not participate in a holiday event involving  
20 children under 18 years of age, such as distributing candy  
21 or other items to children on Halloween, wearing a Santa  
22 Claus costume on or preceding Christmas, being employed as  
23 a department store Santa Claus, or wearing an Easter Bunny  
24 costume on or preceding Easter;

25 (11) if convicted of a sex offense as defined in  
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act  
2 96-362) that requires the person to register as a sex  
3 offender under that Act, may not knowingly use any computer  
4 scrub software on any computer that the sex offender uses;  
5 and

6 (12) if convicted of a violation of the Methamphetamine  
7 Control and Community Protection Act, the Methamphetamine  
8 Precursor Control Act, or a methamphetamine related  
9 offense:

10 (A) prohibited from purchasing, possessing, or  
11 having under his or her control any product containing  
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or  
14 having under his or her control any product containing  
15 ammonium nitrate.

16 (b) The Court may in addition to other reasonable  
17 conditions relating to the nature of the offense or the  
18 rehabilitation of the defendant as determined for each  
19 defendant in the proper discretion of the Court require that  
20 the person:

21 (1) serve a term of periodic imprisonment under Article  
22 7 for a period not to exceed that specified in paragraph  
23 (d) of Section 5-7-1;

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational  
26 training;

1           (4) undergo medical, psychological or psychiatric  
2 treatment; or treatment for drug addiction or alcoholism;

3           (5) attend or reside in a facility established for the  
4 instruction or residence of defendants on probation;

5           (6) support his dependents;

6           (7) and in addition, if a minor:

7               (i) reside with his parents or in a foster home;

8               (ii) attend school;

9               (iii) attend a non-residential program for youth;

10              (iv) contribute to his own support at home or in a  
11 foster home;

12              (v) with the consent of the superintendent of the  
13 facility, attend an educational program at a facility  
14 other than the school in which the offense was  
15 committed if he or she is convicted of a crime of  
16 violence as defined in Section 2 of the Crime Victims  
17 Compensation Act committed in a school, on the real  
18 property comprising a school, or within 1,000 feet of  
19 the real property comprising a school;

20           (8) make restitution as provided in Section 5-5-6 of  
21 this Code;

22           (9) perform some reasonable public or community  
23 service;

24           (10) serve a term of home confinement. In addition to  
25 any other applicable condition of probation or conditional  
26 discharge, the conditions of home confinement shall be that

1 the offender:

2 (i) remain within the interior premises of the  
3 place designated for his confinement during the hours  
4 designated by the court;

5 (ii) admit any person or agent designated by the  
6 court into the offender's place of confinement at any  
7 time for purposes of verifying the offender's  
8 compliance with the conditions of his confinement; and

9 (iii) if further deemed necessary by the court or  
10 the Probation or Court Services Department, be placed  
11 on an approved electronic monitoring device, subject  
12 to Article 8A of Chapter V;

13 (iv) for persons convicted of any alcohol,  
14 cannabis or controlled substance violation who are  
15 placed on an approved monitoring device as a condition  
16 of probation or conditional discharge, the court shall  
17 impose a reasonable fee for each day of the use of the  
18 device, as established by the county board in  
19 subsection (g) of this Section, unless after  
20 determining the inability of the offender to pay the  
21 fee, the court assesses a lesser fee or no fee as the  
22 case may be. This fee shall be imposed in addition to  
23 the fees imposed under subsections (g) and (i) of this  
24 Section. The fee shall be collected by the clerk of the  
25 circuit court. The clerk of the circuit court shall pay  
26 all monies collected from this fee to the county

1           treasurer for deposit in the substance abuse services  
2           fund under Section 5-1086.1 of the Counties Code; and

3           (v) for persons convicted of offenses other than  
4           those referenced in clause (iv) above and who are  
5           placed on an approved monitoring device as a condition  
6           of probation or conditional discharge, the court shall  
7           impose a reasonable fee for each day of the use of the  
8           device, as established by the county board in  
9           subsection (g) of this Section, unless after  
10          determining the inability of the defendant to pay the  
11          fee, the court assesses a lesser fee or no fee as the  
12          case may be. This fee shall be imposed in addition to  
13          the fees imposed under subsections (g) and (i) of this  
14          Section. The fee shall be collected by the clerk of the  
15          circuit court. The clerk of the circuit court shall pay  
16          all monies collected from this fee to the county  
17          treasurer who shall use the monies collected to defray  
18          the costs of corrections. The county treasurer shall  
19          deposit the fee collected in the probation and court  
20          services fund.

21          (11) comply with the terms and conditions of an order  
22          of protection issued by the court pursuant to the Illinois  
23          Domestic Violence Act of 1986, as now or hereafter amended,  
24          or an order of protection issued by the court of another  
25          state, tribe, or United States territory. A copy of the  
26          order of protection shall be transmitted to the probation

1 officer or agency having responsibility for the case;

2 (12) reimburse any "local anti-crime program" as  
3 defined in Section 7 of the Anti-Crime Advisory Council Act  
4 for any reasonable expenses incurred by the program on the  
5 offender's case, not to exceed the maximum amount of the  
6 fine authorized for the offense for which the defendant was  
7 sentenced;

8 (13) contribute a reasonable sum of money, not to  
9 exceed the maximum amount of the fine authorized for the  
10 offense for which the defendant was sentenced, (i) to a  
11 "local anti-crime program", as defined in Section 7 of the  
12 Anti-Crime Advisory Council Act, or (ii) for offenses under  
13 the jurisdiction of the Department of Natural Resources, to  
14 the fund established by the Department of Natural Resources  
15 for the purchase of evidence for investigation purposes and  
16 to conduct investigations as outlined in Section 805-105 of  
17 the Department of Natural Resources (Conservation) Law;

18 (14) refrain from entering into a designated  
19 geographic area except upon such terms as the court finds  
20 appropriate. Such terms may include consideration of the  
21 purpose of the entry, the time of day, other persons  
22 accompanying the defendant, and advance approval by a  
23 probation officer, if the defendant has been placed on  
24 probation or advance approval by the court, if the  
25 defendant was placed on conditional discharge;

26 (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular  
2 types of persons, including but not limited to members of  
3 street gangs and drug users or dealers;

4 (16) refrain from having in his or her body the  
5 presence of any illicit drug prohibited by the Cannabis  
6 Control Act, the Illinois Controlled Substances Act, or the  
7 Methamphetamine Control and Community Protection Act,  
8 unless prescribed by a physician, and submit samples of his  
9 or her blood or urine or both for tests to determine the  
10 presence of any illicit drug;

11 (17) if convicted for an offense committed on or after  
12 June 1, 2008 (the effective date of Public Act 95-464) that  
13 would qualify the accused as a child sex offender as  
14 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
15 1961 or the Criminal Code of 2012, refrain from  
16 communicating with or contacting, by means of the Internet,  
17 a person who is related to the accused and whom the accused  
18 reasonably believes to be under 18 years of age; for  
19 purposes of this paragraph (17), "Internet" has the meaning  
20 ascribed to it in Section 16-0.1 of the Criminal Code of  
21 2012; and a person is related to the accused if the person  
22 is: (i) the spouse, brother, or sister of the accused; (ii)  
23 a descendant of the accused; (iii) a first or second cousin  
24 of the accused; or (iv) a step-child or adopted child of  
25 the accused;

