

99TH GENERAL ASSEMBLY**State of Illinois****2015 and 2016****SB3030**

Introduced 2/18/2016, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

See Index

Creates the Lethal Violence Order of Protection Act. Provides that a petitioner may request an emergency lethal violence order of protection by filing an affidavit or verified pleading alleging that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm. Provides that the petition shall also describe the type, and location of any firearm or firearms presently believed by the petitioner to be possessed or controlled by the respondent. Provides that the petitioner may be a family member of the respondent or a law enforcement officer, who files a petition alleging that the respondent poses a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm. Establishes factors that the court must consider before issuing a lethal violence order of protection. Provides for the issuance of ex parte orders and one year orders. Provides that if the court issues the order the respondent must: (1) refrain from having in his or her custody or control, owning, purchasing, possessing, or receiving additional firearms for the duration of the order; and (2) turn over to the local law enforcement agency any firearm, Firearm Owner's Identification Card, or concealed carry license in his or her possession. Establishes factors for renewing and terminating lethal violence orders of protection. Amends the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act to make conforming changes. Provides that if the respondent is alleged to pose an immediate and present danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent. Defines "intimate partner", "lethal violence order of protection", "petitioner", and "respondent".

LRB099 18819 RLC 43204 b

1 AN ACT concerning orders of protection.

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

4 Section 1. Short title. This Act may be cited as the Lethal
5 Violence Order of Protection Act.

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

7 "Intimate partner" means a spouse, former spouse, a person
8 with whom the respondent has or allegedly has a child in
9 common, or a person with whom the respondent has or has had a
10 dating or engagement relationship.

11 "Lethal violence order of protection" means an order issued
12 by the court, prohibiting and enjoining a named person from
13 having in his or her custody or control, owning, purchasing,
14 possessing, or receiving any firearms.

15 "Petitioner" means:

16 (1) a family member of the respondent as defined in
17 Section 103 of the Illinois Domestic Violence Act of 1986;
18 or

19 (2) a law enforcement officer, who files a petition
20 alleging that the respondent poses a danger of causing
21 personal injury to himself, herself, or another by having
22 in his or her custody or control, owning, purchasing,
23 possessing, or receiving a firearm.

1 "Respondent" means the person alleged in the petition to
2 pose a danger of causing personal injury to himself, herself,
3 or another by having in his or her custody or control, owning,
4 purchasing, possessing, or receiving a firearm.

5 Section 10. Commencement of action; procedure.

6 (a) Actions for a lethal violence order of protection are
7 commenced by filing a verified petition for a lethal violence
8 order of protection in any circuit court.

9 (b) A petition for a lethal violence order of protection
10 may be filed in any county where the respondent resides.

11 (c) No fee shall be charged by the clerk for filing,
12 amending, vacating, certifying, or photocopying petitions or
13 orders; or for issuing alias summons; or for any related filing
14 service. No fee shall be charged by the sheriff for service by
15 the sheriff of a petition, rule, motion, or order in an action
16 commenced under this Section.

17 (d) The court shall provide, through the office of the
18 clerk of the court, simplified forms and clerical assistance to
19 help with the writing and filing of a petition under this
20 Section by any person not represented by counsel. In addition,
21 that assistance may be provided by the State's Attorney.

22 Section 15. Subject matter jurisdiction. Each of the
23 circuit courts shall have the power to issue lethal violence
24 orders of protection.

1 Section 20. Jurisdiction over persons. The circuit courts
2 of this State have jurisdiction to bind (1) State residents and
3 (2) non-residents having minimum contacts with this State, to
4 the extent permitted by Section 2-209 of the Code of Civil
5 Procedure.

6 Section 25. Process. The summons shall be in the form
7 prescribed by Supreme Court Rule 101(d), except that it shall
8 require respondent to answer or appear within 7 days.
9 Attachments to the summons or notice shall include the petition
10 for the lethal violence order of protection and supporting
11 affidavits, if any, and any emergency lethal violence order of
12 protection that has been issued. The enforcement of an order
13 under Section 35 shall not be affected by the lack of service,
14 delivery, or notice, provided the requirements of subsection
15 (f) of that Section are otherwise met.