26 (18) if convicted for an offense committed on or after

1 June 1, 2009 (the effective date of Public Act 95-983) that  
2 would qualify as a sex offense as defined in the Sex  
3 Offender Registration Act:

4 (i) not access or use a computer or any other  
5 device with Internet capability without the prior  
6 written approval of the offender's probation officer,  
7 except in connection with the offender's employment or  
8 search for employment with the prior approval of the  
9 offender's probation officer;

10 (ii) submit to periodic unannounced examinations  
11 of the offender's computer or any other device with  
12 Internet capability by the offender's probation  
13 officer, a law enforcement officer, or assigned  
14 computer or information technology specialist,  
15 including the retrieval and copying of all data from  
16 the computer or device and any internal or external  
17 peripherals and removal of such information,  
18 equipment, or device to conduct a more thorough  
19 inspection;

20 (iii) submit to the installation on the offender's  
21 computer or device with Internet capability, at the  
22 subject's expense, of one or more hardware or software  
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions  
25 concerning the offender's use of or access to a  
26 computer or any other device with Internet capability



1           imposed by the offender's probation officer; and  
2           (19) refrain from possessing a firearm or other  
3           dangerous weapon where the offense is a misdemeanor that  
4           did not involve the intentional or knowing infliction of  
5           bodily harm or threat of bodily harm.

6           (c) The court may as a condition of probation or of  
7           conditional discharge require that a person under 18 years of  
8           age found guilty of any alcohol, cannabis or controlled  
9           substance violation, refrain from acquiring a driver's license  
10          during the period of probation or conditional discharge. If  
11          such person is in possession of a permit or license, the court  
12          may require that the minor refrain from driving or operating  
13          any motor vehicle during the period of probation or conditional  
14          discharge, except as may be necessary in the course of the  
15          minor's lawful employment.

16          (d) An offender sentenced to probation or to conditional  
17          discharge shall be given a certificate setting forth the  
18          conditions thereof.

19          (e) Except where the offender has committed a fourth or  
20          subsequent violation of subsection (c) of Section 6-303 of the  
21          Illinois Vehicle Code, the court shall not require as a  
22          condition of the sentence of probation or conditional discharge  
23          that the offender be committed to a period of imprisonment in  
24          excess of 6 months. This 6 month limit shall not include  
25          periods of confinement given pursuant to a sentence of county  
26          impact incarceration under Section 5-8-1.2.

1           Persons committed to imprisonment as a condition of  
2 probation or conditional discharge shall not be committed to  
3 the Department of Corrections.

4           (f) The court may combine a sentence of periodic  
5 imprisonment under Article 7 or a sentence to a county impact  
6 incarceration program under Article 8 with a sentence of  
7 probation or conditional discharge.

8           (g) An offender sentenced to probation or to conditional  
9 discharge and who during the term of either undergoes mandatory  
10 drug or alcohol testing, or both, or is assigned to be placed  
11 on an approved electronic monitoring device, shall be ordered  
12 to pay all costs incidental to such mandatory drug or alcohol  
13 testing, or both, and all costs incidental to such approved  
14 electronic monitoring in accordance with the defendant's  
15 ability to pay those costs. The county board with the  
16 concurrence of the Chief Judge of the judicial circuit in which  
17 the county is located shall establish reasonable fees for the  
18 cost of maintenance, testing, and incidental expenses related  
19 to the mandatory drug or alcohol testing, or both, and all  
20 costs incidental to approved electronic monitoring, involved  
21 in a successful probation program for the county. The  
22 concurrence of the Chief Judge shall be in the form of an  
23 administrative order. The fees shall be collected by the clerk  
24 of the circuit court. The clerk of the circuit court shall pay  
25 all moneys collected from these fees to the county treasurer  
26 who shall use the moneys collected to defray the costs of drug

1 testing, alcohol testing, and electronic monitoring. The  
2 county treasurer shall deposit the fees collected in the county  
3 working cash fund under Section 6-27001 or Section 6-29002 of  
4 the Counties Code, as the case may be.

5 (h) Jurisdiction over an offender may be transferred from  
6 the sentencing court to the court of another circuit with the  
7 concurrence of both courts. Further transfers or retransfers of  
8 jurisdiction are also authorized in the same manner. The court  
9 to which jurisdiction has been transferred shall have the same  
10 powers as the sentencing court. The probation department within  
11 the circuit to which jurisdiction has been transferred, or  
12 which has agreed to provide supervision, may impose probation  
13 fees upon receiving the transferred offender, as provided in  
14 subsection (i). For all transfer cases, as defined in Section  
15 9b of the Probation and Probation Officers Act, the probation  
16 department from the original sentencing court shall retain all  
17 probation fees collected prior to the transfer. After the  
18 transfer all probation fees shall be paid to the probation  
19 department within the circuit to which jurisdiction has been  
20 transferred.

21 (i) The court shall impose upon an offender sentenced to  
22 probation after January 1, 1989 or to conditional discharge  
23 after January 1, 1992 or to community service under the  
24 supervision of a probation or court services department after  
25 January 1, 2004, as a condition of such probation or  
26 conditional discharge or supervised community service, a fee of

1 \$50 for each month of probation or conditional discharge  
2 supervision or supervised community service ordered by the  
3 court, unless after determining the inability of the person  
4 sentenced to probation or conditional discharge or supervised  
5 community service to pay the fee, the court assesses a lesser  
6 fee. The court may not impose the fee on a minor who is made a  
7 ward of the State under the Juvenile Court Act of 1987 while  
8 the minor is in placement. The fee shall be imposed only upon  
9 an offender who is actively supervised by the probation and  
10 court services department. The fee shall be collected by the  
11 clerk of the circuit court. The clerk of the circuit court  
12 shall pay all monies collected from this fee to the county  
13 treasurer for deposit in the probation and court services fund  
14 under Section 15.1 of the Probation and Probation Officers Act.

15 A circuit court may not impose a probation fee under this  
16 subsection (i) in excess of \$25 per month unless the circuit  
17 court has adopted, by administrative order issued by the chief  
18 judge, a standard probation fee guide determining an offender's  
19 ability to pay. Of the amount collected as a probation fee, up  
20 to \$5 of that fee collected per month may be used to provide  
21 services to crime victims and their families.

22 The Court may only waive probation fees based on an  
23 offender's ability to pay. The probation department may  
24 re-evaluate an offender's ability to pay every 6 months, and,  
25 with the approval of the Director of Court Services or the  
26 Chief Probation Officer, adjust the monthly fee amount. An

1 offender may elect to pay probation fees due in a lump sum. Any  
2 offender that has been assigned to the supervision of a  
3 probation department, or has been transferred either under  
4 subsection (h) of this Section or under any interstate compact,  
5 shall be required to pay probation fees to the department  
6 supervising the offender, based on the offender's ability to  
7 pay.

8 This amendatory Act of the 93rd General Assembly deletes  
9 the \$10 increase in the fee under this subsection that was  
10 imposed by Public Act 93-616. This deletion is intended to  
11 control over any other Act of the 93rd General Assembly that  
12 retains or incorporates that fee increase.

13 (i-5) In addition to the fees imposed under subsection (i)  
14 of this Section, in the case of an offender convicted of a  
15 felony sex offense (as defined in the Sex Offender Management  
16 Board Act) or an offense that the court or probation department  
17 has determined to be sexually motivated (as defined in the Sex  
18 Offender Management Board Act), the court or the probation  
19 department shall assess additional fees to pay for all costs of  
20 treatment, assessment, evaluation for risk and treatment, and  
21 monitoring the offender, based on that offender's ability to  
22 pay those costs either as they occur or under a payment plan.

23 (j) All fines and costs imposed under this Section for any  
24 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
25 Code, or a similar provision of a local ordinance, and any  
26 violation of the Child Passenger Protection Act, or a similar

1 provision of a local ordinance, shall be collected and  
2 disbursed by the circuit clerk as provided under Section 27.5  
3 of the Clerks of Courts Act.

4 (k) Any offender who is sentenced to probation or  
5 conditional discharge for a felony sex offense as defined in  
6 the Sex Offender Management Board Act or any offense that the  
7 court or probation department has determined to be sexually  
8 motivated as defined in the Sex Offender Management Board Act  
9 shall be required to refrain from any contact, directly or  
10 indirectly, with any persons specified by the court and shall  
11 be available for all evaluations and treatment programs  
12 required by the court or the probation department.

13 (l) The court may order an offender who is sentenced to  
14 probation or conditional discharge for a violation of an order  
15 of protection be placed under electronic surveillance as  
16 provided in Section 5-8A-7 of this Code.

17 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,  
18 eff. 7-27-15.)

19 Section 100. The Stalking No Contact Order Act is amended  
20 by changing Section 80 as follows:

21 (740 ILCS 21/80)

22 Sec. 80. Stalking no contact orders; remedies.

23 (a) If the court finds that the petitioner has been a  
24 victim of stalking, a stalking no contact order shall issue;

1 provided that the petitioner must also satisfy the requirements  
2 of Section 95 on emergency orders or Section 100 on plenary  
3 orders. The petitioner shall not be denied a stalking no  
4 contact order because the petitioner or the respondent is a  
5 minor. The court, when determining whether or not to issue a  
6 stalking no contact order, may not require physical injury on  
7 the person of the petitioner. Modification and extension of  
8 prior stalking no contact orders shall be in accordance with  
9 this Act.

10 (b) A stalking no contact order shall order one or more of  
11 the following:

12 (1) prohibit the respondent from threatening to commit  
13 or committing stalking;

14 (2) order the respondent not to have any contact with  
15 the petitioner or a third person specifically named by the  
16 court;

17 (3) prohibit the respondent from knowingly coming  
18 within, or knowingly remaining within a specified distance  
19 of the petitioner or the petitioner's residence, school,  
20 daycare, or place of employment, or any specified place  
21 frequented by the petitioner; however, the court may order  
22 the respondent to stay away from the respondent's own  
23 residence, school, or place of employment only if the  
24 respondent has been provided actual notice of the  
25 opportunity to appear and be heard on the petition;

26 (4) prohibit the respondent from ~~possessing a Firearm~~

1 ~~Owners Identification Card, or~~ possessing or buying  
2 firearms; and

3 (5) order other injunctive relief the court determines  
4 to be necessary to protect the petitioner or third party  
5 specifically named by the court.

6 (b-5) When the petitioner and the respondent attend the  
7 same public, private, or non-public elementary, middle, or high  
8 school, the court when issuing a stalking no contact order and  
9 providing relief shall consider the severity of the act, any  
10 continuing physical danger or emotional distress to the  
11 petitioner, the educational rights guaranteed to the  
12 petitioner and respondent under federal and State law, the  
13 availability of a transfer of the respondent to another school,  
14 a change of placement or a change of program of the respondent,  
15 the expense, difficulty, and educational disruption that would  
16 be caused by a transfer of the respondent to another school,  
17 and any other relevant facts of the case. The court may order  
18 that the respondent not attend the public, private, or  
19 non-public elementary, middle, or high school attended by the  
20 petitioner, order that the respondent accept a change of  
21 placement or program, as determined by the school district or  
22 private or non-public school, or place restrictions on the  
23 respondent's movements within the school attended by the  
24 petitioner. The respondent bears the burden of proving by a  
25 preponderance of the evidence that a transfer, change of  
26 placement, or change of program of the respondent is not



1 available. The respondent also bears the burden of production  
2 with respect to the expense, difficulty, and educational  
3 disruption that would be caused by a transfer of the respondent  
4 to another school. A transfer, change of placement, or change  
5 of program is not unavailable to the respondent solely on the  
6 ground that the respondent does not agree with the school  
7 district's or private or non-public school's transfer, change  
8 of placement, or change of program or solely on the ground that  
9 the respondent fails or refuses to consent to or otherwise does  
10 not take an action required to effectuate a transfer, change of  
11 placement, or change of program. When a court orders a  
12 respondent to stay away from the public, private, or non-public  
13 school attended by the petitioner and the respondent requests a  
14 transfer to another attendance center within the respondent's  
15 school district or private or non-public school, the school  
16 district or private or non-public school shall have sole  
17 discretion to determine the attendance center to which the  
18 respondent is transferred. In the event the court order results  
19 in a transfer of the minor respondent to another attendance  
20 center, a change in the respondent's placement, or a change of  
21 the respondent's program, the parents, guardian, or legal  
22 custodian of the respondent is responsible for transportation  
23 and other costs associated with the transfer or change.

24 (b-6) The court may order the parents, guardian, or legal  
25 custodian of a minor respondent to take certain actions or to  
26 refrain from taking certain actions to ensure that the

1 respondent complies with the order. In the event the court  
2 orders a transfer of the respondent to another school, the  
3 parents, guardian, or legal custodian of the respondent are  
4 responsible for transportation and other costs associated with  
5 the change of school by the respondent.

6 (b-7) The court shall not hold a school district or private  
7 or non-public school or any of its employees in civil or  
8 criminal contempt unless the school district or private or  
9 non-public school has been allowed to intervene.

10 (b-8) The court may hold the parents, guardian, or legal  
11 custodian of a minor respondent in civil or criminal contempt  
12 for a violation of any provision of any order entered under  
13 this Act for conduct of the minor respondent in violation of  
14 this Act if the parents, guardian, or legal custodian directed,  
15 encouraged, or assisted the respondent minor in such conduct.

16 (c) The court may award the petitioner costs and attorneys  
17 fees if a stalking no contact order is granted.

18 (d) Monetary damages are not recoverable as a remedy.