16 Section 30. Service of notice of hearings. Service of
17 notice of hearings. Except as provided in Section 25, notice of
18 hearings on petitions or motions shall be served in accordance
19 with Supreme Court Rules 11 and 12, unless notice is excused by
20 Section 35 of this Act, or by the Code of Civil Procedure,
21 Supreme Court Rules, or local rules.

22 Section 35. Ex parte orders and emergency hearings.

1 (a) A petitioner may request an emergency lethal violence
2 order of protection by filing an affidavit or verified pleading
3 alleging that the respondent poses an immediate and present
4 danger of causing personal injury to himself, herself, or
5 another by having in his or her custody or control, owning,
6 purchasing, possessing, or receiving a firearm. The petition
7 shall also describe the type, and location of any firearm or
8 firearms presently believed by the petitioner to be possessed
9 or controlled by the respondent.

10 (b) If the respondent is alleged to pose an immediate and
11 present danger of causing personal injury to an intimate
12 partner, or an intimate partner is alleged to have been the
13 target of a threat or act of violence by the respondent,
14 petitioner shall make a good faith effort to provide notice to
15 any and all intimate partners of the respondent. The notice
16 must include that the petitioner intends to petition the court
17 for an emergency lethal violence order, and, if petitioner is a
18 law enforcement officer, referral to relevant domestic
19 violence or stalking advocacy or counseling resources, if
20 appropriate. Petitioner shall attest to having provided the
21 notice in the filed affidavit or verified pleading. If after
22 making a good faith effort petitioner is unable to provide
23 notice to any or all intimate partners, the affidavit or
24 verified pleading should describe what efforts were made.

25 (c) Every person who files a petition for an emergency
26 lethal violence order, knowing the information provided to the

1 court at any hearing or in the affidavit or verified pleading
2 to be false, is guilty of perjury under Section 32-2 of the
3 Criminal Code of 2012.

4 (d) An emergency order of protection shall be issued on an
5 ex parte basis, that is, without notice to the respondent.

6 (e) An emergency hearing held on an ex parte basis shall be
7 held the same day that the petition is filed or the next day
8 that the court is in session.

9 (f) If a circuit or associate judge finds reasonable cause
10 to believe that the respondent poses an immediate and present
11 danger of causing personal injury to himself, herself, or
12 another by having in his or her custody or control, owning,
13 purchasing, possessing, or receiving a firearm the circuit or
14 associate judge shall issue an emergency order.

15 (g) An emergency lethal violence order of protection shall
16 require:

17 (1) the respondent to refrain from having in his or her
18 custody or control, owning, purchasing, possessing, or
19 receiving additional firearms for the duration of the
20 order;

21 (2) the respondent to turn over to the local law
22 enforcement agency any Firearm Owner's Identification Card
23 and concealed carry license in his or her possession. The
24 local law enforcement agency shall immediately mail the
25 card and concealed carry license to the Department of State
26 Police Firearm Owner's Identification Card Office for

1 safekeeping. The firearm or firearms and Firearm Owner's
2 Identification Card and concealed carry license, if
3 unexpired, shall at the respondent's request, be returned
4 to the respondent after the lethal violence order of
5 protection is terminated or expired. It is the respondent's
6 responsibility to notify the Department of State Police
7 Firearm Owner's Identification Card Office; and

8 (3) any law-enforcement agency to forthwith search for
9 and seize firearms of the respondent upon probable cause
10 that the respondent has possession of a firearm, and
11 petitioner or the court can describe, with sufficient
12 particularity, the location of the firearm or firearms.

13 (h) Upon expiration of the period of safekeeping, if the
14 firearms or Firearm Owner's Identification Card and concealed
15 carry license cannot be returned to respondent because
16 respondent cannot be located, fails to respond to requests to
17 retrieve the firearms, or is not lawfully eligible to possess a
18 firearm, upon petition from the local law enforcement agency,
19 the court may order the local law enforcement agency to destroy
20 the firearms, use the firearms for training purposes, or for
21 any other application as deemed appropriate by the local law
22 enforcement agency.

23 (i) In accordance with subsection (e) of this Section, the
24 court shall schedule a full hearing within 14 days of the
25 issuance of an ex parte lethal violence order of protection to
26 determine if a one-year lethal violence order of protection

1 shall be issued. The court may extend an ex parte order as
2 needed, but not to exceed 30 days, to effectuate service of the
3 order or if necessary to continue protection.