19 (e) If the stalking no contact order prohibits the  
20 respondent from ~~possessing a Firearm Owner's Identification~~  
21 ~~Card, or~~ possessing or buying firearms; the court shall  
22 confiscate the respondent's firearms ~~Firearm Owner's~~  
23 ~~Identification Card and immediately return the card to the~~  
24 ~~Department of State Police Firearm Owner's Identification Card~~  
25 ~~Office.~~

26 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;

1 97-1131, eff. 1-1-13.)

2 Section 105. The Mental Health and Developmental  
3 Disabilities Confidentiality Act is amended by changing  
4 Section 12 as follows:

5 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

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

1 criminal or otherwise, if such information is disclosed relying  
2 upon the representation of an officer of the United States  
3 Secret Service or the Department of State Police that a person  
4 is under the protection of the United States Secret Service or  
5 is a public official.

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

17 (b) The Department of Human Services (acting as successor  
18 to the Department of Mental Health and Developmental  
19 Disabilities) and all public or private hospitals and mental  
20 health facilities are required, as hereafter described in this  
21 subsection, to furnish the Department of State Police only such  
22 information as may be required for the sole purpose of  
23 determining whether an individual who may be or may have been a  
24 patient is disqualified because of that status from receiving  
25 or retaining a firearm under paragraph (4) of subsection (a) of  
26 Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~

1 ~~Identification Card or falls within the federal prohibitors~~  
2 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~  
3 ~~of the Firearm Owners Identification Card Act, or falls within~~  
4 the federal prohibitors in 18 U.S.C. 922(g) and (n). All  
5 physicians, clinical psychologists, or qualified examiners at  
6 public or private mental health facilities or parts thereof as  
7 defined in this subsection shall, in the form and manner  
8 required by the Department, provide notice directly to the  
9 Department of Human Services, or to his or her employer who  
10 shall then report to the Department, within 24 hours after  
11 determining that a person poses a clear and present danger to  
12 himself, herself, or others, or within 7 days after a person 14  
13 years or older is determined to be a person with a  
14 developmental disability by a physician, clinical  
15 psychologist, or qualified examiner as described in this  
16 subsection (b) Section 1.1 of the Firearm Owners Identification  
17 Card Act. If a person is a patient as described in clause  
18 (2) (A) (1) of the definition of "patient" in this subsection  
19 (b) Section 1.1 of the Firearm Owners Identification Card Act,  
20 this information shall be furnished within 7 days after  
21 admission to a public or private hospital or mental health  
22 facility or the provision of services. Any such information  
23 disclosed under this subsection shall remain privileged and  
24 confidential, and shall not be redisclosed, except as required  
25 by clause (e) (2) of Section 24-4.5 of the Criminal Code of 2012  
26 ~~subsection (e) of Section 3.1 of the Firearm Owners~~

1 ~~Identification Card Act~~, nor utilized for any other purpose.  
2 The method of requiring the providing of such information shall  
3 guarantee that no information is released beyond what is  
4 necessary for this purpose. In addition, the information  
5 disclosed shall be provided by the Department within the time  
6 period established by Section 24-3 of the Criminal Code of 2012  
7 regarding the delivery of firearms. The method used shall be  
8 sufficient to provide the necessary information within the  
9 prescribed time period, which may include periodically  
10 providing lists to the Department of Human Services or any  
11 public or private hospital or mental health facility of ~~Firearm~~  
12 ~~Owner's Identification Card~~ applicants for firearm purchases  
13 on which the Department or hospital shall indicate the  
14 identities of those individuals who are to its knowledge  
15 disqualified from having a firearm ~~Firearm Owner's~~  
16 ~~Identification Card~~ for reasons described herein. The  
17 Department may provide for a centralized source of information  
18 for the State on this subject under its jurisdiction. The  
19 identity of the person reporting under this subsection shall  
20 not be disclosed to the subject of the report. For the purposes  
21 of this subsection, the physician, clinical psychologist, or  
22 qualified examiner making the determination and his or her  
23 employer shall not be held criminally, civilly, or  
24 professionally liable for making or not making the notification  
25 required under this subsection, except for willful or wanton  
26 misconduct.

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

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

19 (1) (Blank).

20 (1.3) "Clear and present danger" has the meaning as  
21 defined in Section 6-103.3 of the Mental Health and  
22 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~  
23 ~~Identification Card Act.~~

24 (1.5) "Person with a developmental disability" means a  
25 disability which is attributable to any other condition  
26 which results in impairment similar to that caused by an

1 intellectual disability and which requires services  
2 similar to those required by intellectually disabled  
3 persons. The disability must originate before the age of 18  
4 years, be expected to continue indefinitely, and  
5 constitute a substantial handicap ~~has the meaning as~~  
6 ~~defined in Section 1.1 of the Firearm Owners Identification~~  
7 ~~Card Act.~~

8 (2) "Patient" means (A) a person who voluntarily  
9 receives mental health treatment as an in-patient or  
10 resident of any public or private mental health facility,  
11 unless the treatment was solely for an alcohol abuse  
12 disorder and no other secondary substance abuse disorder or  
13 mental illness; or (B) a person who voluntarily receives  
14 mental health treatment as an out-patient or is provided  
15 services by a public or private mental health facility, and  
16 who poses a clear and present danger to himself, herself,  
17 or to others ~~has the meaning as defined in Section 1.1 of~~  
18 ~~the Firearm Owners Identification Card Act.~~

19 (3) "Mental health facility" means any licensed  
20 private hospital or hospital affiliate, institution, or  
21 facility, or part thereof, and any facility, or part  
22 thereof, operated by the State or a political subdivision  
23 thereof which provide treatment of persons with mental  
24 illness and includes all hospitals, institutions, clinics,  
25 evaluation facilities, mental health centers, colleges,  
26 universities, long-term care facilities, and nursing



1 homes, or parts thereof, which provide treatment of persons  
2 with mental illness whether or not the primary purpose is  
3 to provide treatment of persons with mental illness ~~has the~~  
4 ~~meaning as defined in Section 1.1 of the Firearm Owners~~  
5 ~~Identification Card Act.~~

6 (c) Upon the request of a peace officer who takes a person  
7 into custody and transports such person to a mental health or  
8 developmental disability facility pursuant to Section 3-606 or  
9 4-404 of the Mental Health and Developmental Disabilities Code  
10 or who transports a person from such facility, a facility  
11 director shall furnish said peace officer the name, address,  
12 age and name of the nearest relative of the person transported  
13 to or from the mental health or developmental disability  
14 facility. In no case shall the facility director disclose to  
15 the peace officer any information relating to the diagnosis,  
16 treatment or evaluation of the person's mental or physical  
17 health.

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

22 (d) Upon the request of a peace officer or prosecuting  
23 authority who is conducting a bona fide investigation of a  
24 criminal offense, or attempting to apprehend a fugitive from  
25 justice, a facility director may disclose whether a person is  
26 present at the facility. Upon request of a peace officer or

1 prosecuting authority who has a valid forcible felony warrant  
2 issued, a facility director shall disclose: (1) whether the  
3 person who is the subject of the warrant is present at the  
4 facility and (2) the date of that person's discharge or future  
5 discharge from the facility. The requesting peace officer or  
6 prosecuting authority must furnish a case number and the  
7 purpose of the investigation or an outstanding arrest warrant  
8 at the time of the request. Any person, institution, or agency  
9 participating in good faith in disclosing such information in  
10 accordance with this subsection (d) is immune from any  
11 liability, civil, criminal or otherwise, that might result by  
12 reason of the action.