4 Section 40. One-year orders.

5 (a) A petitioner may request a one-year lethal violence
6 order of protection by filing an affidavit or verified pleading
7 alleging that the respondent poses a significant danger of
8 causing personal injury to himself, herself, or another in the
9 near future by having in his or her custody or control, owning,
10 purchasing, possessing, or receiving a firearm. The petition
11 shall also describe the number, types, and locations of any
12 firearms presently believed by the petitioner to be possessed
13 or controlled by the respondent.

14 (b) If the respondent is alleged to pose an immediate and
15 present danger of causing personal injury to an intimate
16 partner, or an intimate partner is alleged to have been the
17 target of a threat or act of violence by the respondent,
18 petitioner shall make a good faith effort to provide notice to
19 any and all intimate partners of the respondent. The notice
20 must include that the petitioner intends to petition the court
21 for an emergency lethal violence order, and, if petitioner is a
22 law enforcement officer, referral to relevant domestic
23 violence or stalking advocacy or counseling resources, if
24 appropriate. Petitioner shall attest to having provided the
25 notice in the filed affidavit or verified pleading. If after

1 making a good faith effort petitioner is unable to provide
2 notice to any or all intimate partners, the affidavit or
3 verified pleading should describe what efforts were made.

4 (c) Every person who files a petition for an emergency
5 lethal violence order, knowing the information provided to the
6 court at any hearing or in the affidavit or verified pleading
7 to be false, is guilty of perjury under Section 32-2 of the
8 Criminal Code of 2012.

9 (d) Upon receipt of a petition for a one-year lethal
10 violence order of protection, the court shall order a hearing
11 within 30 days.

12 (e) In determining whether to issue a lethal violence order
13 of protection under this Section, the court shall consider
14 evidence of:

15 (1) A recent threat of violence or act of violence by
16 the respondent directed toward himself, herself, or
17 another.

18 (2) A violation of an emergency order of protection
19 issued under Section 217 of the Illinois Domestic Violence
20 Act of 1986 or Section 112A-17 of the Code of Criminal
21 Procedure of 1963 or of an order of protection issued under
22 Section 214 of the Illinois Domestic Violence Act of 1986
23 or Section 112A-14 of the Code of Criminal Procedure of
24 1963.

25 (3) A pattern of violent acts or violent threats,
26 including, but not limited to, threats of violence or acts

1 of violence by the respondent directed toward himself,
2 herself, or another.

3 (f) In determining whether to issue a lethal violence order
4 of protection under this Section, the court may consider
5 evidence including, but not limited to, the following:

6 (1) The unlawful and reckless use, display, or
7 brandishing of a firearm by the respondent.

8 (2) The history of use, attempted use, or threatened
9 use of physical force by the respondent against another
10 person.

11 (3) Any prior arrest of the respondent for a felony
12 offense.

13 (4) Evidence of the abuse of controlled substances or
14 alcohol by the respondent.

15 (5) Evidence of recent acquisition of firearms,
16 ammunition, or other deadly weapons.

17 (g) At the hearing, the petitioner shall have the burden of
18 proving, by preponderance of the evidence, that the respondent
19 poses a significant danger of personal injury to himself,
20 herself, or another by having in his or her custody or control,
21 owning, purchasing, possessing, or receiving a firearm.

22 (h) If the court finds that there is a preponderance of the
23 evidence to issue a lethal violence order of protection, the
24 court shall issue a lethal violence order of protection that
25 shall be in effect for one year subject to renewal under
26 Section 45 of this Act or termination under that Section.

1 (i) A one-year lethal violence order of protection shall
2 require:

3 (1) the respondent to refrain from having in his or her
4 custody or control, owning, purchasing, possessing or
5 receiving additional firearms for the duration of the
6 order;

7 (2) the respondent to turn over to the local law
8 enforcement agency any firearm or Firearm Owner's
9 Identification Card and concealed carry license in his or
10 her possession. The local law enforcement agency shall
11 immediately mail the card and concealed carry license to
12 the Department of State Police Firearm Owner's
13 Identification Card Office for safekeeping. The firearm or
14 firearms and Firearm Owner's Identification Card and
15 concealed carry license, if unexpired shall at the
16 respondent's request, be returned to the respondent after
17 the lethal violence order of protection is terminated or
18 expired. It is the respondent's responsibility to notify
19 the Department of State Police Firearm Owner's
20 Identification Card Office; and

21 (3) any law-enforcement agency to forthwith search for
22 and seize firearms of the respondent upon probable cause
23 that the respondent has possession of a firearm, and
24 petitioner can describe, with sufficient particularity,
25 the location of the firearm or firearms.