13 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
14 eff. 7-27-15; revised 10-22-15.)

15 Section 110. The Illinois Domestic Violence Act of 1986 is  
16 amended by changing Section 214 as follows:

17 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

18 Sec. 214. Order of protection; remedies.

19 (a) Issuance of order. If the court finds that petitioner  
20 has been abused by a family or household member or that  
21 petitioner is a high-risk adult who has been abused, neglected,  
22 or exploited, as defined in this Act, an order of protection  
23 prohibiting the abuse, neglect, or exploitation shall issue;  
24 provided that petitioner must also satisfy the requirements of

1 one of the following Sections, as appropriate: Section 217 on  
2 emergency orders, Section 218 on interim orders, or Section 219  
3 on plenary orders. Petitioner shall not be denied an order of  
4 protection because petitioner or respondent is a minor. The  
5 court, when determining whether or not to issue an order of  
6 protection, shall not require physical manifestations of abuse  
7 on the person of the victim. Modification and extension of  
8 prior orders of protection shall be in accordance with this  
9 Act.

10 (b) Remedies and standards. The remedies to be included in  
11 an order of protection shall be determined in accordance with  
12 this Section and one of the following Sections, as appropriate:  
13 Section 217 on emergency orders, Section 218 on interim orders,  
14 and Section 219 on plenary orders. The remedies listed in this  
15 subsection shall be in addition to other civil or criminal  
16 remedies available to petitioner.

17 (1) Prohibition of abuse, neglect, or exploitation.  
18 Prohibit respondent's harassment, interference with  
19 personal liberty, intimidation of a dependent, physical  
20 abuse, or willful deprivation, neglect or exploitation, as  
21 defined in this Act, or stalking of the petitioner, as  
22 defined in Section 12-7.3 of the Criminal Code of 2012, if  
23 such abuse, neglect, exploitation, or stalking has  
24 occurred or otherwise appears likely to occur if not  
25 prohibited.

26 (2) Grant of exclusive possession of residence.

1 Prohibit respondent from entering or remaining in any  
2 residence, household, or premises of the petitioner,  
3 including one owned or leased by respondent, if petitioner  
4 has a right to occupancy thereof. The grant of exclusive  
5 possession of the residence, household, or premises shall  
6 not affect title to real property, nor shall the court be  
7 limited by the standard set forth in Section 701 of the  
8 Illinois Marriage and Dissolution of Marriage Act.

9 (A) Right to occupancy. A party has a right to  
10 occupancy of a residence or household if it is solely  
11 or jointly owned or leased by that party, that party's  
12 spouse, a person with a legal duty to support that  
13 party or a minor child in that party's care, or by any  
14 person or entity other than the opposing party that  
15 authorizes that party's occupancy (e.g., a domestic  
16 violence shelter). Standards set forth in subparagraph  
17 (B) shall not preclude equitable relief.

18 (B) Presumption of hardships. If petitioner and  
19 respondent each has the right to occupancy of a  
20 residence or household, the court shall balance (i) the  
21 hardships to respondent and any minor child or  
22 dependent adult in respondent's care resulting from  
23 entry of this remedy with (ii) the hardships to  
24 petitioner and any minor child or dependent adult in  
25 petitioner's care resulting from continued exposure to  
26 the risk of abuse (should petitioner remain at the

1 residence or household) or from loss of possession of  
2 the residence or household (should petitioner leave to  
3 avoid the risk of abuse). When determining the balance  
4 of hardships, the court shall also take into account  
5 the accessibility of the residence or household.  
6 Hardships need not be balanced if respondent does not  
7 have a right to occupancy.

8 The balance of hardships is presumed to favor  
9 possession by petitioner unless the presumption is  
10 rebutted by a preponderance of the evidence, showing  
11 that the hardships to respondent substantially  
12 outweigh the hardships to petitioner and any minor  
13 child or dependent adult in petitioner's care. The  
14 court, on the request of petitioner or on its own  
15 motion, may order respondent to provide suitable,  
16 accessible, alternate housing for petitioner instead  
17 of excluding respondent from a mutual residence or  
18 household.

19 (3) Stay away order and additional prohibitions. Order  
20 respondent to stay away from petitioner or any other person  
21 protected by the order of protection, or prohibit  
22 respondent from entering or remaining present at  
23 petitioner's school, place of employment, or other  
24 specified places at times when petitioner is present, or  
25 both, if reasonable, given the balance of hardships.  
26 Hardships need not be balanced for the court to enter a

1 stay away order or prohibit entry if respondent has no  
2 right to enter the premises.

3 (A) If an order of protection grants petitioner  
4 exclusive possession of the residence, or prohibits  
5 respondent from entering the residence, or orders  
6 respondent to stay away from petitioner or other  
7 protected persons, then the court may allow respondent  
8 access to the residence to remove items of clothing and  
9 personal adornment used exclusively by respondent,  
10 medications, and other items as the court directs. The  
11 right to access shall be exercised on only one occasion  
12 as the court directs and in the presence of an  
13 agreed-upon adult third party or law enforcement  
14 officer.

15 (B) When the petitioner and the respondent attend  
16 the same public, private, or non-public elementary,  
17 middle, or high school, the court when issuing an order  
18 of protection and providing relief shall consider the  
19 severity of the act, any continuing physical danger or  
20 emotional distress to the petitioner, the educational  
21 rights guaranteed to the petitioner and respondent  
22 under federal and State law, the availability of a  
23 transfer of the respondent to another school, a change  
24 of placement or a change of program of the respondent,  
25 the expense, difficulty, and educational disruption  
26 that would be caused by a transfer of the respondent to

1 another school, and any other relevant facts of the  
2 case. The court may order that the respondent not  
3 attend the public, private, or non-public elementary,  
4 middle, or high school attended by the petitioner,  
5 order that the respondent accept a change of placement  
6 or change of program, as determined by the school  
7 district or private or non-public school, or place  
8 restrictions on the respondent's movements within the  
9 school attended by the petitioner. The respondent  
10 bears the burden of proving by a preponderance of the  
11 evidence that a transfer, change of placement, or  
12 change of program of the respondent is not available.  
13 The respondent also bears the burden of production with  
14 respect to the expense, difficulty, and educational  
15 disruption that would be caused by a transfer of the  
16 respondent to another school. A transfer, change of  
17 placement, or change of program is not unavailable to  
18 the respondent solely on the ground that the respondent  
19 does not agree with the school district's or private or  
20 non-public school's transfer, change of placement, or  
21 change of program or solely on the ground that the  
22 respondent fails or refuses to consent or otherwise  
23 does not take an action required to effectuate a  
24 transfer, change of placement, or change of program.  
25 When a court orders a respondent to stay away from the  
26 public, private, or non-public school attended by the

1 petitioner and the respondent requests a transfer to  
2 another attendance center within the respondent's  
3 school district or private or non-public school, the  
4 school district or private or non-public school shall  
5 have sole discretion to determine the attendance  
6 center to which the respondent is transferred. In the  
7 event the court order results in a transfer of the  
8 minor respondent to another attendance center, a  
9 change in the respondent's placement, or a change of  
10 the respondent's program, the parents, guardian, or  
11 legal custodian of the respondent is responsible for  
12 transportation and other costs associated with the  
13 transfer or change.