26 (j) Upon expiration of the period of safekeeping, if the

1 firearms or Firearm Owner's Identification Card cannot be
2 returned to respondent because respondent cannot be located,
3 fails to respond to requests to retrieve the firearms, or is
4 not lawfully eligible to possess a firearm, upon petition from
5 the local law enforcement agency, the court may order the local
6 law enforcement agency to destroy the firearms, use the
7 firearms for training purposes, or for any other application as
8 deemed appropriate by the local law enforcement agency.

9 (k) If the court does not issue a lethal violence order of
10 protection at the hearing, the court shall dissolve any
11 emergency lethal violence order of protection then in effect.

12 (l) When the court issues a lethal violence order of
13 protection under this Section, the court shall inform the
14 respondent that he or she is entitled to one hearing during the
15 period of the order to request a termination of the order,
16 under Section 45 of this Act, and shall provide the respondent
17 with a form to request a hearing.

18 Section 45. Termination and renewal.

19 (a) A person subject to a lethal violence order of
20 protection issued under this Act may submit one written request
21 at any time during the effective period of the order for a
22 hearing to terminate the order.

23 (1) The respondent shall have the burden of proving by
24 a preponderance of the evidence that the respondent does
25 not pose a danger of causing personal injury to himself,

1 herself, or another in the near future by having in his or
2 her custody or control, owning, purchasing, possessing, or
3 receiving a firearm.

4 (2) If the court finds after the hearing that the
5 respondent has met his or her burden, the court shall
6 terminate the order.

7 (b) A petitioner may request a renewal of a lethal violence
8 order of protection at any time within the 3 months before the
9 expiration of a lethal violence order of protection.

10 (1) A court shall, after notice and a hearing, renew a
11 lethal violence order of protection issued under this part
12 if the petitioner proves, by a preponderance of the
13 evidence, that the respondent continues to pose a danger of
14 causing personal injury to himself, herself, or another in
15 the near future by having in his or her custody or control,
16 owning, purchasing, possessing, or receiving a firearm.

17 (2) In determining whether to renew a lethal violence
18 order of protection issued under this Act, the court shall
19 consider evidence of the facts identified in subsection (e)
20 of Section 40 of this Act and any other evidence of an
21 increased risk for violence, including, but not limited to,
22 evidence of any of the factors identified in subsection (f)
23 of Section 40 of this Act.

24 (3) At the hearing, the petitioner shall have the
25 burden of proving, by a preponderance of the evidence that
26 the respondent continues to pose a danger of causing

1 personal injury to himself, herself, or another in the near
2 future by having in his or her custody or control, owning,
3 purchasing, possessing, or receiving a firearm.

4 (4) The renewal of a lethal violence order of
5 protection issued under this Section shall be in effect for
6 one year, subject to termination by further order of the
7 court at a hearing held under this Section and further
8 renewal by further order of the court under this Section.

9 Section 50. Notice of orders.

10 (a) Entry and issuance. Upon issuance of any lethal
11 violence order of protection, the clerk shall immediately, or
12 on the next court day if an emergency lethal violence order of
13 protection is issued in accordance with Section 35 of this Act
14 (emergency lethal violence order of protection), (i) enter the
15 order on the record and file it in accordance with the circuit
16 court procedures and (ii) provide a file stamped copy of the
17 order to respondent, if present, and to petitioner.

18 (b) Filing with sheriff. The clerk of the issuing judge
19 shall, or the petitioner may, on the same day that a lethal
20 violence order of protection is issued, file a certified copy
21 of that order with the sheriff or other law enforcement
22 officials charged with maintaining Department of State Police
23 records or charged with serving the order upon respondent. If
24 the order was issued in accordance with Section 35 of this Act
25 (emergency lethal violence order of protection), the clerk

1 shall on the next court day, file a certified copy of the order
2 with the sheriff or other law enforcement officials charged
3 with maintaining Department of State Police records.

4 (c) Service by sheriff. Unless respondent was present in
5 court when the order was issued, the sheriff, other law
6 enforcement official, or special process server shall promptly
7 serve that order upon respondent and file proof of the service,
8 in the manner provided for service of process in civil
9 proceedings. Instead of serving the order upon the respondent,
10 however, the sheriff, other law enforcement official, special
11 process server, or other persons defined in Section 112A-22.10
12 of the Criminal Code of 1963 may serve the respondent with a
13 short form notification as provided in that Section. If process
14 has not yet been served upon the respondent, it shall be served
15 with the order or short form notification if the service is
16 made by the sheriff, other law enforcement official, or special
17 process server. A single fee may be charged for service of an
18 order obtained in circuit court, or for service of the order
19 together with process, unless waived or deferred under
20 subsection (c) of Section 10 of this Act.

21 (d) Any order renewing or terminating any lethal violence
22 order of protection shall be promptly recorded, issued, and
23 served as provided in this Section.

24 Section 55. Data maintenance by law enforcement agencies.

25 (a) All sheriffs shall furnish to the Department of State

1 Police, daily, in the form and detail the Department requires,
2 copies of any recorded lethal violence order of protection
3 issued by the court, and any foreign orders of protection filed
4 by the clerk of the court, and transmitted to the sheriff by
5 the clerk of the court under Section 50. Each lethal violence
6 order of protection shall be entered in the Law Enforcement
7 Agencies Data System (LEADS) on the same day it is issued by
8 the court. If an emergency lethal violence order of protection
9 was issued in accordance with Section 35 of this Act, the order
10 shall be entered in the Law Enforcement Agencies Data System
11 (LEADS) as soon as possible after receipt from the clerk.

12 (b) The Department of State Police shall maintain a
13 complete and systematic record and index of all valid and
14 recorded lethal violence orders of protection issued or filed
15 under this Act. The data shall be used to inform all
16 dispatchers and law enforcement officers at the scene of a
17 violation of lethal violence order of protection of the
18 effective dates and terms of any recorded order of protection.

19 (c) The data, records and transmittals required under this
20 Section shall pertain to any valid emergency or one-year lethal
21 violence order of protection, whether issued in a civil or
22 criminal proceeding or authorized under the laws of another
23 state, tribe, or United States territory.

24 Section 60. Filing of a lethal violence order of protection
25 issued by another state.

1 (a) A person entitled to protection under a lethal violence
2 order of protection or similar order issued by the court of
3 another state, tribe, or United States territory may file a
4 certified copy of the lethal violence order of protection with
5 the clerk of the court in a judicial circuit in which the
6 person believes that enforcement may be necessary.

7 (b) The clerk shall:

8 (1) treat the foreign lethal violence order of
9 protection in the same manner as a judgment of the circuit
10 court for any county of this State in accordance with the
11 provisions of the Uniform Enforcement of Foreign Judgments
12 Act, except that the clerk shall not mail notice of the
13 filing of the foreign order to the respondent named in the
14 order; and

15 (2) on the same day that a foreign lethal violence
16 order of protection is filed, file a certified copy of that
17 order with the sheriff or other law enforcement officials
18 charged with maintaining Department of State Police
19 records as set forth in Section 55 of this Act.

20 (c) Neither residence in this State nor filing of a foreign
21 lethal violence order of protection shall be required for
22 enforcement of the order by this State. Failure to file the
23 foreign order shall not be an impediment to its treatment in
24 all respects as an Illinois lethal violence order of
25 protection.

26 (d) The clerk shall not charge a fee to file a foreign

1 order of protection under this Section.

2 Section 65. Enforcement; sanctions for violation of order.

3 (a) A respondent who knowingly violates a lethal violence
4 order of protection is guilty of a Class A misdemeanor.
5 Prosecution for a violation of a lethal violence order of
6 protection shall not bar concurrent prosecution for any other
7 crime, including any crime that may have been committed at the
8 time of the violation of the lethal violence order of
9 protection.

10 (b) A petitioner who files a petition for a lethal violence
11 order of protection knowing the information in the petition to
12 be false is guilty of a Class A misdemeanor.

13 Section 70. Non-preclusion of remedies. Nothing in this Act
14 shall preclude a petitioner or law-enforcement officer from
15 removing weapons under other authority, or filing criminal
16 charges when probable cause exists.