14 (C) The court may order the parents, guardian, or  
15 legal custodian of a minor respondent to take certain  
16 actions or to refrain from taking certain actions to  
17 ensure that the respondent complies with the order. In  
18 the event the court orders a transfer of the respondent  
19 to another school, the parents, guardian, or legal  
20 custodian of the respondent is responsible for  
21 transportation and other costs associated with the  
22 change of school by the respondent.

23 (4) Counseling. Require or recommend the respondent to  
24 undergo counseling for a specified duration with a social  
25 worker, psychologist, clinical psychologist, psychiatrist,  
26 family service agency, alcohol or substance abuse program,



1 mental health center guidance counselor, agency providing  
2 services to elders, program designed for domestic violence  
3 abusers or any other guidance service the court deems  
4 appropriate. The Court may order the respondent in any  
5 intimate partner relationship to report to an Illinois  
6 Department of Human Services protocol approved partner  
7 abuse intervention program for an assessment and to follow  
8 all recommended treatment.

9 (5) Physical care and possession of the minor child. In  
10 order to protect the minor child from abuse, neglect, or  
11 unwarranted separation from the person who has been the  
12 minor child's primary caretaker, or to otherwise protect  
13 the well-being of the minor child, the court may do either  
14 or both of the following: (i) grant petitioner physical  
15 care or possession of the minor child, or both, or (ii)  
16 order respondent to return a minor child to, or not remove  
17 a minor child from, the physical care of a parent or person  
18 in loco parentis.

19 If a court finds, after a hearing, that respondent has  
20 committed abuse (as defined in Section 103) of a minor  
21 child, there shall be a rebuttable presumption that  
22 awarding physical care to respondent would not be in the  
23 minor child's best interest.

24 (6) Temporary allocation of parental responsibilities:  
25 significant decision-making. Award temporary  
26 decision-making responsibility to petitioner in accordance

1 with this Section, the Illinois Marriage and Dissolution of  
2 Marriage Act, the Illinois Parentage Act of 2015, and this  
3 State's Uniform Child-Custody Jurisdiction and Enforcement  
4 Act.

5 If a court finds, after a hearing, that respondent has  
6 committed abuse (as defined in Section 103) of a minor  
7 child, there shall be a rebuttable presumption that  
8 awarding temporary significant decision-making  
9 responsibility to respondent would not be in the child's  
10 best interest.

11 (7) Parenting time. Determine the parenting time, if  
12 any, of respondent in any case in which the court awards  
13 physical care or allocates temporary significant  
14 decision-making responsibility of a minor child to  
15 petitioner. The court shall restrict or deny respondent's  
16 parenting time with a minor child if the court finds that  
17 respondent has done or is likely to do any of the  
18 following: (i) abuse or endanger the minor child during  
19 parenting time; (ii) use the parenting time as an  
20 opportunity to abuse or harass petitioner or petitioner's  
21 family or household members; (iii) improperly conceal or  
22 detain the minor child; or (iv) otherwise act in a manner  
23 that is not in the best interests of the minor child. The  
24 court shall not be limited by the standards set forth in  
25 Section 603.10 of the Illinois Marriage and Dissolution of  
26 Marriage Act. If the court grants parenting time, the order

1 shall specify dates and times for the parenting time to  
2 take place or other specific parameters or conditions that  
3 are appropriate. No order for parenting time shall refer  
4 merely to the term "reasonable parenting time".

5 Petitioner may deny respondent access to the minor  
6 child if, when respondent arrives for parenting time,  
7 respondent is under the influence of drugs or alcohol and  
8 constitutes a threat to the safety and well-being of  
9 petitioner or petitioner's minor children or is behaving in  
10 a violent or abusive manner.

11 If necessary to protect any member of petitioner's  
12 family or household from future abuse, respondent shall be  
13 prohibited from coming to petitioner's residence to meet  
14 the minor child for parenting time, and the parties shall  
15 submit to the court their recommendations for reasonable  
16 alternative arrangements for parenting time. A person may  
17 be approved to supervise parenting time only after filing  
18 an affidavit accepting that responsibility and  
19 acknowledging accountability to the court.

20 (8) Removal or concealment of minor child. Prohibit  
21 respondent from removing a minor child from the State or  
22 concealing the child within the State.

23 (9) Order to appear. Order the respondent to appear in  
24 court, alone or with a minor child, to prevent abuse,  
25 neglect, removal or concealment of the child, to return the  
26 child to the custody or care of the petitioner or to permit

1 any court-ordered interview or examination of the child or  
2 the respondent.

3 (10) Possession of personal property. Grant petitioner  
4 exclusive possession of personal property and, if  
5 respondent has possession or control, direct respondent to  
6 promptly make it available to petitioner, if:

7 (i) petitioner, but not respondent, owns the  
8 property; or

9 (ii) the parties own the property jointly; sharing  
10 it would risk abuse of petitioner by respondent or is  
11 impracticable; and the balance of hardships favors  
12 temporary possession by petitioner.

13 If petitioner's sole claim to ownership of the property  
14 is that it is marital property, the court may award  
15 petitioner temporary possession thereof under the  
16 standards of subparagraph (ii) of this paragraph only if a  
17 proper proceeding has been filed under the Illinois  
18 Marriage and Dissolution of Marriage Act, as now or  
19 hereafter amended.

20 No order under this provision shall affect title to  
21 property.

22 (11) Protection of property. Forbid the respondent  
23 from taking, transferring, encumbering, concealing,  
24 damaging or otherwise disposing of any real or personal  
25 property, except as explicitly authorized by the court, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly, and the  
3 balance of hardships favors granting this remedy.

4 If petitioner's sole claim to ownership of the property  
5 is that it is marital property, the court may grant  
6 petitioner relief under subparagraph (ii) of this  
7 paragraph only if a proper proceeding has been filed under  
8 the Illinois Marriage and Dissolution of Marriage Act, as  
9 now or hereafter amended.

10 The court may further prohibit respondent from  
11 improperly using the financial or other resources of an  
12 aged member of the family or household for the profit or  
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the  
15 exclusive care, custody, or control of any animal owned,  
16 possessed, leased, kept, or held by either the petitioner  
17 or the respondent or a minor child residing in the  
18 residence or household of either the petitioner or the  
19 respondent and order the respondent to stay away from the  
20 animal and forbid the respondent from taking,  
21 transferring, encumbering, concealing, harming, or  
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to  
24 pay temporary support for the petitioner or any child in  
25 the petitioner's care or over whom the petitioner has been  
26 allocated parental responsibility, when the respondent has

1 a legal obligation to support that person, in accordance  
2 with the Illinois Marriage and Dissolution of Marriage Act,  
3 which shall govern, among other matters, the amount of  
4 support, payment through the clerk and withholding of  
5 income to secure payment. An order for child support may be  
6 granted to a petitioner with lawful physical care of a  
7 child, or an order or agreement for physical care of a  
8 child, prior to entry of an order allocating significant  
9 decision-making responsibility. Such a support order shall  
10 expire upon entry of a valid order allocating parental  
11 responsibility differently and vacating the petitioner's  
12 significant decision-making authority, unless otherwise  
13 provided in the order.

14 (13) Order for payment of losses. Order respondent to  
15 pay petitioner for losses suffered as a direct result of  
16 the abuse, neglect, or exploitation. Such losses shall  
17 include, but not be limited to, medical expenses, lost  
18 earnings or other support, repair or replacement of  
19 property damaged or taken, reasonable attorney's fees,  
20 court costs and moving or other travel expenses, including  
21 additional reasonable expenses for temporary shelter and  
22 restaurant meals.

23 (i) Losses affecting family needs. If a party is  
24 entitled to seek maintenance, child support or  
25 property distribution from the other party under the  
26 Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended, the court may order  
2 respondent to reimburse petitioner's actual losses, to  
3 the extent that such reimbursement would be  
4 "appropriate temporary relief", as authorized by  
5 subsection (a) (3) of Section 501 of that Act.

6 (ii) Recovery of expenses. In the case of an  
7 improper concealment or removal of a minor child, the  
8 court may order respondent to pay the reasonable  
9 expenses incurred or to be incurred in the search for  
10 and recovery of the minor child, including but not  
11 limited to legal fees, court costs, private  
12 investigator fees, and travel costs.

13 (14) Prohibition of entry. Prohibit the respondent  
14 from entering or remaining in the residence or household  
15 while the respondent is under the influence of alcohol or  
16 drugs and constitutes a threat to the safety and well-being  
17 of the petitioner or the petitioner's children.

18 (14.5) Prohibition of firearm possession.

19 (a) Prohibit a respondent against whom an order of  
20 protection was issued from possessing any firearms  
21 during the duration of the order if the order:

22 (1) was issued after a hearing of which such  
23 person received actual notice, and at which such  
24 person had an opportunity to participate;

25 (2) restrains such person from harassing,  
26 stalking, or threatening an intimate partner of

1           such person or child of such intimate partner or  
2           person, or engaging in other conduct that would  
3           place an intimate partner in reasonable fear of  
4           bodily injury to the partner or child; and

5                       (3) (i) includes a finding that such person  
6           represents a credible threat to the physical  
7           safety of such intimate partner or child; or (ii)  
8           by its terms explicitly prohibits the use,  
9           attempted use, or threatened use of physical force  
10          against such intimate partner or child that would  
11          reasonably be expected to cause bodily injury.

12          ~~Any Firearm Owner's Identification Card in the~~  
13          ~~possession of the respondent, except as provided in~~  
14          ~~subsection (b), shall be ordered by the court to be~~  
15          ~~turned over to the local law enforcement agency. The~~  
16          ~~local law enforcement agency shall immediately mail~~  
17          ~~the card to the Department of State Police Firearm~~  
18          ~~Owner's Identification Card Office for safekeeping.~~  
19          The court shall issue a warrant for seizure of any  
20          firearm in the possession of the respondent, to be kept  
21          by the local law enforcement agency for safekeeping,  
22          except as provided in subsection (b). The period of  
23          safekeeping shall be for the duration of the order of  
24          protection. The firearm or firearms ~~and Firearm~~  
25          ~~Owner's Identification Card, if unexpired,~~ shall at  
26          the respondent's request, be returned to the



1 respondent at the end of the order of protection. It is  
2 the respondent's responsibility to notify the  
3 Department of State Police ~~Firearm Owner's~~  
4 ~~Identification Card Office.~~

5 (b) If the respondent is a peace officer as defined  
6 in Section 2-13 of the Criminal Code of 2012, the court  
7 shall order that any firearms used by the respondent in  
8 the performance of his or her duties as a peace officer  
9 be surrendered to the chief law enforcement executive  
10 of the agency in which the respondent is employed, who  
11 shall retain the firearms for safekeeping for the  
12 duration of the order of protection.

13 (c) Upon expiration of the period of safekeeping,  
14 if the firearms ~~or Firearm Owner's Identification Card~~  
15 cannot be returned to respondent because respondent  
16 cannot be located, fails to respond to requests to  
17 retrieve the firearms, or is not lawfully eligible to  
18 possess a firearm, upon petition from the local law  
19 enforcement agency, the court may order the local law  
20 enforcement agency to destroy the firearms, use the  
21 firearms for training purposes, or for any other  
22 application as deemed appropriate by the local law  
23 enforcement agency; or that the firearms be turned over  
24 to a third party who is lawfully eligible to possess  
25 firearms, and who does not reside with respondent.

26 (15) Prohibition of access to records. If an order of

1 protection prohibits respondent from having contact with  
2 the minor child, or if petitioner's address is omitted  
3 under subsection (b) of Section 203, or if necessary to  
4 prevent abuse or wrongful removal or concealment of a minor  
5 child, the order shall deny respondent access to, and  
6 prohibit respondent from inspecting, obtaining, or  
7 attempting to inspect or obtain, school or any other  
8 records of the minor child who is in the care of  
9 petitioner.

10 (16) Order for payment of shelter services. Order  
11 respondent to reimburse a shelter providing temporary  
12 housing and counseling services to the petitioner for the  
13 cost of the services, as certified by the shelter and  
14 deemed reasonable by the court.

15 (17) Order for injunctive relief. Enter injunctive  
16 relief necessary or appropriate to prevent further abuse of  
17 a family or household member or further abuse, neglect, or  
18 exploitation of a high-risk adult with disabilities or to  
19 effectuate one of the granted remedies, if supported by the  
20 balance of hardships. If the harm to be prevented by the  
21 injunction is abuse or any other harm that one of the  
22 remedies listed in paragraphs (1) through (16) of this  
23 subsection is designed to prevent, no further evidence is  
24 necessary that the harm is an irreparable injury.

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider  
2 relevant factors, including but not limited to the  
3 following:

4 (i) the nature, frequency, severity, pattern and  
5 consequences of the respondent's past abuse, neglect  
6 or exploitation of the petitioner or any family or  
7 household member, including the concealment of his or  
8 her location in order to evade service of process or  
9 notice, and the likelihood of danger of future abuse,  
10 neglect, or exploitation to petitioner or any member of  
11 petitioner's or respondent's family or household; and

12 (ii) the danger that any minor child will be abused  
13 or neglected or improperly relocated from the  
14 jurisdiction, improperly concealed within the State or  
15 improperly separated from the child's primary  
16 caretaker.