17 Section 135. The Firearm Owners Identification Card Act is
18 amended by changing Section 8.2 as follows:

19 (430 ILCS 65/8.2)

20 Sec. 8.2. Firearm Owner's Identification Card denial or
21 revocation. The Department of State Police shall deny an
22 application or shall revoke and seize a Firearm Owner's

1 Identification Card previously issued under this Act if the
2 Department finds that the applicant or person to whom such card
3 was issued is or was at the time of issuance subject to an
4 existing order of protection or lethal violence order of
5 protection.

6 (Source: P.A. 96-701, eff. 1-1-10.)

7 Section 140. The Firearm Concealed Carry Act is amended by
8 changing Section 70 as follows:

9 (430 ILCS 66/70)

10 Sec. 70. Violations.

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

16 (b) A license shall be suspended if an order of protection,
17 including an emergency order of protection, plenary order of
18 protection, or interim order of protection under Article 112A
19 of the Code of Criminal Procedure of 1963 or under the Illinois
20 Domestic Violence Act of 1986, or if a lethal violence order of
21 protection, including an emergency lethal violence order of
22 protection, under the Lethal Violence Order of Protection Act,
23 is issued against a licensee for the duration of the order, or
24 if the Department is made aware of a similar order issued

1 against the licensee in any other jurisdiction. If an order of
2 protection is issued against a licensee, the licensee shall
3 surrender the license, as applicable, to the court at the time
4 the order is entered or to the law enforcement agency or entity
5 serving process at the time the licensee is served the order.
6 The court, law enforcement agency, or entity responsible for
7 serving the order of protection shall notify the Department
8 within 7 days and transmit the license to the Department.

9 (c) A license is invalid upon expiration of the license,
10 unless the licensee has submitted an application to renew the
11 license, and the applicant is otherwise eligible to possess a
12 license under this Act.

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

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

23 (e) Except as otherwise provided, a licensee in violation
24 of this Act shall be guilty of a Class B misdemeanor. A second
25 or subsequent violation is a Class A misdemeanor. The
26 Department may suspend a license for up to 6 months for a

1 second violation and shall permanently revoke a license for 3
2 or more violations of Section 65 of this Act. Any person
3 convicted of a violation under this Section shall pay a \$150
4 fee to be deposited into the Mental Health Reporting Fund, plus
5 any applicable court costs or fees.

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

17 (g) A licensee whose license is revoked, suspended, or
18 denied shall, within 48 hours of receiving notice of the
19 revocation, suspension, or denial, surrender his or her
20 concealed carry license to the local law enforcement agency
21 where the person resides. The local law enforcement agency
22 shall provide the licensee a receipt and transmit the concealed
23 carry license to the Department of State Police. If the
24 licensee whose concealed carry license has been revoked,
25 suspended, or denied fails to comply with the requirements of
26 this subsection, the law enforcement agency where the person

1 resides may petition the circuit court to issue a warrant to
2 search for and seize the concealed carry license in the
3 possession and under the custody or control of the licensee
4 whose concealed carry license has been revoked, suspended, or
5 denied. The observation of a concealed carry license in the
6 possession of a person whose license has been revoked,
7 suspended, or denied constitutes a sufficient basis for the
8 arrest of that person for violation of this subsection. A
9 violation of this subsection is a Class A misdemeanor.

10 (h) A license issued or renewed under this Act shall be
11 revoked if, at any time, the licensee is found ineligible for a
12 Firearm Owner's Identification Card, or the licensee no longer
13 possesses a valid Firearm Owner's Identification Card. A
14 licensee whose license is revoked under this subsection (h)
15 shall surrender his or her concealed carry license as provided
16 for in subsection (g) of this Section.

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

21 (i) A certified firearms instructor who knowingly provides
22 or offers to provide a false certification that an applicant
23 has completed firearms training as required under this Act is
24 guilty of a Class A misdemeanor. A person guilty of a violation
25 of this subsection (i) is not eligible for court supervision.
26 The Department shall permanently revoke the firearms

1 instructor certification of a person convicted under this
2 subsection (i).

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

1

INDEX

2

Statutes amended in order of appearance

3

New Act

4

430 ILCS 65/8.2

5

430 ILCS 66/70