17 (2) In comparing relative hardships resulting to the  
18 parties from loss of possession of the family home, the  
19 court shall consider relevant factors, including but not  
20 limited to the following:

21 (i) availability, accessibility, cost, safety,  
22 adequacy, location and other characteristics of  
23 alternate housing for each party and any minor child or  
24 dependent adult in the party's care;

25 (ii) the effect on the party's employment; and

26 (iii) the effect on the relationship of the party,

1           and any minor child or dependent adult in the party's  
2           care, to family, school, church and community.

3           (3) Subject to the exceptions set forth in paragraph  
4           (4) of this subsection, the court shall make its findings  
5           in an official record or in writing, and shall at a minimum  
6           set forth the following:

7                   (i) That the court has considered the applicable  
8                   relevant factors described in paragraphs (1) and (2) of  
9                   this subsection.

10                   (ii) Whether the conduct or actions of respondent,  
11                   unless prohibited, will likely cause irreparable harm  
12                   or continued abuse.

13                   (iii) Whether it is necessary to grant the  
14                   requested relief in order to protect petitioner or  
15                   other alleged abused persons.

16           (4) For purposes of issuing an ex parte emergency order  
17           of protection, the court, as an alternative to or as a  
18           supplement to making the findings described in paragraphs  
19           (c)(3)(i) through (c)(3)(iii) of this subsection, may use  
20           the following procedure:

21                   When a verified petition for an emergency order of  
22                   protection in accordance with the requirements of Sections  
23                   203 and 217 is presented to the court, the court shall  
24                   examine petitioner on oath or affirmation. An emergency  
25                   order of protection shall be issued by the court if it  
26                   appears from the contents of the petition and the

1 examination of petitioner that the averments are  
2 sufficient to indicate abuse by respondent and to support  
3 the granting of relief under the issuance of the emergency  
4 order of protection.

5 (5) Never married parties. No rights or  
6 responsibilities for a minor child born outside of marriage  
7 attach to a putative father until a father and child  
8 relationship has been established under the Illinois  
9 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
10 the Illinois Public Aid Code, Section 12 of the Vital  
11 Records Act, the Juvenile Court Act of 1987, the Probate  
12 Act of 1985, the Revised Uniform Reciprocal Enforcement of  
13 Support Act, the Uniform Interstate Family Support Act, the  
14 Expedited Child Support Act of 1990, any judicial,  
15 administrative, or other act of another state or territory,  
16 any other Illinois statute, or by any foreign nation  
17 establishing the father and child relationship, any other  
18 proceeding substantially in conformity with the Personal  
19 Responsibility and Work Opportunity Reconciliation Act of  
20 1996 (Pub. L. 104-193), or where both parties appeared in  
21 open court or at an administrative hearing acknowledging  
22 under oath or admitting by affirmation the existence of a  
23 father and child relationship. Absent such an  
24 adjudication, finding, or acknowledgement, no putative  
25 father shall be granted temporary allocation of parental  
26 responsibilities, including parenting time with the minor

1 child, or physical care and possession of the minor child,  
2 nor shall an order of payment for support of the minor  
3 child be entered.

4 (d) Balance of hardships; findings. If the court finds that  
5 the balance of hardships does not support the granting of a  
6 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
7 subsection (b) of this Section, which may require such  
8 balancing, the court's findings shall so indicate and shall  
9 include a finding as to whether granting the remedy will result  
10 in hardship to respondent that would substantially outweigh the  
11 hardship to petitioner from denial of the remedy. The findings  
12 shall be an official record or in writing.

13 (e) Denial of remedies. Denial of any remedy shall not be  
14 based, in whole or in part, on evidence that:

15 (1) Respondent has cause for any use of force, unless  
16 that cause satisfies the standards for justifiable use of  
17 force provided by Article 7 of the Criminal Code of 2012;

18 (2) Respondent was voluntarily intoxicated;

19 (3) Petitioner acted in self-defense or defense of  
20 another, provided that, if petitioner utilized force, such  
21 force was justifiable under Article 7 of the Criminal Code  
22 of 2012;

23 (4) Petitioner did not act in self-defense or defense  
24 of another;

25 (5) Petitioner left the residence or household to avoid  
26 further abuse, neglect, or exploitation by respondent;

1           (6) Petitioner did not leave the residence or household  
2           to avoid further abuse, neglect, or exploitation by  
3           respondent;

4           (7) Conduct by any family or household member excused  
5           the abuse, neglect, or exploitation by respondent, unless  
6           that same conduct would have excused such abuse, neglect,  
7           or exploitation if the parties had not been family or  
8           household members.

9           (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; revised  
10          10-19-15.)

11          Section 115. The Uniform Disposition of Unclaimed Property  
12          Act is amended by changing Section 1 as follows:

13           (765 ILCS 1025/1) (from Ch. 141, par. 101)

14          Sec. 1. As used in this Act, unless the context otherwise  
15          requires:

16           (a) "Banking organization" means any bank, trust company,  
17          savings bank, industrial bank, land bank, safe deposit company,  
18          or a private banker.

19           (b) "Business association" means any corporation, joint  
20          stock company, business trust, partnership, or any  
21          association, limited liability company, or other business  
22          entity consisting of one or more persons, whether or not for  
23          profit.

24           (c) "Financial organization" means any savings and loan

1 association, building and loan association, credit union,  
2 currency exchange, co-operative bank, mutual funds, or  
3 investment company.

4 (d) "Holder" means any person in possession of property  
5 subject to this Act belonging to another, or who is trustee in  
6 case of a trust, or is indebted to another on an obligation  
7 subject to this Act.

8 (e) "Life insurance corporation" means any association or  
9 corporation transacting the business of insurance on the lives  
10 of persons or insurance appertaining thereto, including, but  
11 not by way of limitation, endowments and annuities.

12 (f) "Owner" means a depositor in case of a deposit, a  
13 beneficiary in case of a trust, a creditor, claimant, or payee  
14 in case of other property, or any person having a legal or  
15 equitable interest in property subject to this Act, or his  
16 legal representative.

17 (g) "Person" means any individual, business association,  
18 financial organization, government or political subdivision or  
19 agency, public authority, estate, trust, or any other legal or  
20 commercial entity.

21 (h) "Utility" means any person who owns or operates, for  
22 public use, any plant, equipment, property, franchise, or  
23 license for the transmission of communications or the  
24 production, storage, transmission, sale, delivery, or  
25 furnishing of electricity, water, steam, oil or gas.

26 (i) (Blank).



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

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

10           (l) "Reportable property" means property, tangible or  
11 intangible, presumed abandoned under this Act that must be  
12 appropriately and timely reported and remitted to the Office of  
13 the State Treasurer under this Act. Interest, dividends, stock  
14 splits, warrants, or other rights that become reportable  
15 property under this Act include the underlying security or  
16 commodity giving rise to the interest, dividend, split,  
17 warrant, or other right to which the owner would be entitled.

18           (m) "Firearm" has the meaning ascribed to that term in  
19 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~  
20 ~~Identification Card Act.~~

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

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